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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:

11 **ALLEN G. BOYLE**
12 **4312 Baxter Place**
13 **Las Vegas, NV 89107**

14 **Respiratory Care Practitioner License No.**
15 **22903**

16 Respondent.

Case No. 1H 2008 581

OAH No. 2009070852

STIPULATED SURRENDER OF
LICENSE AND ORDER

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

20 PARTIES

21 1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care
22 Board of California. She brought this action solely in her official capacity and is represented in
23 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Catherine E.
24 Santillan, Senior Legal Analyst.

25 2. Allen G. Boyle (Respondent) is represented in this proceeding by attorney Hal
26 Taylor, whose address is 223 Marsh Avenue, Reno, Nevada 89509.

27 3. On or about March 25, 2003, the Respiratory Care Board of California issued
28 Respiratory Care Practitioner License No. 22903 to Allen G. Boyle (Respondent). The license

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 1H 2008
2 581 and will expire on March 31, 2010, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1H 2008 581 was filed before the Respiratory Care Board (Board) ,
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on July 2, 2009.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 1H 2008 581 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 1H 2008 581. Respondent also has carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
13 and Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 1H 2008 581, agrees that cause exists for discipline and hereby surrenders his Respiratory
26 Care Practitioner License No. 22903 for the Board's formal acceptance.

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1 9. Respondent understands that by signing this stipulation he enables the Board to issue an
2 order accepting the surrender of his Respiratory Care Practitioner License without further process.

3 CONTINGENCY

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

13 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
14 License and Order, including facsimile signatures thereto, shall have the same force and effect as
15 the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Board may, without further notice or formal proceeding, issue and enter the following Order:

18 ORDER

19 IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 22903, issued to
20 Respondent Allen G. Boyle is surrendered and accepted by the Respiratory Care Board.

21 13. The surrender of Respondent's Respiratory Care Practitioner License and the
22 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
23 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
24 of Respondent's license history with the Board.

25 14. Respondent shall lose all rights and privileges as a respiratory care practitioner in
26 California as of the effective date of the Board's Decision and Order.

27 15. Respondent shall cause to be delivered to the Board both his license certificate and, if
28 one was issued, pocket license, on or before the effective date of the Decision and Order.

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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: December 3, 2009

Respectfully submitted,
EDMUND G. BROWN JR.
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General

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

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

In the Matter of the Accusation Against:

**ALLEN G. BOYLE
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Las Vegas, NV 89107**

**Respiratory Care Practitioner License No.
22903**

Respondent.

Case No. 1H 2008 581

OAH No. 2009070852

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 January 2, 2010.

It is so ORDERED December 23, 2009.

Original signed by: _____
LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA