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

11 **In the Matter of the Accusation and Petition**
12 **to Revoke Probation Against,**

13 **CHRISTOPHER DEL COPPOCK**
14 **8762 Edwin Street**
Rancho Cucamonga, CA 91730

15 **Respiratory Care Practitioner**
16 **License No. 28642**

17 Respondent.

Case No. D1-2007-656

ACCUSATION AND PETITION TO
REVOKE PROBATION

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about April 25, 2009, the Respiratory Care Board issued Respiratory Care
24 Practitioner License Number 28642 to Christopher Del Coppock (Respondent). The Respiratory
25 Care Practitioner License expired on April 30, 2010, and has not been renewed.

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1 violation or violations of law or any term and condition of board probation to pay to the board a
2 sum not to exceed the costs of the investigation and prosecution of the case. A certified copy of
3 the actual costs, or a good faith estimate of costs where actual costs are not available, signed by
4 the official custodian of the record or his or her designated representative shall be prima facie
5 evidence of the actual costs of the investigation and prosecution of the case."

6 13. Section 3753.7 of the Code states:

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

10 14. Section 3753.1 of the Code states:

11 "(a) An administrative disciplinary decision imposing terms of probation may include,
12 among other things, a requirement that the licensee-probationer pay the monetary costs associated
13 with monitoring the probation. "

14 **FIRST CAUSE TO REVOKE PROBATION**

15 **(Failure to Submit Quarterly Reports)**

16 15. At all times after the effective date of Respondent's probation in Case No. 1H-2007-
17 656, Respondent was subject to terms and conditions of probation:. Condition 2 stated:

18 "QUARTERLY REPORTS Respondent shall file quarterly reports of compliance under
19 penalty of perjury, on forms to be provided, to the probation monitor assigned by the Board.
20 Omission or falsification in any manner of any information on these reports shall constitute a
21 violation of probation and shall result in the filing of an accusation and/or a petition to revoke
22 probation against Respondent's respiratory care practitioner license.

23 "Quarterly report forms will be provided by the Board. Respondent is responsible for
24 contacting the Board to obtain additional forms in needed. Quarterly reports are due for each year
25 of probation and the entire length of probation as follows:

26 "For the period covering January 1st through March 31st, reports are to be completed and
27 submitted between April 1st and April 7th.

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1 "For the period covering April 1st through June 30th, reports are to be completed and
2 submitted between July 1st and July 7th.

3 "For the period covering July 1st through September 30th, reports are to be completed and
4 submitted between October 1st and October 7th.

5 "For the period covering October 1st through December 31st, reports are to be completed
6 and submitted between January 1st and January 7th.

7 "Failure to submit complete and timely reports shall constitute a violation of probation."

8 16. Respondent's probation is subject to revocation because he failed to comply with
9 Probation Condition 2, referenced above. The facts and circumstances regarding this violation
10 are as follows:

11 A. Respondent failed to submit a quarterly report for the period of October 1,
12 2010 through December 31, 2010.

13 B. Respondent failed to submit a quarterly report for the period of January 1,
14 2011 through March 31, 2011.

15 C. Respondent failed to submit a quarterly report for the period of April 1,
16 2011 through June 30, 2011.

17 D. Respondent failed to submit a quarterly report for the period of July 1,
18 2011 through September 30, 2011.

19 **SECOND CAUSE TO REVOKE PROBATION**

20 **(Failure to Comply with Probation Monitoring Costs)**

21 17. At all times after the effective date of Respondent's probation in Case No. 1H-2007-
22 656, Condition 4 stated:

23 "PROBATION MONITORING COSTS All costs incurred for probation monitoring during
24 the entire probation shall be paid by the Respondent. The monthly cost may be adjusted as
25 expenses are reduced or increased. All payments for costs are to be sent directly to the
26 Respiratory Care Board and must be received by the date(s) specified. (Periods of tolling will not
27 toll the probation monitoring costs incurred.) If Respondent is unable to submit costs for any
28 month, he shall be required, instead to submit an explanation of why he is unable to submit the

1 costs, and the date(s) he will be able to submit the costs including payment amount(s).
2 Supporting documentation and evidence of why the Respondent is unable to make such
3 payment(s) must accompany this submission. Respondent understands that failure to submit
4 costs timely is a violation of probation and submission of evidence demonstrating financial
5 hardship does not preclude the Board from pursuing further disciplinary action. However,
6 Respondent understands that providing evidence and supporting documentation of financial
7 hardship it may delay further disciplinary action. In addition to any other disciplinary action taken
8 by the Board, an unrestricted license will not be issued at the end of the probationary period and
9 the respiratory care practitioner license will not be renewed, until such time all probation
10 monitoring costs have been paid. The filing of bankruptcy by the Respondent shall not relieve the
11 Respondent of his responsibility to reimburse the Board for costs incurred."

12 18. Respondent's probation is subject to revocation because he failed to comply with
13 Probation Condition 4 in that he failed to pay monthly probation monitoring payments with a
14 total past due balance of \$2,500.00 as of November 25, 2011.

15 **THIRD CAUSE TO REVOKE PROBATION**

16 **(Failure to Meet Employment Requirement)**

17 19. At all times after the effective date of Respondent's probation in Case No. 1H-2007-
18 656, Condition 5 stated:

19 "EMPLOYMENT REQUIREMENT Respondent shall be employed a minimum of 24
20 hours per week as a respiratory care practitioner for a minimum of 2/3 of his probation period.
21 Respondent may substitute successful completion of a minimum of thirty (30) additional
22 continuing education hours, beyond that which is required for license renewal, for each 8 months
23 of employment required. Respondent shall submit proof to the Board of successful completion of
24 all continuing education requirements. Respondent is responsible for paying all costs associated
25 with fulfilling this term and condition of probation.

26 20. Respondent's probation is subject to revocation because he failed to comply with
27 Probation Condition 5 in that he failed to meet the minimum employment requirement.

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1 **FOURTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Maintain Valid License Status)**

3 21. At all times after the effective date of Respondent's probation in Case No. 1H-2007-
4 656, Condition 9 stated:

5 "VALID LICENSE STATUS Respondent shall maintain a current, active and valid license
6 for the length of the probation period. Failure to pay all fees and meet CE requirements prior to
7 his license expiration date shall constitute a violation of probation."

8 22. Respondent's probation is subject to revocation because he failed to comply with
9 Probation Condition 9 in that he failed to maintain valid license status.

10 **FIFTH CAUSE TO REVOKE PROBATION**

11 **(Failure to Pay Cost Recovery)**

12 23. At all times after the effective date of Respondent's probation in Case No. 1H-2007-
13 656, Condition 12 stated:

14 "COST RECOVERY "Respondent shall pay to the Board a sum not to exceed the costs of
15 the investigation and prosecution of this case. That sum shall be \$6,000 and shall be paid in full
16 directly to the Board, in equal quarterly payments within 24 months from the effective date of this
17 decision. Cost recovery will not be tolled. If respondent is unable to submit costs timely, he shall
18 be required, instead to submit an explanation of why he is unable to submit these costs in part or
19 in entirety, and the date(s) he will be able to submit the costs including payment amount(s).

20 Supporting documentation and evidence of why the respondent is unable to make such
21 payment(s) must accompany this submission. Respondent understands that failure to submit
22 costs timely is a violation of probation and submission of evidence demonstrating financial
23 hardship does not preclude the Board from pursuing further disciplinary action. However,
24 respondent understands that by providing evidence and supporting documentation of financial
25 hardship may delay further disciplinary action. Consideration to financial hardship will not be
26 given should Respondent violate this term and condition, unless an unexpected AND unavoidable
27 hardship is established from the date of this order to the date payment(s) is due. The filing of

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1 bankruptcy by the respondent shall not relive the Respondent of his responsibility to reimburse
2 the Board for these costs. "

3 24. Respondent's probation is subject to revocation because he failed to comply with
4 Probation Condition 12, in that he failed to pay cost recovery beginning with the January 25,
5 2010, payment due date, with a total balance due in the amount of \$5,000.00.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Violation of Any Provision)**

8 25. Respondent is subject to disciplinary action under section 3750, as defined by 3750,
9 subdivision (g) of the Code, and title 16 of the California Code of Regulations section 1399.370,
10 subdivision (a), in that he violated a provision of this chapter, in that he failed to comply with the
11 following terms and conditions of probation 2, 4, 5, 9, and 12, in Case No. 1H-2007-656, as more
12 particularly described in paragraphs 15 through 24, above, which are incorporated by reference
13 and realleged as if fully set forth herein.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 26. Respondent is subject to disciplinary action under section 3755 of the Code, and title
17 16 of the California Code of Regulations section 1399.370, subdivision (a), in that he engaged in
18 unprofessional conduct by failing to comply with the following terms and conditions of
19 probation: 2, 4, 5, 9, and 12, in Case No. 1H-2007-656, as more particularly described in
20 paragraphs 15, through 24, above, which are incorporated by reference and realleged as if fully
21 set forth herein

22 **PRAYER**

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

25 1. Revoking the probation that was granted by the Respiratory Care Board of California
26 in Case No. 1H-2007-656 and imposing the disciplinary order that was stayed thereby revoking
27 Respiratory Care Practitioner License No. 28642 issued to Christopher Del Coppock;

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2. Revoking or suspending Respiratory Care Practitioner License No. 28642, issued to Christopher Del Coppock;

3. Ordering Christopher Del Coppock to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if probation is continued or extended, the costs of probation monitoring; and

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

DATED: December 16, 2011

Original Signed by Christine Molina for:
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Respiratory Care Board of California Case No. 1H-2007-656