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

11 In the Matter of the Accusation Against:

12 JOSEPH ALLEN CAPRAI  
76 Jade Circle  
13 California City, California 93505-2053

14  
15 Respiratory Care Practitioner License No. RCP  
12240

16 Respondent.

Case No. R-2007

OAH No. L2006030437

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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18 In the interest of a prompt and speedy resolution of this matter, consistent with the  
19 public interest and the responsibility of the Respiratory Care Board of the Department of  
20 Consumer Affairs the parties hereby agree to the following Stipulated Surrender of License and  
21 Order which will be submitted to the Board for approval and adoption as the final disposition of  
22 the Accusation.

23 **PARTIES**

24 1. Stephanie Nunez (Complainant) is the Executive Officer of the  
25 Respiratory Care Board of California. She brought this action solely in her official capacity and  
26 is represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
27 Richard D. Marino, Deputy Attorney General.

28 2. Joseph Allen Caprai (Respondent) is represented in this proceeding by

1 attorney Anthony M. Solis, whose address is Law Offices of Anthony M. Solis, Esq.  
2 550 S. Hope Street, Ste. 660, Los Angeles CA 90071.

3 3. On or about October 25, 1988, the Respiratory Care Board of California  
4 issued Respiratory Care Practitioner License No. RCP 12240 to Joseph Allen Caprai  
5 (Respondent). The Practitioner License expired on July 31, 2004, and has not been renewed.

6 **JURISDICTION**

7 4. Accusation No. R-2007 was filed before the Respiratory Care Board  
8 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The  
9 Accusation and all other statutorily required documents were properly served on Respondent on  
10 December 9, 2005. Respondent timely filed his Notice of Defense contesting the Accusation. A  
11 copy of Accusation No. R-2007 is attached as Exhibit A and incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and  
14 understands the charges and allegations in Accusation No. R-2007. Respondent also has  
15 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
16 Surrender of License and Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the  
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
19 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;  
20 the right to present evidence and to testify on his own behalf; the right to the issuance of  
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
22 reconsideration and court review of an adverse decision; and all other rights accorded by the  
23 California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
25 each and every right set forth above.

26 **CULPABILITY**

27 8. Respondent admits the truth of each and every charge and allegation in  
28 Accusation No. R-2007, agrees that cause exists for discipline and hereby surrenders his



1 **ORDER**

2 **IT IS HEREBY ORDERED** that Respiratory Care Practitioner License No. RCP  
3 12240, issued to Respondent Joseph Allen Caprai is surrendered and accepted by the Respiratory  
4 Care Board.

5 1. The surrender of Respondent's Respiratory Care Practitioner License and  
6 the acceptance of the surrendered license by the Board shall constitute the imposition of  
7 discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
8 become a part of Respondent's license history with the Board.

9 2. Respondent shall lose all rights and privileges as a respiratory care  
10 therapist in California as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board both his Practitioner  
12 License wall and pocket license certificate on or before the effective date of the Decision and  
13 Order.

14 4. Respondent fully understands and agrees that if he ever files an application  
15 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a  
16 petition for reinstatement. Respondent must comply with all the laws, regulations and  
17 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all  
18 of the charges and allegations contained in Accusation No. R-2007 shall be deemed to be true,  
19 correct and admitted by Respondent when the Board determines whether to grant or deny the  
20 petition.

21 5. Should Respondent ever apply or reapply for a new license or certification,  
22 or petition for reinstatement of a license, by any other health care licensing agency in the State of  
23 California, all of the charges and allegations contained in Accusation, No. R-2007 shall be  
24 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
25 Issues or any other proceeding seeking to deny or restrict licensure.

26 6. Respondent shall pay the Board its costs of investigation and enforcement  
27 in the amount of \$ 3,520.00.

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**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Anthony M. Solis. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: November 30, 2006

Original signed by: \_\_\_\_\_  
JOSEPH ALLEN CAPRAI  
Respondent

I have read and fully discussed with Respondent Joseph Allen Caprai the terms and conditions and other matters contained in the above Stipulated Surrender of License and Order. I approve its form and content.

DATED: November 30, 2006

Original signed by: \_\_\_\_\_  
ANTHONY M. SOLIS  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: November 29, 2006

BILL LOCKYER, Attorney General  
of the State of California

PAUL AMENT  
Supervising Deputy Attorney General

Original signed by:  
RICHARD D. MARINO  
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:

JOSEPH ALLEN CAPRAI  
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California City, California 93505-2053

Respiratory Care Practitioner License No. RCP  
12240

Respondent.

Case No. R-2007

OAH No. L2006030437

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 5, 2007.

It is so ORDERED January 24, 2007.

Original signed by:  
\_\_\_\_\_  
LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA