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

12 In the Matter of the Accusation Against:

13 **JOHN MAURICE CRAIG, RCP**

14 123 N. Catalina Street, #3
Los Angeles, California 90004

15 Respiratory Care Practitioner's License No.
27918,

16 Respondent.

Case No. 1H-2013-370

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17
18
19 **FINDINGS OF FACT**

20 1. On or about October 23, 2013, Complainant Stephanie Nunez, in her official capacity
21 as the Executive Officer of the Respiratory Care Board of California (Board), Department of
22 Consumer Affairs, filed Accusation No. 1H-2013-370 against John Maurice Craig, RCP
23 (Respondent) before the Board.

24 2. On or about September 9, 2008, the Board issued Respiratory Care Practitioner's
25 License Number 27918 to Respondent. Said license expired on October 31, 2013, but was in full
26 force and effect at all times relevant to the charges brought in Accusation No. 1H-2013-370. A
27 true and correct copy of a Certificate of Licensure for Respondent is attached hereto as Exhibit A
28 and incorporated by reference.

1 3. On or about October 23, 2013, Stephanie M. Aguirre, an employee of the Board,
2 served by Certified Mail, a copy of the Accusation No. 1H-2013-370, Statement to Respondent,
3 Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
4 11507.7 to Respondent's address of record with the Board, which was and is 123 North Catalina
5 Street, #3, Los Angeles, California 90004. A true and correct copy of the Accusation, the related
6 documents, and Declaration of Service are attached hereto as Exhibit B and are incorporated
7 herein by reference.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c).

10 5. On or about November 25, 2013, the aforementioned documents sent by regular and
11 Certified Mail were returned by the U.S. Postal Service marked "Attempted – Not Known" and
12 "Insufficient Address." True and correct copies of the envelopes returned by the U.S. Postal
13 Service are attached as Exhibit C, and are incorporated herein by reference.

14 6. Government Code section 11506 states, in pertinent part:

15 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
16 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
17 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
18 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

19 7. A Notice of Defense in answer to the Accusation was due from Respondent within 15
20 days after service of the Accusation. To date, Respondent has not submitted a Notice of Defense
21 to the Board or its counsel of record in this matter. Respondent has, therefore, waived his right to
22 a hearing on the merits of Accusation No. 1H-2013-370.

23 8. The Declaration of Christine R. Friar attesting to the foregoing facts is attached hereto
24 as Exhibit D and is incorporated herein by reference.

25 9. California Government Code section 11520 states, in pertinent part:

26 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
27 agency may take action based upon the respondent's express admissions or upon other evidence
28 and affidavits may be used as evidence without any notice to respondent."

1 3750.5, subdivision (b), in that he used alcoholic beverages to an extent or in a manner dangerous
2 or injurious to himself or to others or that impaired his ability to conduct with safety the practice
3 authorized by his license. See Exhibits E, F, G and H attached hereto.

4 5. Respondent is hereby ordered to reimburse the Board's costs of investigation and
5 enforcement in this case in the amount of \$4,250.00, based on the Certification of Costs attached
6 as Exhibit I.

7 **ORDER**

8 **IT IS ORDERED THAT** Respiratory Care Practitioner's License No. 27918, heretofore
9 issued to Respondent John Maurice Craig, is revoked.

10 Respondent is ordered to reimburse the Respiratory Care Board the amount of \$4,250.00
11 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not
12 relieve Respondent of his responsibility to reimburse the Board for its costs. Respondent's
13 Respiratory Care Practitioner's License may not be renewed or reinstated unless all costs ordered
14 under Business and Professions Code section 3753.5 have been paid.

15 If Respondent ever files an application for relicensure or reinstatement in the State of
16 California, the Board shall treat it as a petition for reinstatement. Respondent must comply with
17 all the laws, regulations and procedures or reinstatement of a revoked license in effect at the time
18 the petition is filed.

19 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
20 written motion requesting that the Decision be vacated and stating the grounds relied on within
21 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
22 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

23 This Decision shall become effective on March 12, 2014.

24 **IT IS SO ORDERED** February 10, 2014

25 

26 CHARLES B. SPEARMAN, MEd, RCP, RRT
27 PRESIDENT, RESPIRATORY CARE BOARD
28 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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12 In the Matter of the Accusation Against:

Case No. 1H-2013-370

13 **JOHN MAURICE CRAIG, RCP**

14 **123 N. Catalina St., #3**
Los Angeles, CA 90004

A C C U S A T I O N

15 **Respiratory Care Practitioner's License**
No. 27918

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about September 9, 2008, the Respiratory Care Board of California issued
25 Respiratory Care Practitioner License Number 27918 to John Maurice Craig, RCP (Respondent).
26 This license was in full force and effect at all times relevant to the charges brought herein and
27 will expire on October 31, 2013, unless renewed.

28 ///

JURISDICTION

1
2 3. This Accusation is brought before the Respiratory Care Board (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

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

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

10 6. Section 3750 of the Code states, in pertinent part:
11 "The board may order the denial, suspension or revocation of, or the imposition of
12 probationary conditions upon, a license issued under this chapter, for any of the following causes:

13 "....

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

17 "....

18 "(g) Conviction of a violation of any of the provisions of this chapter or of any
19 provision of Division 2 (commencing with Section 500), or violating, or attempting to
20 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring
21 to violate any provision or term of this chapter or of any provision of Division 2
22 (commencing with Section 500).

23 "...."

24 7. Section 3750.5 of the Code states, in pertinent part:
25 "In addition to any other grounds specified in this chapter, the board may deny, suspend,
26 place on probation, or revoke the license of any applicant or licenseholder who has done any of
27 the following:

28 "....

1 (b) Used any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2
3 (commencing with Section 4015) of Chapter 9 of this code, or alcoholic beverages, to an extent or
4 in a manner dangerous or injurious to himself or herself, or to others, or that impaired his or her
5 ability to conduct with safety the practice authorized by his or her license.

6 "....

7 (d) Been convicted of a criminal offense involving the consumption or self-administration
8 of any of the substances described in subdivisions (a) and (b), or the possession of, or falsification
9 of a record pertaining to, the substances described in subdivision (a), in which event the record of
10 the conviction is conclusive evidence thereof.

11 "...."

12 8. Section 3752 of the Code states:

13 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
14 charge of any offense which substantially relates to the qualifications, functions, or duties of a
15 respiratory care practitioner is deemed to be a conviction within the meaning of this article. The
16 board shall order the license suspended or revoked, or may decline to issue a license, when the
17 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when
18 an order granting probation is made suspending the imposition of sentence, irrespective of a
19 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
20 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
21 dismissing the accusation, information, or indictment."

22 9. California Code of Regulations, title 16, section 1399.370, states:

23 "For the purposes of denial, suspension, or revocation of a license, a crime or act shall be
24 considered to be substantially related to the qualifications, functions or duties of a respiratory care
25 practitioner, if it evidences present or potential unfitness of a licensee to perform the functions
26 authorized by his or her license or in a manner inconsistent with the public health, safety, or
27 welfare. Such crimes or acts shall include but not be limited to those involving the following:

28 ///

1 while having a 0.08% or higher blood alcohol). The circumstances are as follows:

- 2 A. On or about June 11, 2013, and shortly after receiving a report from a citizen
3 informant of a potentially intoxicated driver in Lancaster, California, a Los Angeles
4 County Sheriff Deputy (Deputy) observed a vehicle matching the informant's
5 description change lanes without using a turn signal.
- 6 B. The Deputy followed the vehicle and confirmed that the license plate number
7 matched that provided by the informant. The Deputy observed the vehicle drifting
8 between lanes and pulled the vehicle over.
- 9 C. The Deputy made contact with the driver and identified him as the Respondent. The
10 Deputy observed a strong odor of alcohol emitting from the Respondent's body and
11 breath and that the Respondent's eyes were blood shot and watery.
- 12 D. The Deputy had the Respondent exit the vehicle and when the Respondent stepped
13 out, the Deputy observed the Respondent almost fall to the ground. The Deputy had
14 to hold the Respondent up and assist him to the Deputy's vehicle as the Respondent
15 could not walk in a straight line and continuously started to fall over.
- 16 E. The Deputy commenced an interview of the Respondent. The Deputy had to repeat
17 every question to the Respondent. The Respondent told the Deputy that he had been
18 drinking vodka that afternoon. When the Deputy asked how much vodka, the
19 Respondent stated, "a lot." When the Deputy asked the Respondent, if he felt the
20 effects of the alcohol, the Respondent stated, "I'm fucked up."
- 21 F. The Respondent was administered two alcohol breath tests, which showed a blood
22 alcohol level of 0.293% and 0.297%.
- 23 G. The Respondent was arrested and agreed to take another breath test at the Lancaster
24 Police Station. Once there, the Respondent provided two additional breath samples
25 with results of 0.28% and 0.27%.
- 26 H. In relation to his June 11, 2013, arrest, on or about July 8, 2013, a criminal complaint
27 was filed against the Respondent in *The People of the State of California v. John*
28 *Maurice Craig, aka John Craig*, Los Angeles County Superior Court, Case No.

1 3AV04678. The Respondent was charged with one misdemeanor count of violating
2 Vehicle Code section 23152, subdivision (a), (driving under the influence of alcohol
3 or drugs) and one misdemeanor count of violating Vehicle Code section 23152,
4 subdivision (b), (driving while having a 0.08% or higher blood alcohol).

- 5 I. On or about August 13, 2013, the Respondent pled nolo contendere to, and was
6 convicted of, violating Vehicle Code section 23152, subdivision (b). The Respondent
7 was placed on summary probation for thirty-six (36) months and ordered to serve
8 four (4) days in Los Angeles County jail, to complete a nine (9) month licensed first-
9 offender alcohol and other drug education and counseling program and to pay various
10 fines and restitution.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Use of a Controlled Substance in a Dangerous Manner)

13 14. The Respondent's license is subject to disciplinary action pursuant to Code sections
14 3750.5, subdivision (b), in that he used alcoholic beverages to an extent or in a manner dangerous
15 or injurious to himself or to others or that impaired his ability to conduct with safety the practice
16 authorized by his license. The circumstances are as follows:

- 17 A. Complainant refers to and, by this reference, incorporates paragraph 13 and
18 subparagraphs A through I above as though set forth fully herein.

19 **DISCIPLINE CONSIDERATIONS**

20 15. To determine the degree of discipline, if any, to be imposed on Respondent's license,
21 Complainant alleges that on or about August 11, 2008, and in response to his application for
22 licensure, the Board sent the Respondent a warning letter based upon the Respondent's two (2)
23 prior criminal convictions. Specifically, on May 19, 1998, and in *The People of the State of*
24 *California v. John Maurice Craig*, Los Angeles County Superior Court, Case No. LA030012, the
25 Respondent was placed in eighteen (18) months diversion after pleading guilty to violating Health
26 & Safety Code section 11377, subdivision (a), (possession of a controlled substance:
27 methamphetamine). Additionally, on April 8, 1993, and in *The People of the State of California*
28 *v. John Maurice Craig*, Los Angeles County Superior Court, Case No. 93T00221, the Respondent

1 was convicted of violating Vehicle Code section 23152, subdivision (b), (driving while having a
2 0.08% or higher blood alcohol). The record of these criminal proceedings are incorporated as if
3 fully set forth.

4 **PRAYER**

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

- 7 1. Revoking or suspending Respiratory Care Practitioner's License Number RCP 27918,
8 issued to John Maurice Craig, RCP;
- 9 2. Ordering John Maurice Craig, RCP to pay the Respiratory Care Board the costs of the
10 investigation and enforcement of this case, and if placed on probation, the costs of probation
11 monitoring; and
- 12 3. Taking such other and further action as deemed necessary and proper.

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14
15 DATED: October 23, 2013

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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