

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF	:	
KATAYON HAGHIGHAT	:	DEFAULT ORDER
TO PRACTICE AS A PHARMACY TECHNICIAN	:	
IN THE STATE OF UTAH	:	Case No. DOPL-2007-62

The attached Notice of Entry of Default and Recommended Order are hereby adopted by the Director of the Division of Occupational and Professional Licensing of the State of Utah Respondent's license to practice as a pharmacy technician is thus revoked, effective the date of this Order

IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

Dated this 17 day of May, 2007.


F. David Stanley
Director



Pursuant to Subsection 63-46b-11(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF	:	NOTICE OF ENTRY
KATAYON HAGHIGHAT	:	OF DEFAULT AND
TO PRACTICE AS A PHARMACY TECHNICIAN	:	RECOMMENDED ORDER
IN THE STATE OF UTAH	:	Case No. DOPL-2007-62
	:	

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of a March 28, 2007 notice of agency action. The notice recites Respondent was required to file a response within thirty (30) days of the mailing date of the notice. The March 28, 2007 notice was sent to Respondent's last known address by both certified mail and regular mail.

The certified mailing was returned to the Division on or about April 15, 2007 with a notation by postal authorities that the mailing was unclaimed. The regular mailing was returned to the Division on April 27, 2007 with a notation by postal authorities that it was to be returned to sender, delivery was attempted but a current address is not known and the mailing could not be forwarded. The Division has not been able to locate a more current address for Respondent.

Respondent has not filed a response in this proceeding. The Division thus filed a May 3, 2007 motion for entry of

Respondent's default based on her failure to have filed a response. U.C.A. §63-46b-11(1)(c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response.

Given Respondent's failure to have filed a response to the March 22, 2007 Petition, the Court concludes a proper basis exists to enter Respondent's default and it is so entered. After the entry of a default order, §63-46b-11(4)(a) provides the presiding officer shall conduct further proceedings as necessary to complete the adjudicative proceeding without the participation of the party in default. §63-46b-11(4)(a) further provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party.

The Court thus adopts the allegations set forth in Paragraphs (3) through (7) of the March 22, 2007 Petition as its Findings of Fact. The Court also adopts Paragraphs (8) through (18) of the March 22, 2007 Petition as its Findings of Fact and Conclusions of Law.

Specifically, the Court concludes Respondent has engaged in unprofessional conduct violative of §58-1-401(2)(a) and R156-17b-502(4) when she failed to provide the Division with a current mailing address within ten days following any change of address. The Court also concludes Respondent engaged in unlawful conduct violative of §58-17b-501(6)(a) and §58-37-8(3)(a)(11) when she attempted to procure a controlled substance from two individuals

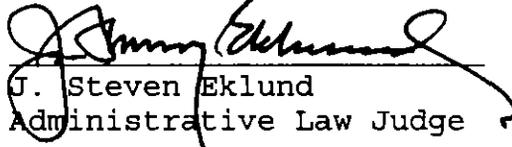
by deceit and subterfuge. Respondent also engaged in unlawful conduct violative of §58-37-8(3)(a)(11) when she unlawfully possessed and consumed a controlled substance for which she did not have a valid prescription.

The Court further concludes Respondent engaged in unprofessional conduct violative of §58-1-501(2)(e) when she obtained and consumed controlled substances for which she did not have a prescription. The Court thus concludes a proper factual and legal basis exists to enter a disciplinary sanction as to Respondent's license. Absent any matters offered in defense or mitigation, the Court concludes the following Recommended Order is warranted

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a pharmacy technician in this state shall be revoked, effective the date this Recommended Order may be adopted

I hereby certify the foregoing Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order were submitted to F. David Stanley, Director of the Division of Occupational and Professional Licensing, on the 17th day of May, 2007 for his review and action.


J. Steven Eklund
Administrative Law Judge