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

10 In the Matter of the Accusation Against:

Case No. R-2116

11 BRIAN ALAN CHORMICLE
3400 Sharon Avenue
12 Modesto CA 95355

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 Respiratory care practitioner license no. 19563

14 Respondent.

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16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 PARTIES

- 19 1. Stephanie Nunez (Complainant) is the Executive Officer of the
20 Respiratory Care Board of California. She brought this action solely in her official capacity and
21 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
22 California, by Catherine E. Santillan, Senior Legal Analyst.
- 23 2. BRIAN ALAN CHORMICLE (Respondent) is representing himself in this
24 proceeding and has chosen not to exercise his right to be represented by counsel.
- 25 3. On or about August 22, 1997, the Respiratory Care Board issued
26 respiratory care practitioner license number 19563 to respondent. Said license is current with an
27 expiration date of August 31, 2008. By Decision and Order in case no. R-2116 effective May 15,
28 2008, respondent's license was revoked; however, revocation was stayed and respondent was

1 placed on probation for three years subject to terms and conditions.

2 4. Respondent is in compliance with the terms of probation. He has
3 expressed a desire to surrender his license pursuant to Condition 13 of the Decision and Order in
4 case no. R-2116 effective May 15, 2008. Respondent hereby surrenders his license.

5 5. Respondent understands that by signing this Stipulated Surrender of
6 License and Order (“stipulation”), he enables the Board to issue its order accepting the surrender
7 of his respiratory care practitioner license without further process.

8 CONTINGENCY

9 6. This stipulation shall be subject to approval by the Respiratory Care
10 Board. Respondent understands and agrees that counsel for Complainant and the staff of the
11 Respiratory Care Board of California may communicate directly with the Board regarding this
12 stipulation and surrender, without notice to or participation by Respondent. By signing the
13 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 7. The parties understand and agree that facsimile copies of this Stipulated
20 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
21 and effect as the originals.

22 8. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Board may, without further notice or formal proceeding, issue and enter the
24 following Order:

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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: August 17, 2008.

Original signed by: _____
BRIAN ALAN CHORMICLE
Respondent

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: August 28, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

JOSE R. GUERRERO
Supervising Deputy Attorney General

Original signed by: _____
CATHERINE E. SANTILLAN
Senior Legal Analyst

Attorneys for Complainant

DOJ Matter ID: SF2008401800
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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2116

BRIAN ALAN CHORMICLE
3400 Sharon Avenue
Modesto CA 95355

Respiratory care practitioner license no. 19563

Respondent.

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 October 10, 2008.

It is so ORDERED September 30, 2008.

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA