

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

In the Matter of the Accusation Against:

Case No. 1H 2012 250

JOHNNY LAWRENCE AGUILAR
36702 Olive Street
Newark, CA 94560

Respiratory Care Practitioner License No. 25457

DECISION AND ORDER

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

This Decision shall become effective on January 26, 2014.

It is so ORDERED January 16, 2014.



STEPHANIE NUNEZ
EXECUTIVE OFFICER, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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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:

Case No. 1H 2012 250

11 **JOHNNY LAWRENCE AGUILAR**

OAH No. 2013071269

12 **STIPULATED SURRENDER OF**
13 **LICENSE AND ORDER**

14 **Respiratory Care Practitioner License No.**
15 **25457**

16
17 Respondent

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Johnny Lawrence Aguilar (Respondent) is representing himself in this proceeding and
26 has chosen not to exercise his right to be represented by counsel.

27 3. On or about August 17, 2006, the Board issued Respiratory Care Practitioner License
28 No. 25457 to Respondent. The Respiratory Care Practitioner License was in full force and effect

1 at all times relevant to the charges brought in Accusation No. 1H 2012 250 and expired on
2 August 31, 2013.

3 JURISDICTION

4 4. Accusation No. 1H 2012 250 was filed before the Board, Department of Consumer
5 Affairs, and is currently pending against Respondent. The Accusation and all other statutorily
6 required documents were properly served on Respondent on June 6, 2013. Respondent filed his
7 Notice of Defense contesting the Accusation. A copy of Accusation No. 1H 2012 250 is attached
8 as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 1H 2012 250. Respondent also has carefully read, and understands the effects of
12 this Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent agrees that cause exists for discipline and hereby surrenders his
24 Respiratory Care Practitioner License No. 25457 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation he enables the Board to issue
26 an order accepting the surrender of his Respiratory Care Practitioner License without further
27 process.
28

CONTINGENCY

1
2 10. This Stipulated Surrender of License and Order shall be subject to approval of the
3 Executive Officer on behalf of the Board. The parties agree that this Stipulated Surrender of
4 License and Order shall be submitted to the Executive Officer for her consideration in the above-
5 entitled matter and, further, that the Executive Officer shall have a reasonable period of time in
6 which to consider and act on this Stipulated Surrender of License and Order after receiving it. By
7 signing this stipulation, Respondent fully understands and agrees that she may not withdraw her
8 agreement or seek to rescind this stipulation prior to the time the Executive Officer, on behalf of
9 the Board, considers and acts upon it.

10 11. The parties agree that this Stipulated Surrender of License and Order shall be null and
11 void and not binding upon the parties unless approved and adopted by the Executive Officer on
12 behalf of the Board, except for this paragraph, which shall remain in full force and effect.
13 Respondent fully understands and agrees that in deciding whether or not to approve and adopt this
14 Stipulated Surrender of License and Order, the Executive Officer and/or the Board may receive
15 oral and written communications from its staff and/or the Attorney General's Office.
16 Communications pursuant to this paragraph shall not disqualify the Executive Officer, the Board,
17 any member thereof, and/or any other person from future participation in this or any other matter
18 affecting or involving Respondent. In the event that the Executive Officer on behalf of the Board
19 does not, in her discretion, approve and adopt this Stipulated Surrender of License and Order,
20 with the exception of this paragraph, it shall not become effective, shall be of no evidentiary
21 value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either
22 party hereto. Respondent further agrees that should this Stipulated Surrender of License and
23 Order be rejected for any reason by the Executive Officer on behalf of the Board, Respondent will
24 assert no claim that the Executive Officer, the Board, or any member thereof, was prejudiced by
25 its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and
26 Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

12. This Stipulated Surrender of License and Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

13. The parties agree that copies of this Stipulated Surrender of License and Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Officer may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Order on behalf of the Board:

ORDER

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 25457, issued to Respondent Johnny Lawrence Aguilar, is surrendered and accepted by the Respiratory Care Board.

1. The surrender of Respondent's Respiratory Care Practitioner License No. 25457 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Respiratory Care Board of California.

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

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and each of the charges and allegations contained in Accusation No. 1H-2012-250, separately and severally, shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

1 5. If Respondent should ever apply or reapply for a new license or certification, or
2 petition for reinstatement of a license, by any other health care licensing agency in the State of
3 California, all of the charges and allegations contained in Accusation No. 1H 2012 250 shall be
4 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
5 Issues or any other proceeding seeking to deny or restrict licensure.

6 6. Respondent shall pay the Board its costs of investigation and enforcement in the
7 amount of \$11,660.00 prior to issuance of a new or reinstated license.

8 ACCEPTANCE

9 I have carefully read the Stipulated Surrender of License and Order. I understand the
10 stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into
11 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
12 agree to be bound by the Decision and Order of the Respiratory Care Board.

13
14 Dated: 01/09/14


15 _____
16 JOHNNY LAWRENCE AGUILAR
17 Respondent

18 ENDORSEMENT

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

21 Dated: 1/9/14

22 Respectfully submitted,

23 KAMALA D. HARRIS
24 Attorney General of California
25 JOSE R. GUERRERO
26 Supervising Deputy Attorney General


27 CATHERINE E. SANTILLAN
28 Senior Legal Analyst
Attorneys for Complainant