

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 STEVEN V. ADLER
Supervising Deputy Attorney General
3 DOUGLAS LEE, State Bar No. 222806
Deputy Attorney General
4 110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
7 San Diego, CA 92186-5266
Telephone: (619) 645-2580
8 Facsimile: (619) 645-2061

9 Attorneys for Complainant

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11 **BEFORE THE**
RESPIRATORY CARE BOARD
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 **In the First Amended Statement of Issues**
Against:

15 **JUSTIN JOHN BENTON**
16 **9230 North Rancho Park Circle**
17 **Rancho Cucamonga, CA 91730**

18 Respondent.

Case No.1H-2007-658

OAH No.

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

19
20 FINDINGS OF FACT

- 21 1. On or about March 28, 2008, Justin John Benton (Respondent)'s
22 application for a Respiratory Care Practitioner License dated October 25, 2007, was denied.
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24 2. On or about September 8, 2008, Stephanie Nunez, in her official capacity
25 as the Executive Officer of the Respiratory Care Board of California, Department of Consumer
26 Affairs (Complainant), filed a Statement of Issues against Justin John Benton (Respondent) in

1 Case No. 1H-2007-658, before the Respiratory Care Board, following respondent's request for a
2 hearing. (Exhibit A).

3 3. On or about September 22, 2008, respondent filed a Notice of Defense
4 pursuant to Government Code sections 11505 and 11506. Respondent listed his address of
5 record as 9230 North Rancho Park Circle, Rancho Cucamonga, CA 91730. Respondent also
6 included a phone number of (909) 702-3171. (Exhibit B).

8 4. On or about May 20, 2009, Complainant filed a First Amended Statement
9 of Issues against respondent. Andrea Pina, an employee of the Board, served by Certified Mail, a
10 copy of the First Amended Statement of Issues in Case No. 1H-2007-658, along with a Statement
11 to Respondent, Request for Discovery, Notice of Defense form (two copies), and Government
12 Code sections 11507.5, 11507.6, and 11507.7 to respondent's address of record with the Board
13 (Exhibit C).

15 5. Service of the First Amended Statement of Issues was effective as a matter
16 of law under the provisions of Government Code section 11505, subdivision (c).

17 6. On or about June 12, 2009, the Board's certified mail package containing
18 the First Amended Statement of Issues and other applicable documents, was returned to the
19 Respiratory Care Board as unclaimed. (Exhibit D).

21 7. As of June 23, 2009, Respondent's previously listed phone number of
22 (909) 702-3171, is no longer a working phone number.

23 8. Government Code section 11506, subdivision (c), states:

24 "The respondent shall be entitled to a hearing on the merits if the respondent files
25 a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
26 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of

1 4. The Respiratory Care Board is authorized to deny Respondent's
2 application for a Respiratory Care Practitioner License based upon the following violations
3 alleged in the First Amended Statement of Issues:

4 (a) On or about December 21, 2005, May 13, 2003, August 6, 2002, and
5 August 16, 2000, respondent was convicted of crimes substantially related to the qualifications,
6 functions and/or duties of a respiratory care practitioner in violation of Business and Professions
7 Code sections 3732, 3750, subdivision (d), and California Code of Regulations, title 16, section
8 1399.370, subdivisions (a), (b), and (c).

9 (b) Respondent's convictions on or about May 13, 2003, August 6, 2002, and
10 August 16, 2000, demonstrate that respondent committed fraudulent, dishonest and/or corrupt
11 acts in violation of Business and Professions Code sections 3732 and 3750, subdivision (j).

12 5. Respondent is hereby ordered to pay the above costs of investigation and
13 enforcement of this action.

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