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

11 In the Matter of the Petition to Revoke  
12 Probation Against:

Case No. D1 2012 266

13 **CARL CACCONIE**

**PETITION TO REVOKE PROBATION**

14 **3007 Estepa Drive**  
15 **Cameron Park, CA 95682**  
16 **Respiratory Care Practitioner License No.**  
17 **21206**

Respondent.

18 Complainant alleges:

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

22 2. On or about January 6, 2000, the Respiratory Care Board (the Board) issued  
23 Respiratory Care Practitioner License Number 21206 to Carl Cacconie (Respondent). The  
24 Respiratory Care Practitioner License was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on March 31, 2015, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of the Accusation Against Carl  
27 Cacconie," Case No. 1H 2012 266, the Board issued a Decision and Order effective July 5, 2013  
28 (attached as **Exhibit A** and incorporated herein), placing Respondent's license on probation for

1 three (3) years with certain terms and conditions, including a 12-day suspension from practice and  
2 required daily contact with a biological fluid testing lab. The revocation of Respondent's license  
3 was stayed pending his successful completion of the terms and conditions of his probation.

4 4. Shortly thereafter, on July 15, 2013, Respondent violated the suspension-from-  
5 practice condition of his probation, as alleged below. As a result, on July 23, 2013, the Board  
6 ordered Respondent to cease the practice of respiratory care, pursuant to California Code of  
7 Regulations, title 16, section 1399.375. Respondent appealed the cease practice order on July 29,  
8 2013, and the Board upheld the order on July 31, 2013.

9 JURISDICTION

10 5. This Petition to Revoke Probation is brought before the Board under the authority of  
11 the following laws. All section references are to the Business and Professions Code unless  
12 otherwise indicated.

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

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

18 8. Section 3754 of the Code states: "The board may deny an application for, or issue  
19 with terms and conditions, or suspend or revoke, or impose probationary conditions upon, a  
20 license in any decision made after a hearing, as provided in Section 3753."

21 COST RECOVERY

22 9. Section 3753.5, subdivision (a) of the Code states: "In any order issued in resolution  
23 of a disciplinary proceeding before the board, the board or the administrative law judge may  
24 direct any practitioner or applicant found to have committed a violation or violations of law or  
25 any term and condition of board probation to pay to the board a sum not to exceed the costs of the  
26 investigation and prosecution of the case."

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1           1.     Revoking the probation that was granted by the Respiratory Care Board in Case  
2 Number 1H 2012 266 and imposing the disciplinary order that was stayed, thereby revoking  
3 Respiratory Care Practitioner License Number 21206, issued to Carl Cacconie.

4           2.     Ordering Carl Cacconie to pay the Respiratory Care Board the costs of the  
5 investigation and enforcement of this case, and if placed on probation, the costs of probation  
6 monitoring;

7           3.     Taking such other and further action as deemed necessary and proper.  
8

9  
10 DATED: December 11, 2013

Original Signed by Christine Molina for:

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

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