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

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

Case No. R-1978

13 ALLAN A. CONNEL
14 3954½ Hawk Street
San Diego, CA 92103

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 Respiratory Care Practitioner
License No. 23512

17
18 Respondent.

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

21 **PARTIES**

22 1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory
23 Care Board of California and is represented in this matter by Bill Lockyer, Attorney General of the
24 State of California, by Samuel K. Hammond, Deputy Attorney General.

25 2. ALLAN A. CONNEL, (Respondent) is represented by Edgardo Gonzalez,
26 Law Offices of Edgardo Gonzalez, 1300 Clay Street, Suite 600, Santa Ana, CA 94612.

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JURISDICTION

3. On or about March 31, 2004, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 23512 to ALLAN A. CONNEL. The License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. R-1978, and will expire on February 28, 2007, unless renewed.

4. On or about June 13, 2005, complainant Stephanie Nunez in her official capacity as the Executive Officer of the Board, filed Petition to Revoke Probation No. R-1978 against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 13, 2005. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. R-1978 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. R-1978. Respondent also has carefully read, has discussed with counsel and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

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CULPABILITY

8. Respondent admits each and every allegation and charge set forth in Petition to Revoke Probation No. R-1978, and further, agrees that he has thereby subjected his license to disciplinary action. Respondent hereby surrenders Respiratory Care Practitioner License No. 23512.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his license without further process.

CONTINGENCY

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

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

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 23512 issued to Respondent ALLAN A. CONNELL is surrendered and accepted by the Board.

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1 13. The surrender of Respondent's license and the acceptance of the surrendered
2 license by the Board shall constitute the imposition of discipline against Respondent. This
3 stipulation constitutes a record of the discipline and shall become a part of Respondent's license
4 history with the Board.

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

7 15. Respondent shall cause to be delivered to the Board both his wall and
8 pocket license on or before the effective date of the Decision and Order.

9 16. Within 30 days of the effective date of the Decision and Order, Respondent
10 shall reimburse the Board the amount of \$1,100 which represents one-half of the Board's costs of
11 \$2,200 investigation and prosecution costs. The filing of bankruptcy shall not relieve Respondent
12 of his obligation to reimburse the Board for its costs.

13 17. Respondent understands and agrees that if he ever applies for licensure or
14 petitions for reinstatement in the State of California, the Board shall treat it as a petition for
15 reinstatement. Respondent must comply with all the laws, regulations and procedures for licensure
16 in effect at the time the application or petition is filed, and all of the charges and allegations
17 contained in Petition to Revoke Probation No. R-1978 shall be deemed to be true, correct and
18 admitted by Respondent when the Board determines whether to grant or deny the application or
19 petition. Respondent also understands and agrees that at the time for said application for
20 relicensure or petition for reinstatement, he shall reimburse the Board the amount of \$1,100 which
21 represents the second one-half of the Board's costs of \$2,200 investigation and prosecution costs
22 in Petition to Revoke Probation No. R-1978.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I have fully discussed the terms and conditions and other matters with my attorney, Edgardo Gonzalez, Esq. 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 Division.

DATED: November 17, 2005

Original signed by: _____
ALLAN A. CONNEL
Respondent

I have fully read and have discussed with respondent ALLAN A. CONNEL the terms and conditions and other matters of the Stipulated Surrender of License and Order.

DATED: November 17, 2005

Original signed by: _____
EDGARDO GONZALEZ, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board, Department of Consumer Affairs, State of California.

DATED: December 13, 2005

BILL LOCKYER, Attorney General
of the State of California

Original signed by Thomas Lazar for:
SAMUEL K. HAMMOND
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation
Against:

Case No. R-1978

ALLAN A. CONNEL
3954½ Hawk Street
San Diego, CA 92103

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on January 30, 2006.

It is so ORDERED January 19, 2006.

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