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

In the Matter of the Accusation Against: ARDEN MERIS CAMONAYAN 5327 Townsend Avenue Los Angeles, CA 90041	Case No.: 1H 2012 497 OAH No.: 2013080490

DECISION AND ORDER

The attached proposed Decision of the Administrative Law Judge is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on April 15, 2014.

It is so ORDERED April 8, 2014.

Original signed by:
CHARLES B. SPEARMAN, MSEd, RCP, RRT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

BEFORE THE

RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: ARDEN MERIS CAMONAYAN, Respiratory Care Practitioner License No. 15496, Respondent.	Case No. 1H 2012 497 OAH No. 2013080490

PROPOSED DECISION

Howard W. Cohen, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on February 12, 2014, in Los Angeles, California.

Klint James McKay, Deputy Attorney General, appeared on behalf of Stephanie Nunez (complainant), Executive Officer of the Respiratory Care Board (Board), Department of Consumer Affairs, State of California.

John D. Bishop, Attorney at Law, appeared on behalf of respondent Arden Meris Camonayan, who was present.

Complainant moved for leave to amend the Accusation at paragraph 13, line 5, to change "physical therapy" to "respiratory care therapy." There was no opposition. The motion was granted.

Oral and documentary evidence was received. The record was held open to allow complainant to file additional documentary evidence by February 13, 2014. Complainant timely filed a document that was marked and received in evidence as Exhibit 12.

The record was closed and the matter was submitted on February 13, 2014.

FACTUAL FINDINGS

Parties and Jurisdiction

1. On August 28, 1992, the Board issued Respiratory Care Practitioner License Number 15496 to respondent. The license was in full force and effect at all times relevant and is scheduled to expire on July 31, 2014, unless renewed.

2. Complainant brought the Accusation in her official capacity. Respondent timely submitted a Notice of Defense.

Respondent's Alleged Fraud

3. Respondent owned and operated a respiratory care registry business known as PRN Staffing. PRN Staffing received requests from hospitals for temporary respiratory technician staffing, and respondent assigned respiratory care practitioners on his registry to fill the positions.

4. In 1999, respondent hired Alfredo Angeles, who has been a licensed respiratory care practitioner for 30 years, to work for the registry. Angeles was working full-time at California Hospital in Los Angeles, so at first he only worked for respondent's registry every other week. In 2005, he started working more hours through the registry. Respondent often scheduled Angeles to work with him at the same hospitals; over time, they became friends. Respondent assigned Angeles to work many hours, which Angeles desired, with flexible scheduling that suited Angeles's needs.

5. In 2006, Angeles developed a business plan for a business in the Philippines. Pursuing that plan required frequent travel to the Philippines, and Angeles depended financially on being assigned hours through respondent's registry each time he returned to California. Angeles told respondent that he was going to take out a $500,000 mortgage on his house, having paid off his previous mortgage, to fund his new business venture. Rather than refinancing his house for $500,000, though, in August 2006 Angeles refinanced for $600,000. The reason Angeles borrowed the increased amount is contested.

6. Angeles testified that, when respondent learned Angeles would be refinancing, respondent asked Angeles to increase the refinance amount by $100,000 and lend it to him. Angeles testified that respondent told Angeles that he wanted to use the loan to expand his registry business by adding nursing staff. Angeles testified that he felt compelled to comply with respondent's request; Angeles was financially dependent upon respondent giving him ample work through the registry with flexible hours so he could continue to pursue his business venture in the Philippines.

7. Angeles's testimony was not credible and was problematic in several respects. Angeles conceded that respondent did not explicitly make the loan a condition of further registry work for Angeles and that respondent did not pressure Angeles to make the loan. He testified only that he felt respondent's request put him in a difficult position. He did not report to the Board at that time that respondent was compelling or coercing him to lend respondent money. Angeles also testified that he was to lend respondent the money at an interest rate of five percent above Angeles's mortgage rate. The loan agreement recites an interest rate of 18 percent, compounded monthly; in the absence of further evidence, it is unlikely that Angeles' mortgage, obtained in 2006, was payable at an interest rate of 13 percent when prevailing mortgage rates were much lower. In his written complaint to the Board, Angeles wrote that respondent "proposed that I can get a loan from my paid off house and he can borrow money from me. . . . I then took a loan from my paid off house." (Ex. 6, p.

23.) At hearing, however, Angeles admitted that, contrary to what he wrote to the Board, respondent did not suggest that he refinance his house. Respondent only suggested, upon learning that Angeles was going to refinance, that Angeles borrow some extra money when he did refinance, and lend that additional amount to respondent. Angeles's misleading statement in his complaint to the Board further undermines his credibility regarding the circumstances under which the loan was made.

8. Respondent's testimony on this subject also lacked credibility. Respondent denied asking Angeles for a loan. Respondent testified that Angeles prodded him numerous times, starting in July 2006, to borrow various large amounts of money from him, and that respondent finally gave in and agreed to borrow $100,000, thinking he would use the money to pay his outstanding credit card bills. He had some concern about borrowing from one of his employees, but testified that Angeles was very insistent, and, in any event, the registry was prospering and respondent did not anticipate a default. Respondent testified that Angeles first told him the loan would be at an interest rate of nine percent, but Angeles increased the rate to 18 percent when respondent was about to sign the loan document. Respondent agreed to borrow the money despite the sudden and unexpected doubling of the interest rate. When asked to explain why, respondent testified that Angeles can be "very persuasive." Asked to explain further, respondent testified that he felt pressured to take the loan because he was leaving town the next day to visit his girlfriend. This explanation, on its face, cannot support respondent's stated reasons for entering into the loan agreement.

9. Rendering the issue of the reasons for the loan even less clear, there is some evidence to suggest that respondent may never have owned the registry business or, if he did, that he did not own it after 2005. A letter written in 2013 by Barry Tutt, respondent's current job supervisor, states that Tutt first met respondent in 2003, "when he worked for our hospital out of his father's respiratory registry." (Ex. D.) It is uncertain whether Tutt is indicating that respondent's father currently owns the registry, or that respondent's father owned it in 2003. If the latter, it would contradict respondent's testimony that it was *his* registry. In a Statement of Financial Affairs, a document signed by respondent and filed with the United States Bankruptcy Court, Central District of California, in January 2011, respondent informed the court that his business, named Staff PRN, Inc., had been in operation from 2001 through 2005, and had then been "transferred into Debtors father: Melito Camonayani [i]n 2005." (Ex. J.) Again, this seems to indicate that respondent did not own the registry in 2006, when he obtained the loan from Angeles. In any event, this evidence does not assist in establishing that respondent told Angeles that he wanted to borrow money to invest in the registry, a business he apparently did not own at the time of the loan.

10. Other than the conflicting testimony of Angeles and respondent, there was no evidence as to why Angeles refinanced his house for $600,000 rather than $500,000, or as to why respondent borrowed $100,000 from Angeles. The July 2006 loan agreement does little to elucidate the purpose of the loan. It recites that the loan is to be secured by real property at an address that is neither respondent's nor Angeles's home address, and that "[t]his Loan Agreement is made in connection with the purchase or use to fund business or personal

investment of said Security, lender have no connection in any partnership or business involvement nor share of profit or return of said security. Therefore the OBLIGATION to repay the loan is purely personal and no justification of any kind." (Ex. 6.) No testimony was offered to aid in the interpretation of this opaque and ambiguous clause.

11. Angeles received the refinance funds on July 30, 2006. The next day, July 31, 2006, respondent went to Angeles's house, signed a loan agreement, and received a check from Angeles in the amount of $100,000.

12. Shortly after Angeles lent respondent the $100,000, Angeles went to the Philippines to work on his business venture. Respondent visited Angeles there, staying for two weeks and spending money on, according to Angeles, women and nightclubs. Angeles testified that he asked respondent why he was not investing in the registry, and that respondent said he had begun doing so; respondent did not say that he was paying for the vacation with the borrowed funds. Respondent confirmed that he took a vacation and visited Angeles in the Philippines, funding the vacation with some of the money that Angeles had lent him. He testified that he spent about $70,000 of the loan to pay his substantial credit card debt, and used the rest for living expenses. He never used any of the loan money to expand his business, and testified that he never intended to do so.

13. Respondent began making payments on the loan, but eventually missed some payments or made late payments, or sent Angeles checks for which the bank denied payment due to insufficient funds. Respondent testified that he began missing payments because demand for the registry had entered a steep decline.[1] In early 2007, Angeles told respondent to bring the payments up to date, with interest, according to the terms of the loan agreement. Respondent said he could not pay the interest and asked Angeles to modify the loan so that only the principal amount was due. Angeles agreed, and on March 20, 2007, he and respondent entered a second loan agreement, replacing the first loan agreement. The second loan agreement makes no reference to the purpose of the loan and, unlike the first loan agreement, does not identify any security for the loan.

14. In early 2007, Angeles made another trip to the Philippines to visit a sick relative. When he returned to California, Angeles testified, respondent asked for an additional loan, which Angeles refused. Respondent denied that this occurred; his denial is the more plausible because Angeles never reported to the Board that respondent attempted to borrow additional funds.

15. Respondent finally stopped making payments to Angeles altogether. Angeles's hours through the registry were progressively reduced; he was called for work only once per week, then once every other week. Respondent testified that this was due to the fact that the registry business was failing.

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[1] Respondent, who represented to the bankruptcy court that he had transferred ownership of the registry to his father in 2005 (Factual Finding 9), offered no testimony as to the nature of his involvement in the operation of the registry after that date.

16. Angeles made numerous unsuccessful attempts to contact respondent and collect payments owed on the loan. Respondent, among other things, stopped accepting incoming text messages on the cell phone number he had given Angeles; though he denied this at hearing, respondent could not explain why Angeles's text message, sent to respondent's cell phone number, were refused.

17. Angeles testified that he spent all his money, that he could no longer afford to make payments on his mortgage, and that the lender eventually foreclosed on his house. Angeles testified that, had he borrowed only $500,000, rather than $600,000 in order to lend $100,000 to respondent, he would have been able to continue making payments on his mortgage. This testimony, standing alone, was not plausible. There was no corroborating evidence to show that it was the additional $100,000 Angeles borrowed from the mortgage lender that rendered him unable to make his monthly refinance payments, and that he would have been able to make those payments had the loan been for $500,000.

18. Eventually, the registry business failed; respondent withdrew money from his pension plan and cashed an annuity in order to pay for his living expenses. He filed for unemployment insurance, and finally declared bankruptcy in January 2011. Angeles sued respondent in civil court and obtained a default judgment.

19. The evidence did not establish that respondent knowingly made misrepresentations to Angeles, either about the purpose of the loan or about respondent's intention to repay the loan, in order to induce Angeles to make the loan, as alleged in the Accusation. In essence, the first cause for discipline derives from the tort concept of the form of deceit known as a false promise, i.e., a promise made without any intention of performing it. (Civ. Code, § 1710.) The record does not reflect direct evidence of respondent's intent to deceive Angeles at the time of the loan, and circumstantial evidence concerning the making of the loan and subsequent events is no better than inconclusive. The pertinent testimony on the subject was offered by two witnesses, respondent and Angeles, both of whose credibility was seriously compromised. The documentation did not assist in explaining the circumstances of the loan. The evidence establishes that respondent began repaying the loan but that he eventually stopped making payments. This cannot, without more, support a claim that respondent never intended to repay the loan; indeed, the fact that respondent made some payments weakens the contention significantly. And in his civil suit, Angeles did not sue respondent for fraud; instead, he sought and obtained a civil judgment against respondent for contractual damages, which does not assist complainant in meeting her burden. The evidence also does not clearly and convincingly establish that respondent's failure to fully repay the loan caused Angeles "severe financial and personal injury and loss, including the foreclosure of his home," as alleged in the Accusation. (Ex. 2.)

20. An imbalance of economic power in the relationship between an employer and employee may exist and may, under certain circumstances, be improperly exploited when the employer asks the employee for a loan. But given the inconsistencies in Angeles's testimony, and the evidence on the record as a whole, it was not clearly and convincingly demonstrated that, as alleged in the Accusation, respondent misused his position as Angeles's employer by

inducing Angeles to lend him money. And in view of the failure to establish the purpose of the loan, it was not established by clear and convincing evidence that respondent "diverted" the funds from their stated purpose. (Ex. 2.) Nor does the evidence showing that respondent failed to repay the loan in full sufficiently establish that this failure was "financially devastating" to Angeles and his children. (*Id*.)

Mitigation and Rehabilitation

21. Respondent currently works at USC Verdugo Hills Hospital and at Silver Lake Medical Center as a respiratory therapist.

22. Respondent has no prior record of disciplinary action by the Board. Respondent submitted various certificates showing his completion of continuing education and training courses in his field.

23. Two character witnesses testified on respondent's behalf. John Sullivan, a licensed respiratory care technician, has worked with respondent for 10 years, and for a time worked for respondent's registry. Mark Samson, a licensed respiratory care technician, worked for about a year for respondent's registry, and also has worked as respondent's director and supervisor at various hospitals. Both witnesses testified that they have a high opinion of the quality of care respondent provides, that he is very professional, trusted, and dependable, and that he has excellent clinical skills. Neither is familiar with respondent's financial dealings, other than as their employer when respondent operated the registry, and neither is aware of whether respondent has ever engaged in dishonest financial transactions.

24. At hearing, respondent also submitted several character reference letters from friends, colleagues, and supervisors. The letters attest to respondent's professional competence, reliability, selflessness, and work ethic. They also attest to respondent's honesty and integrity. Heide Datoon, formerly Director of the Cardiopulmonary Department at Silver Lake Medical Center, wrote of respondent, "I vouch for his honesty and his character." (Ex. A.) Mark Samson, who also testified, wrote that he has never known respondent to be dishonest in any way, and that he is trustworthy. (Ex. B.) John Sullivan, who also testified, wrote that "I have discerned nothing that so much as hints [of] opportunistic or dishonest behavior," and that respondent is an excellent representative of the profession. (Ex. C.) Barry Tutt, a respiratory supervisor at USC Verdugo Hills Hospital, wrote that he hired respondent full time as staff at Verdugo Hills Hospital in 2011. He wrote that respondent has a strong work ethic, is a mentor to new graduates, and has not been disciplined by the hospital.

Costs of Enforcement

25. The Board incurred enforcement costs, in the form of Attorney General fees, totaling $8,372.50. Those costs are determined to be just and reasonable.

LEGAL CONCLUSIONS

1. Complainant must prove her case by "clear and convincing" evidence. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) This means the burden rests with complainant to offer proof that is clear, explicit, and unequivocal, "so clear as to leave no substantial doubt" and "sufficiently strong to command the unhesitating assent of every reasonable mind." (*Mathieu v. Norrell Corporation* (2004) 115 Cal.App.4th 1174, 1190 [citing *Mock v. Michigan Millers Mutual Ins. Co.* (1992) 4 Cal.App.4th 306, 332-333].)

2. The Board may discipline a license for the commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a respiratory care practitioner (Bus. & Prof. Code,[2] § 3750, subd. (j).) An act is considered to be substantially related to the qualifications, functions, or duties of a respiratory care practitioner "if it evidences present or potential unfitness of a licensee to perform the functions authorized by his or her license or in a manner inconsistent with the public health, safety, or welfare." (Cal. Code Regs., tit. 16, § 1399.370.) Such acts include those involving fraud or "fiscal dishonesty." (Cal. Code Regs. Tit. 16, § 1399.370, subd. (b).)

3. Cause does not exist to suspend or revoke respondent's Respiratory Care Practitioner License Number 15496 under section 3750, subd. (j), and California Code of Regulations, title 16, section 1399.370, because complainant did not establish by clear and convincing evidence that respondent defrauded one of his employees by borrowing money under false circumstances, as set forth in Factual Findings 3 through 19.

4. Cause does not exist to suspend or revoke respondent's Respiratory Care Practitioner License Number 15496 under section 3750, subd. (j), and California Code of Regulations, title 16, section 1399.370, because complainant did not establish by clear and convincing evidence that respondent misused his position as an employer to borrow money from an employee and fail to repay it, as set forth in Factual Findings 3 through 19, and Legal Conclusion 5.

5. The statutes relating to licensing of professions generally are designed to protect the public from dishonest, untruthful, and disreputable licensees (*Arneson v. Fox* (1980) 28 Cal.3d 440, 451), not to punish an errant licensee. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) In issuing and disciplining licenses, a state agency is primarily concerned with protection of the public, maintaining the integrity and high standards of the profession, and preserving public confidence in licensure. (*Ibid.*; see also *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.) The question here is whether complainant established by clear and convincing evidence that the public is at risk by allowing respondent to continue to practice licensed respiratory care. The evidence on this record did not demonstrate clearly and convincingly that respondent engaged in a fraudulent, dishonest, or

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[2] All further statutory references are to the Business and Professions Code unless otherwise stated.

corrupt act by borrowing money from his employee under false pretenses. (Factual Findings 3-19.) Clear and convincing evidence established only that respondent borrowed money from Angeles, and after making some payments on the loan, eventually defaulted. No support was offered for the proposition that it is necessarily a violation of the Respiratory Care Practice Act for an employer to borrow funds from an employee. Respondent's less than credible testimony in the course of the hearing is troubling but, given the less than credible testimony of the complaining witness and the absence of evidence to corroborate that testimony, that is insufficient to establish that respondent committed the fraudulent acts alleged in the Accusation. Moreover, respondent has never been disciplined by the Board or by his employers, his current employer thinks highly of him and his skills as a respiratory care practitioner, and his colleagues and supervisors think well of his character. (Factual Findings 20-24.)

6. Because complainant has not prevailed in the matter, there is no basis to award costs to complainant under sections 3753.5 and 3753.7.

ORDER

The Accusation is dismissed.

DATED: March 7, 2014

HOWARD W. COHEN
Administrative Law Judge
Office of Administrative Hearings

Exhibit A

Accusation No. 1H-2012-497

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

In the Matter of the Accusation Against**:** ARDEN MERIS CAMONAYAN 5327 Townsend Avenue Los Angeles, California 90041 Respiratory Care Practitioner No. 15496, Respondent.	Case No. 1H 2012 497 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Stephanie Nunez ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California.

2. On or about August 28, 1992, the Respiratory Care Board of California ("Board") issued Respiratory Care Practitioner License Number 15496 to Arden Meris Camonayan ("Respondent"). Respondent's license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2014, unless renewed.

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JURISDICTION

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

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

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

6. Section 3750 of the Code states:

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

" . . .

"(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

" . . . "

7. California Code of Regulations, title 16, section 1399.370, states:

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

". . .

"(b) Commission of an act or conviction of a crime involving fraud, fiscal dishonesty, theft or larceny.

". . . "

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COST RECOVERY

8. Section 3753.1 of the Code states:

"(a) An administrative disciplinary decision imposing terms of probation may include, among other things, a requirement that the licensee - probationer pay the monetary costs associated with monitoring the probation.

"(b) The board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section once a licensee has served his or her term of probation."

9. Section 3753.5, subdivision (a) of the Code states:

"In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law or any term and condition of board probation to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case. A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the official custodian of the record or his or her designated representative shall be prima facie evidence of the actual costs of the investigation and prosecution of the case."

10. Section 3753.7 of the Code provides that for purposes of the Respiratory Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney fees, expert witness fees, and other administrative, filing, and service fees.

FIRST CAUSE FOR DISCIPLINE
(Commission of Fraudulent, Dishonest, or Corrupt Acts)

11. Respondent's license is subject to disciplinary action under Business and Professions Code section 3750, subdivision (j) and California Code of Regulations, title 16, section 1399.370, subdivision (b) for commission of fraudulent, dishonest, or corrupt acts that are substantially related to the qualifications, functions, or duties of a respiratory care practitioner. Respondent defrauded one of his employees by borrowing money under false circumstances and failed to repay it, causing this individual severe financial and personal injury and loss, including the foreclosure of his home. The facts and circumstances are as follows:

A. At all times relevant to the charges herein brought, and particularly between 1999 and 2006, Respondent was a licensed respiratory care therapist and owned and operated a respiratory care registry business known as PRN Staffing, Staffing PRN, or a similar appellation.

B. In the course of this business, Respondent hired A.A., who was also a licensed respiratory care therapist.

C. Respondent scheduled himself and A.A to work together at the same hospitals and over time, befriended A.A.. In the course of conversations with A.A, Respondent learned that A.A.'s wife had been killed in a traffic accident, and that as a result of an ensuing personal injury settlement, A.A had paid off his home and debts.

D. Respondent then began to urge A.A. to borrow money secured by his home and lend it to Respondent, purportedly to expand Respondent's business. Because Respondent employed A.A., A.A. felt compelled to do as Respondent urged, despite having grave misgivings about placing the residence of himself and his children at risk. Therefore, on July 31, 2006, after borrowing money secured by his house, A.A. lent Respondent $100,000.

E. In fact, Respondent did not intend to nor did he utilize the money as promised; instead, he immediately expended it for his own personal expenses and lifestyle. He thereafter failed and refused to repay A.A. the borrowed funds, including but not limited to issuing checks on accounts with insufficient funds or which had been closed.

F. When A.A. sought repayment, Respondent unsuccessfully attempted to discharge the obligation through bankruptcy, thus causing A.A. still more financial loss in defending his interests in that proceeding.

G. As a result of Respondent's actions, A.A. lost his employment with Respondent and his house to foreclosure, leaving him and his children destitute.

H. Respondent misused his position as A.A.'s employer to victimize and defraud A.A., thus causing him and his children tremendous financial and personal loss and suffering.

12. As a result of the above actions, Respondent's license is subject to disciplinary action for fraud against an employee under Code section 3750(j) and California Code of Regulations, title 16, section 1399.370, subdivision (b).

SECOND CAUSE FOR DISCIPLINE
(Fraudulent, Dishonest and Corrupt Acts)

13. Respondent's license is subject to disciplinary action under Code section 3750(j) and California Code of Regulations, title 16, section 1399.370, subdivision (b), for fraudulent, dishonest and corrupt actions against an employee in the course of operating a physical therapy registry. Respondent misused his position as A.A.'s employer to induce A.A. to lend Respondent money, diverted said funds to his own use, and then failed to repay it, financially devastating A.A. and his children.

14. Respondent was able to obtain the money only due to his position as A.A.'s employer and therefore committed said acts within the course and scope of his business. These actions are fraudulent, dishonest, corrupt and unethical under any construction of California law and thus subject Respondent to discipline.

PRAYER

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

1. Revoking or suspending Respiratory Care Practitioner License Number 15496, issued to Respondent Arden Meris Camonayan;

2. Ordering Arden Meris Camonayan to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

3. Taking such other and further action as deemed necessary and proper.

DATED: July 23, 2013

Original Signed by Liane Freels for:
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
State of California
Complainant

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