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

10 In the Matter of the Accusation Against:

Case No. 1H 2010 594

11 **DANNY MUCIO CEDILLO**  
12 **43867 Liberty Street**  
13 **Indio, CA 92201**

**A C C U S A T I O N**

14 **Respiratory Care Practitioner License No.**  
15 **21165**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Respiratory Care Board of California, Department of Consumer  
22 Affairs.

23 2. On or about December 23, 1999, the Respiratory Care Board issued Respiratory Care  
24 Practitioner License Number 21165 to Danny Mucio Cedillo (Respondent). The Respiratory Care  
25 Practitioner License was in full force and effect at all times relevant to the charges brought herein  
26 and will expire on July 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, 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:

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

7. Section 3750.5 of the Code states: "In addition to any other grounds specified in this chapter, the board may deny, suspend, or revoke the license of any applicant or license holder who has done any of the following:

"(a) Obtained, possessed, used or administered to himself or herself in violation of law or furnished or administered to another any controlled substances as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with section 4015) of Chapter 9 except as directed by a licensed physician and surgeon, dentist, podiatrist or other authorized healthcare provider."

"(b) Used any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with section 4015) of Chapter 9 of this code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, or to others, or that impaired his or her ability to conduct with safety the practice authorized by his or her license."





1 as a respiratory therapist. He said he had been drinking at the hospital and while driving home.  
2 He could not explain his driving actions, and had no injuries that would make him appear  
3 intoxicated.

4 17. Deputy Stone requested that Respondent perform field sobriety tests, however,  
5 Respondent was unable to successfully complete the tests. Based on respondent's poor  
6 performance on field sobriety tests, his erratic driving and his admission to drinking alcohol, he  
7 was arrested for driving under the influence of alcohol in violation of Vehicle Code sections  
8 23152(a) [driving under the influence of alcohol] and 23152(b) [driving with a blood alcohol  
9 content of .08% or higher]. While conducting a vehicle inventory, a glass smoking pipe was  
10 found in the driver's door handle of the vehicle. Based on Deputy Stone's training and  
11 experience, he recognized the pipe as the type used for smoking marijuana. He noticed that the  
12 pipe had been used because there was burnt resin in the pipe bowl. Two cans of beer were found  
13 inside the vehicle; one opened 24 ounce can in the center console and one cold 24 ounce can in  
14 the right front passenger foot area.

15 18. Respondent refused to submit to a breath or blood test, and Deputy Stone told him  
16 that a forced blood draw would be performed. Respondent then agreed to submit a blood sample  
17 for testing, and his blood alcohol level was measured at .34%. The analysis was also positive for  
18 the presence of cannabinoids.

19 19. On or about May 20, 2010, a misdemeanor complaint titled *People of the State of*  
20 *California vs. Danny Mucio Cedillo*, case no. INM10003003 was filed in Riverside (Indio)  
21 County Superior Court. Count 1 charged Respondent with a violation of Vehicle Code section  
22 23152(a) [driving under the influence of alcohol.] Count 2 charged Respondent with a violation  
23 of Vehicle Code section 23152(b) [driving with a blood alcohol content of .08% or higher]. It  
24 was further alleged that Respondent had a blood alcohol concentration of .15 and more, by  
25 weight, within the meaning of Vehicle Code section 23578. It was further alleged that at the time  
26 of arrest, Respondent willfully refused to submit to, and willfully failed to complete a chemical  
27 test within the meaning of Vehicle Code sections 23577 and 23578.

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2. Ordering Danny Mucio Cedillo to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

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

DATED: January 10, 2011

Original Signed by Liane Freels for:

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STEPHANIE NUNEZ  
Executive Officer  
Respiratory Care Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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