

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JEANNE C. WERNER, State Bar No. 93170  
Deputy Attorney General  
3 California Department of Justice  
1515 Clay Street, 20<sup>th</sup> Floor  
4 P.O. Box 70550  
Oakland, CA 94612-0550  
5 Telephone: (510) 622-2226  
Facsimile: (510) 622-2121

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**CALIFORNIA BOARD OF ACCOUNTANCY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 JOSEPH R. BANISTER

12 Respondent.

Case No. AC-2005-22

OAH No. 2006050891

**NOTICE OF HEARING**  
[Gov. Code § 11509]

Hearing: Thursday, July 6, 2006

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16 YOU ARE HEREBY NOTIFIED that a hearing in this matter will commence on  
17 **Thursday, July 6, 2006 at 9:00 a.m.** before an Administrative Law Judge at

18 **Office of Administrative Hearings**  
19 **1515 Clay Street, Suite 206**  
20 **Oakland, California 94612**

21 The hearing will be conducted before the California Board of Accountancy,  
22 Department of Consumer Affairs by an Administrative Law Judge of the Office of  
23 Administrative Hearings, upon the charges made in Accusation No. AC-2005-22 served upon  
24 you.

25 If you object to the place of hearing, you must notify the presiding officer within  
26 ten (10) days after this notice is served on you. Failure to notify the presiding officer within ten  
27 (10) days will deprive you of a change in the place of hearing.  
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1                   You may be present at the hearing. You have the right to be represented by an  
2 attorney at your own expense. You are not entitled to the appointment of an attorney to represent  
3 you at public expense. You are entitled to represent yourself without legal counsel. You may  
4 present any relevant evidence, and will be given full opportunity to cross-examine all witnesses  
5 testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of  
6 witnesses and the production of books, documents, or other things by applying to the Office of  
7 Administrative Hearings, 1515 Clay Street, Suite 206, Oakland, California 94612, telephone:  
8 (510) 622-2722.

9  
10                   INTERPRETER: Pursuant to section 11435.20 of the Government Code, the  
11 hearing shall be conducted in the English language. If a party or a party's witness does not  
12 proficiently speak or understand the English language and before commencement of the hearing  
13 requests language assistance, an agency subject to the language assistance requirement in section  
14 11435.15 of the Government Code shall provide a certified interpreter or an interpreter approved  
15 by the administrative law judge conducting the proceedings. The cost of providing the  
16 interpreter shall be paid by the agency having jurisdiction over the matter if the administrative  
17 law judge or hearing officer so directs, otherwise by the party for whom the interpreter is  
18 provided. If you or a witness require the assistance of an interpreter, ample advance notice of  
19 this fact should be given to the Office of Administrative Hearings so that appropriate  
20 arrangements can be made.

21                   CONTINUANCES: Under section 11524 of the Government Code, the agency  
22 may grant a continuance, but when an administrative law judge of the Office of Administrative  
23 Hearings has been assigned to the hearing, no continuance may be granted except by him or her  
24 or by the presiding Administrative Law Judge for good cause. When seeking a continuance, a  
25 party shall apply for the continuance within ten (10) working days following the time the party  
26 discovered or reasonably should have discovered the event or occurrence which establishes good  
27 cause for the continuance. A continuance may be granted for good cause after the ten (10)  
28



**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**  
(Separate Mailings)

Case Name: In the Matter of the Accusation Against: Joseph R. Banister

No.: Case No. AC-2005-22

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 26, 2006, I served the attached **NOTICE OF HEARING** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **NOTICE OF HEARING** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1515 Clay Street, 20<sup>th</sup> Floor, Oakland, CA 94612-0550, addressed as follows:

Robert E. Barnes  
Law Office of Robert G. Bernhoft, S.C.  
207 East Buffalo Street, Suite 600  
Milwaukee, Wisconsin 53202  
*Attorney for Joseph R. Banister*  
Article No. 7000 0520 0024 6373 1253

Joseph R. Banister  
1528 County Road, #3  
Minden, Nevada 89423  
Article No. 7000 0520 0024 6373 1260

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 26, 2006, at Oakland, California.

Paula Murphy  
\_\_\_\_\_  
Declarant

*Paula Murphy*  
\_\_\_\_\_  
Signature