

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

In the Matter of the First Amended Accusation  
and Petition to Revoke Probation Against:

Case No. D1 2007 571

KIERAN COX  
44 Lyon Street  
San Francisco, CA 94117

Respiratory Care Practitioner License No. 28343

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**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 July 30, 2012.

It is so ORDERED July 20, 2012.

Original signed by: \_\_\_\_\_  
STEPHANIE NUNEZ  
EXECUTIVE OFFICER, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

1 KAMALA D. HARRIS  
Attorney General of California  
2 DAVID CARR  
State Bar No. 131672  
3 Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

10 In the Matter of the First Amended Accusation  
11 and Petition to Revoke Probation Against:

Case No. D1-2007-571

12 **KIERAN COX**  
13 **5240 Rocklin Road #106**  
**Rocklin, CA 95677**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Respiratory Care Practitioner License No.**  
15 **28343**

16 Respondent.

17  
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 Kamala D. Harris, Attorney General of the State of California, by David Carr,  
24 Deputy Attorney General.

25 2. Kieran Cox (Respondent) is represented in this proceeding by attorney Randy J.  
26 Harvey, whose address is 1200 Executive Parkway, Suite 320, Eugene, OR 97401.

27 3. On or about January 21, 2009, the Respiratory Care Board of California issued  
28 Respiratory Care Practitioner License No. 28343 to Kieran Cox (Respondent). The Respiratory

1 Care Practitioner License was in full force and effect at all times relevant to the charges brought  
2 in First Amended Accusation and Petition to Revoke Probation No. D1-2007-571 and will expire  
3 on March 31, 2014, unless renewed.

4 JURISDICTION

5 4. First Amended Accusation and Petition to Revoke Probation No. D1-2007-571 was  
6 filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is  
7 currently pending against Respondent. The First Amended Accusation and Petition to Revoke  
8 Probation and all other statutorily required documents were properly served on Respondent on  
9 April 25, 2012. Respondent timely filed his Notice of Defense contesting the First Amended  
10 Accusation and Petition to Revoke Probation. A copy of First Amended Accusation and Petition  
11 to Revoke Probation No. D1-2007-571 is attached as Exhibit A and incorporated by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in First Amended Accusation and Petition to Revoke Probation No. D1-  
15 2007-571. Respondent also has carefully read, fully discussed with counsel, and understands the  
16 effects of this Stipulated Surrender of License and Order.

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

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

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in First  
3 Amended Accusation and Petition to Revoke Probation No. D1-2007-571, agrees that cause  
4 exists for discipline and hereby surrenders his Respiratory Care Practitioner License No. 28343  
5 for the Board's formal acceptance.

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

9 CONTINGENCY

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

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

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

24 ORDER

25 IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 28343, issued to  
26 Respondent Kieran Cox, is surrendered and accepted by the Respiratory Care Board.

27 1. The surrender of Respondent's Respiratory Care Practitioner License and the  
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
2 of Respondent's license history with the Respiratory Care Board of California.

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

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

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
10 effect at the time the petition is filed, and all of the charges and allegations contained in First  
11 Amended Accusation and Petition to Revoke Probation No. D1-2007-571 shall be deemed to be  
12 true, correct and admitted by Respondent when the Board determines whether to grant or deny the  
13 petition.

14 5. Respondent shall pay the Board its costs of investigation and enforcement in  
15 the amount of \$5,065.00 before an application for a new or reinstated license will be considered  
16 by the Board.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Surrender of License and Order and have fully  
19 discussed it with my attorney, Randy J. Harvey. I understand the stipulation and the effect it will  
20 have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of  
21 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
22 Decision and Order of the Respiratory Care Board.

23  
24 DATED: \_\_\_\_\_

25 KIERAN COX  
26 Respondent  
27  
28

1 I have read and fully discussed with Respondent Kieran Cox the terms and conditions and  
2 other matters contained in this Stipulated Surrender of License and Order. I approve its form and  
3 content.

4 DATED: \_\_\_\_\_ RANDY J. HARVEY  
5 Attorney for Respondent

6  
7 ENDORSEMENT

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

10 Dated: Respectfully submitted,  
11 KAMALA D. HARRIS  
12 Attorney General of California  
13 JOSE R. GUERRERO  
14 Supervising Deputy Attorney General

15 DAVID CARR  
16 Deputy Attorney General  
17 *Attorneys for Complainant*

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