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

11 In the Matter of the Accusation Against:

Case No. 1H 2012 100

12 **SAAD K. ALJOHER**
13 **555 Elmira Road, #27**
14 **Vacaville, CA 95687**

A C C U S A T I O N

15 **Respiratory Care Practitioner License No.**
16 **22828**

17 Respondent

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 February 10, 2003, the Respiratory Care Board issued Respiratory Care
24 Practitioner License Number 22828 to Saad K. Aljoher (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 May 31, 2014, unless renewed.

1 misconduct, whether or not with a patient, shall be considered a crime substantially related to the
2 qualifications, functions, or duties of a respiratory care practitioner."

3 COST RECOVERY

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

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

12 10. Section 3753.7 of the Code states:

13 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall include
14 attorney general or other prosecuting attorney fees, expert witness fees, and other administrative,
15 filing, and service fees."

16 11. Section 3753.1 of the Code states:

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

20 FIRST CAUSE FOR DISCIPLINE

21 (Substantially-Related Conviction)

22 12. Respondent is subject to disciplinary action under section Business and Professions
23 Code sections 3750(d), 3752, and 3752.6, in that Respondent was convicted of violating Penal
24 Code (PC) 242 [battery]. The circumstances are as follows:

25 13. On or about January 30, 2012, A.,¹ an adult female, reported to the Yolo County
26 Sheriff's Department that an adult male had assaulted her outside of the Yolo County Superior

27 ¹ Abbreviations are used to protect the victim's privacy. Names will be disclosed pursuant
28 to a request for discovery.

1 Courthouse when she left the Traffic Court department. Deputies investigated and based on the
2 victim's description of the assailant, Deputy D. Nyland interviewed Respondent regarding the
3 incident.

4 14. Respondent admitted that he was in the Traffic Court department and saw A., that he
5 followed her outside the building, put his arm around A., and asked for her telephone number.
6 Respondent admitted that he touched A.'s breast and that he persisted in asking for A's telephone
7 number. He admitted that he touched her buttocks, and that A. attempted to get away from him as
8 he was doing this.

9 15. On February 7, 2012, the District Attorney of Yolo County filed a misdemeanor
10 complaint in Superior Court against Respondent in *The People of the State of California v. Saad*
11 *K. Aljoher*, case no. 12000443. Count 1 of the complaint charged Respondent with violating PC
12 sections 236 [false imprisonment] and 237(a) [false imprisonment effected by violence, menace,
13 fraud, or deceit]. Count 2 of the complaint charged Respondent with violating PC sections
14 243.4(e) and (f)(1) [sexual battery].

15 16. On August 1, 2012, Respondent was convicted by plea of no contest to a
16 misdemeanor violation of PC section 242 [battery], and the remaining charges were dismissed.
17 He was sentenced to 36 months probation, the terms and conditions mandating one day jail time
18 with credit for one day served, ordered to pay \$1,130.00 in fines, a 10 year firearm
19 restriction/prohibition was imposed, and he was ordered to stay away from the victim.

20 17. Respondent's conviction of Penal Code section 242 is substantially related to the
21 qualifications, functions, and duties of a respiratory therapist and cause exists to discipline his
22 license pursuant to code sections 3750(d), 3752, and 3752.6.

23 DISCIPLINE CONSIDERATIONS

24 18. To determine the degree of discipline, if any, to be imposed on Respondent,
25 Complainant alleges that on or about October 6, 2008, the Respiratory Care Board of California
26 issued Citation Number C-08-0384 and ordered Respondent pay a fine of \$250.00. The Citation
27 was based upon Respondent's conviction by plea of no contest for violating PC 23103.5 [wet
28 reckless]. That Citation is now final and is incorporated by reference as if fully set forth.

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PRAYER

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

1. Revoking or suspending Respiratory Care Practitioner Number 22828, issued to Saad K. Aljoher;
2. Ordering Saad K. Aljoher 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: December 21, 2012

Original signed by Liane Freels for:
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant

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