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9 **BEFORE THE**
RESPIRATORY CARE BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Statement of Issues
Against:

Case No. 7002016000155

13 GRANT DERRICK BULLOCK JR.
14 10308 Western Ave., Apt. 101
Downey, CA 90241,

STATEMENT OF ISSUES

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16 Applicant.

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18 Complainant alleges:

19 PARTIES

20 1. Ms. Stephanie Nuñez (“Complainant”) brings this Statement of Issues solely in her
21 official capacity as the Executive Officer of the Respiratory Care Board of California,
22 Department of Consumer Affairs (“Board”).

23 2. On or about August 24, 2015, the Board received an application for a Respiratory
24 Care Practitioner License from Grant Derrick Bullock Jr. (“Applicant”). On or about August 17,
25 2015, Grant Derrick Bullock Jr. certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application. The Board denied the application on
27 November 30, 2015.

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JURISDICTION

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2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 4. Section 3710 of the Code states: "The Respiratory Care Board of California, hereafter
6 referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory
7 Care Practice Act]."

8 5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke
9 licenses to practice respiratory care as provided in this chapter."

10 6. Section 3732 of the Code states:

11 "(a) The board shall investigate an applicant for a license, before a license is issued, in
12 order to determine whether or not the applicant has the qualifications required by this chapter.

13 "(b) The board may deny an application, or may order the issuance of a license with terms
14 and conditions, for any of the causes specified in this chapter for suspension or revocation of a
15 license, including, but not limited to, those causes specified in Sections 3750, 3750.5, and 3752."

16 7. Section 3750 of the Code states:

17 "The board may order the denial, suspension or revocation of, or the imposition of
18 probationary conditions upon, a license issued under this chapter, for any of the following causes:

19 ". . . ."

20 "(d) Conviction of a crime that substantially relates to the qualifications, functions, or
21 duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall
22 be conclusive evidence of the conviction.

23 ". . . ."

24 8. Section 3750.5 of the Code states:

25 "In addition to any other grounds specified in this chapter, the board may deny,
26 suspend, or revoke the license of any applicant or license holder who has done any of the
27 following:

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1 (b) Used any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2
3 (commencing with section 4015) of Chapter 9 of this code."

4 (d) Been convicted of a criminal offense involving the consumption or self administration
5 of any of the substances described in subdivisions (a) and (b), or the possession of, or falsification
6 of a record pertaining to, the substances described in subdivision (a), in which event the record of
7 the conviction is conclusive evidence thereof.

8 9. Section 3752 of the Code states:

9 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge
10 of any offense which substantially relates to the qualifications, functions, or duties of a
11 respiratory care practitioner is deemed to be a conviction within the meaning of this article. The
12 board shall order the license suspended or revoked, or may decline to issue a license, when the
13 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when
14 an order granting probation is made suspending the imposition of sentence, irrespective of a
15 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
16 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
17 dismissing the accusation, information, or indictment."

18 10. California Code of Regulations ("CCR"), title 16, section 1399.370, states:

19 "For the purposes of denial, suspension, or revocation of a license, a crime or act shall be
20 considered to be substantially related to the qualifications, functions or duties of a respiratory care
21 practitioner, if it evidences present or potential unfitness of a licensee to perform the functions
22 authorized by his or her license or in a manner inconsistent with the public health, safety, or
23 welfare. Such crimes or acts shall include but not be limited to those involving the following:

24 (c) Commission of an act or conviction of a crime involving driving under the influence or
25 reckless driving while under the influence.

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1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (Conviction of Numerous Crimes)

3 11. Applicant's application is subject to denial under Code sections 3750, subdivision (d),
4 3750.5, subdivision (d), 3752, and CCR section 1399.370, subdivision (c), in that Applicant was
5 convicted of numerous crimes substantially related to the qualifications, functions and duties of a
6 respiratory care practitioner. The circumstances are as follows:

7 a. On or about April 23, 2011, Applicant was arrested for violating Alaska Statute
8 (“AS”) section 9.28.020(a), operating under the influence. Applicant was driving east bound in
9 the westbound lanes. Applicant’s vehicle swerved to the left to avoid a collision with a police
10 vehicle and another vehicle which was also traveling west bound. Applicant had a slight odor of
11 alcohol emitting from his breath. Applicant was asked to do a field sobriety test including a walk
12 and turn. During that test, he stepped off line and used his arms for balance. He also raised his
13 arms, in an effort to maintain the straight line, and to keep from falling to the ground.
14 Applicant’s Blood Alcohol Content was .106%.

15 b. On April 25, 2011, a criminal complaint was filed in the Anchorage District
16 Court (Case No. 3AN-M11-4841-CR) charging Respondent with violating AS section
17 9.28.020(a). On January 9, 2012, Respondent plead no contest to violating amended AS section
18 28.35.400, reckless driving.

19 c. On or about January 9, 2012, in the criminal proceeding listed above,
20 Applicant was convicted by plea of guilty of violating AS 28.35.400. Applicant was sentenced as
21 follows:

- 22 1. Probation for 3 years;
- 23 2. Serve 90 days in jail with 90 days suspended;
- 24 3. Complete substance abuse treatment and pay cost
- 25 4. Driver license revoked for 30 days;
- 26 5. Pay a \$50 cost;
- 27 6. Pay a \$500 fine;
- 28 7. Obey all direct Court orders and follow instructions in “After Sentencing

1 Instructions”; and

2 8. Commit no jailable offenses.

3 d. While still on probation for his January 9, 2012 conviction, Applicant was
4 arrested on or about July 8, 2014, for violating California Vehicle Code (“VC”) section 23152,
5 subdivision (a), driving under the influence of alcohol or drugs, and VC section 23152,
6 subdivision (b), driving under the influence with a .08% or higher blood alcohol content.
7 Applicant was driving at a high rate of speed, reaching 104 miles per hour, while weaving across
8 the freeway lanes. Applicant had signs of intoxication including: thick and slurred speech,
9 red/watery eyes and the odor of alcohol emitting from his breath. Applicant’s Blood Alcohol
10 Content was .15% at 3:07 a.m. and .15% at 3:10 a.m.

11 e. On August 22, 2014, a criminal complaint was filed in the Riverside County
12 Superior Court, Case No. RIM1411868, regarding the July 8, 2014, arrest. Applicant was
13 charged with violating VC sections: 23152, subdivision (a); 23152, subdivision (b); 23578,
14 (driving with a blood alcohol content of .15% or higher); and 23582, subdivision (a), (excessive
15 speed while driving under the influence).

16 f. On or about June 10, 2015, in a criminal proceeding entitled *People vs. Grant*
17 *Derrick Bullock Jr.* in the Superior Court of California, County of Riverside, Case No.
18 RIM1411868, Applicant was convicted by plea of guilty of violating VC Code section 23152,
19 subdivision (b), a misdemeanor. Applicant was sentenced to probation from June 10, 2015, to
20 June 9, 2018, under the following terms:

- 21 1. Obey all laws, ordinances, and Court orders;
- 22 2. Committed to custody for 30 days, credit for 1 day time served;
- 23 3. 29 days to be served in Alternative Sentencing Hard Labor Program;
- 24 4. Pay a \$1703 fine and penalty assessment; booking fees of \$428.21;
25 restitution fine of \$150.00; and probation revocation restitution fine of \$150.00;
- 26 5. Do not drive with any measurable amount of alcohol or drugs in blood;
- 27 6. If arrested for driving under the influence of intoxicants, submit to any
28 blood, breath or urine test;

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- 7. Do not drive unless properly licensed or without insurance or valid registration;
- 8. Attend and satisfactorily complete first offender DUI program for 3 months;
- 9. Pay pre-sentence incarceration cost of \$142.42.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Used Alcohol to an Extent or in a Manner Dangerous or Injurious to Himself or Other)

12. Applicant’s application for licensure is further subject to denial under Code section 3750.5, subdivision (b), in that he used alcohol to an extent or in a manner dangerous or injurious to himself or others as more particularly alleged in paragraph 12, above, which is hereby incorporated by reference and realleged as if fully set forth herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

- 1. Denying the application of Grant Derrick Bullock Jr. for a Respiratory Care Practitioner License;
- 2. Directing Grant Derrick Bullock Jr. to pay the Respiratory Care Board of California, if placed on probation, the costs of probation monitoring, and;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: March 28, 2016

Original signed by Liane Freels for:
 STEPHANIE NUNEZ
 Executive Officer
 Respiratory Care Board of California
 Department of Consumer Affairs
 State of California
Complainant

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