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

11 In the Matter of the Accusation Against:

Case No. R-2041

12 MAY L. CHAO
1045 Figueroa Terrace, Apt. 12
13 Los Angeles, California 90012

A C C U S A T I O N

14 Respiratory Care Practitioner License No. 24759

15 Respondent.
16

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about October 27, 2005, the Board issued Respiratory Care
24 Practitioner License Number 24759 to May L. Chao (Respondent). This license was in full force
25 and effect at all times relevant to the charges brought herein and will expire on September 30,
26 2006, unless renewed.

27 JURISDICTION

28 3. This Accusation is brought before the Board under the authority of the

1 following laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 4. Section 3710 of the Code states: “The Respiratory Care Board of
4 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3,
5 the Respiratory Care Practice Act].”

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

8 6. Section 3750 of the Code states:

9 “The board may order the denial, suspension or revocation of, or the imposition of
10 probationary conditions upon, a license issued under this chapter, for any of the following
11 causes:

12 “ . . .

13 “(b) Fraud in the procurement of any license under this chapter.

14 “ . . .

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

18 “ . . .

19 “(j) The commission of any fraudulent, dishonest, or corrupt act which is
20 substantially related to the qualifications, functions, or duties of a respiratory care
21 practitioner. . . .”

22 7. Section 3752 of the Code states:

23 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
24 made to a charge of any offense which substantially relates to the qualifications, functions,
25 or duties of a respiratory care practitioner is deemed to be a conviction within the meaning
26 of this article. The board shall order the license suspended or revoked, or may decline to
27 issue a license, when the time for appeal has elapsed, or the judgment of conviction has
28 been affirmed on appeal or when an order granting probation is made suspending the

1 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the
2 Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of
3 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
4 indictment.”

5 8. Section 490 of the Code states:

6 “A board may suspend or revoke a license on the ground that the licensee has been
7 convicted of a crime, if the crime is substantially related to the qualifications, functions, or
8 duties of the business or profession for which the license was issued. A conviction within
9 the meaning of this section means a plea or verdict of guilty or a conviction following a
10 plea of nolo contendere. Any action which a board is permitted to take following the
11 establishment of a conviction may be taken when the time for appeal has elapsed, or the
12 judgment of conviction has been affirmed on appeal, or when an order granting probation
13 is made suspending the imposition of sentence, irrespective of a subsequent order under the
14 provisions of Section 1203.4 of the Penal Code.”

15 COST RECOVERY

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

17 "In any order issued in resolution of a disciplinary proceeding before the board, the
18 board or the administrative law judge may direct any practitioner or applicant found to
19 have committed a violation or violations of law to pay to the board a sum not to exceed the
20 costs of the investigation and prosecution of the case."

21 10. Section 3753.7 of the Code states:

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

25 11. Section 3753.1, subdivision (a) of the Code states:

26 "An administrative disciplinary decision imposing terms of probation may include,
27 among other things, a requirement that the licensee-probationer pay the monetary costs
28 associated with monitoring the probation."

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 12. Respondent is subject to disciplinary action under sections 3750,
4 subdivision (d), 3752, and 490 of the Code in that she was convicted of a crime substantially
5 related to the qualifications, functions or duties of a respiratory care practitioner. The
6 circumstances are as follows:

7 A. On July 21, 2000, at about 2:25 a.m., a Long Beach police officer
8 was notified that an infant had been left alone in a parked vehicle for about twenty minutes.
9 The officer unlocked the vehicle, setting off the alarm, and tended to the infant. About five
10 minutes later, respondent, who was the infant's mother, returned to the vehicle. She
11 informed the officer she had been out on the beach to meet a friend and she returned to the
12 vehicle because she heard the vehicle alarm. Respondent was issued a citation for
13 violating Long Beach Municipal Code 16.16.010(k), loitering on the beach between 10:00
14 p.m. and 5:00 a.m.

15 B. On August 16, 2000, a complaint was filed against respondent in a
16 criminal proceeding entitled *People v. May Loring Chao*, in Superior Court, Los Angeles
17 County, Case Number 0LM08001, charging her with willfully causing or permitting any
18 child to be placed in a situation where his or her person or health is endangered, a violation
19 of Penal Code section 273a(a), a misdemeanor (count 1), and loitering on the beach
20 between 10:00 p.m. and 5:00 a.m., a violation of Long Beach Municipal Code
21 16.16.010(k), a misdemeanor (count 2).

22 C. On October 3, 2000, respondent was convicted by a plea of nolo
23 contendere to count 1, child endangerment, a violation of Penal Code section 273a(a). She
24 was placed on probation for one year, and was ordered to pay a fee and restitution in the
25 amount of \$135.00, and attend 10 parenting classes. Count 2 of the complaint was
26 dismissed.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Fraud in the Procurement of a License)

3 13. Respondent is subject to disciplinary action under section 3750, subdivision
4 (b) of the Code, in that she procured a license by fraud. The circumstances are as follows:

5 A. The facts and circumstances set forth in Paragraph 12 of this
6 Accusation are incorporated herein by reference.

7 B. On or about June 6, 2005, the Board received an application for
8 licensure as a respiratory care practitioner from respondent. The application required respondent to
9 report all misdemeanor and felony convictions, as well as drug or alcohol-related offense
10 convictions. Respondent failed to reveal in her application that she had sustained a misdemeanor
11 conviction in October 2000 for child endangerment.

12 THIRD CAUSE FOR DISCIPLINE

13 (Commission of Fraudulent, Dishonest, or Corrupt Act)

14 14. Respondent is subject to disciplinary action under section 3750, subdivision
15 (j), of the Code in that she committed a fraudulent, dishonest, or corrupt act substantially related to
16 the qualifications, functions, or duties of a respiratory care practitioner. The facts and circumstances
17 set forth in Paragraphs 12 and 13 of this Accusation are incorporated herein by reference.

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21 PRAYER

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

24 1. Revoking or suspending Respiratory Care Practitioner License Number
25 24759, issued to May L. Chao;

26 2. Ordering May L. Chao to pay the Respiratory Care Board the costs of the
27 investigation and enforcement of this case, and if placed on probation, the costs of probation
28 monitoring;

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

DATED: August 7, 2006

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