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

13 In the Matter of the Accusation Against,

Case No. 7002014000002

14 **WAHEDULLAH BASSIR, R.C.P.**
15 **10 Thunder Run 8J**
Irvine, CA 92614

DEFAULT DECISION
AND ORDER

16 **Respiratory Care Practitioner**
17 **License No. 28683,**

[Gov. Code, §11520]

18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about September 3, 2015, Complainant Stephanie Nunez, in her official
21 capacity as the Executive Officer of the Respiratory Care Board of California (Board),
22 Department of Consumer Affairs, filed Accusation No. 7002014000002 against respondent
23 Wahedullah Bassir, R.C.P. (respondent) before the Respiratory Care Board.

24 2. On or about April 20, 2009, the Board issued Respiratory Care Practitioner License
25 No. 28683 to respondent Wahedullah Bassir, R.C.P. Respiratory Care Practitioner License
26 expired on January 31, 2014, and has not been renewed. Respondent's certified license history is

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1 attached as Exhibit A to the accompanying Default Decision Evidence Packet¹ and is hereby
2 incorporated by reference as if fully set forth herein.

3 3. On or about September 3, 2015, Tara M. Yoshikawa, an employee of the Board,
4 served by Certified and First Class Mail a true and correct copy of the Accusation No.
5 7002014000002, and true and correct copies of the Statement to Respondent, Notice of Defense
6 (two copies), Request for Discovery, and Government Code sections 11507.5, 11507.6, and
7 11507.7, on respondent at his address of record on file with the Board, which was and is
8 10 Thunder Run 8J, Irvine, California, 92614 (10 Thunder Run). A true and correct copy of the
9 Accusation, the related documents, and Declaration of Service are attached as Exhibit B to the
10 accompanying Default Decision Evidence Packet, and are hereby incorporated by reference as if
11 fully set forth herein. Service of the Accusation was effective as a matter of law under the
12 provisions of Government Code section 11505, subdivision (c).

13 4. On or about September 18, 2015, the aforementioned documents served by certified
14 mail on respondent at 10 Thunder Run were returned to the Board by the U.S. Postal Service
15 marked, "Return to Sender, Unable to Forward." On or about September 22, 2015, the
16 aforementioned documents served on respondent by regular mail at 10 Thunder Run were
17 returned to the Board by the U.S. Postal Service marked, "Return to Sender, Unable to Forward."
18 A copy of the envelopes returned by the post office are attached as Exhibit C, to the
19 accompanying Default Decision Evidence Packet, and are hereby incorporated by reference as if
20 fully set forth herein.

21 5. On or about October 13, 2015, Deputy Attorney General Joseph F. McKenna III
22 directed a search of Accurint for Law Enforcement database (Accurint LE) for respondent's
23 current address. Based upon matching information for respondent including, full name, date of
24 birth and social security number, Accurint LE indicated his current address was, 52 Elksford
25 Avenue, Irvine, California, 92604-2452 (52 Elksford Avenue). On or about October 13, 2015,

26 _____
27 ¹ All exhibits are true and correct copies of the originals, and are attached to the
28 accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is
hereby incorporated by reference, in its entirety, as if fully set forth herein.

1 Deputy Attorney General Joseph F. McKenna III mailed courtesy letters to the two (2) known
2 addresses for respondent – 52 Elksford Avenue and 10 Thunder Run – informing him that if he
3 failed to submit a Notice of Defense, and if it was not received by October 23, 2015, a Default
4 would be filed. In addition to mailing the courtesy letters to respondent, on or about October 13,
5 2015, an electronic mail message was sent to respondent at “alex bassir08@yahoo.com,” which is
6 the electronic mail address provided by respondent in his application for licensure with the Board.
7 Copies of the courtesy letters and electronic mail message are attached as Exhibit D, and
8 respondent’s certified application for licensure with the Board is attached as Exhibit E.

9 6. On or about October 28, 2015, the courtesy letter mailed to respondent at 10 Thunder
10 Run was returned to Deputy Attorney General Joseph F. McKenna III by the U.S. Postal Service
11 marked, “Return To Sender / Not Deliverable As Addressed / Unable To Forward.” A copy of
12 the envelope containing the courtesy letter returned by the post office is attached as Exhibit F.
13 Significantly, however, the courtesy letter mailed to respondent at the address obtained from
14 Accurint LE (52 Elksford Avenue) was not returned to Deputy Attorney General Joseph F.
15 McKenna III. In addition, Deputy Attorney General Joseph F. McKenna III has also not received
16 a reply to the electronic mail message sent to “alex bassir08@yahoo.com.” As of the date of the
17 filing of this request for Default Decision and Order, respondent has not sent a Notice of Defense
18 nor responded in any form, to Deputy Attorney General Joseph F. McKenna III. (Exhibit G,
19 Declaration from Deputy Attorney General Joseph F. McKenna III.)

20 7. Business and Professions Code section 118 states, in pertinent part:

21 “...

22 “(b) The suspension, expiration, or forfeiture by operation of law of a license
23 issued by a board in the department, or its suspension, forfeiture, or cancellation
24 by order of the board or by order of a court of law, or its surrender without the
25 written consent of the board, shall not, during any period in which it may be
26 renewed, restored, reissued, or reinstated, deprive the board of its authority to
27 institute or continue a disciplinary proceeding against the licensee upon any

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1 ground provided by law or to enter an order suspending or revoking the license or
2 otherwise taking disciplinary action against the licensee on any such ground.

3 “(c) As used in this section, ‘board’ includes an individual who is authorized
4 by any provision of this code to issue, suspend, or revoke a license, and ‘license’
5 includes ‘certificate,’ ‘registration,’ and ‘permit.’”

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

7 “(a) Within 15 days after service of the accusation ... the respondent may file
8 with the agency a notice of defense ... in which the respondent may:

9 “(1) Request a hearing.

10 “(2) Object to the accusation ... upon the ground that it does not state acts or
11 omissions upon which the agency may proceed.

12 “(3) Object to the form of the accusation ... on the ground that it is so
13 indefinite or uncertain that the respondent cannot ... prepare a defense.

14 “(4) Admit the accusation ... in whole or in part.

15 “(5) Present new matter by way of defense.

16 “(6) Object to the accusation ... upon the ground that, under the
17 circumstances, compliance with the requirements of a regulation would result in a
18 material violation of another regulation enacted by another department affecting
19 substantive rights.

20 “(b) Within the time specified the respondent may file one or more notices of
21 defense ... upon any or all of these grounds but all of these notices shall be filed
22 within that period unless the agency in its discretion authorizes the
23 filing of a later notice.

24 “(c) The respondent shall be entitled to a hearing on the merits if the
25 respondent files a notice of defense ... and the notice shall be deemed a specific
26 denial of all parts of the accusation ... not expressly admitted. Failure to file a
27 notice of defense shall constitute a waiver of respondent’s right to a hearing, but
28 the agency in its discretion may nevertheless grant a hearing. Unless objection is

1 taken as provided in paragraph (3) of subdivision (a), all objections to the form of
2 the accusation shall be deemed waived.

3 “(d) The notice of defense ... shall be in writing signed by or on behalf of the
4 respondent and shall state the respondent’s mailing address. It need not be verified
5 or follow any particular form.

6 “(e) As used in this section, ‘file,’ ‘files,’ ‘filed,’ or ‘filing’ means ‘delivered
7 or mailed’ to the agency as provided in Section 11505.”

8 9. Respondent failed to file a Notice of Defense within fifteen (15) days after
9 Accusation No. 7002014000002 was served on him (Exhibit G, Declaration of Deputy Attorney
10 General Joseph F. McKenna III), and therefore, has waived his right to a hearing on the merits of
11 Accusation No. 7002014000002.

12 10. California Government Code section 11520 states, in pertinent part:

13 “(a) If the respondent either fails to file a notice of defense, or, as applicable,
14 notice of participation, or to appear at the hearing, the agency may take action
15 based upon the respondent's express admissions or upon other evidence and
16 affidavits may be used as evidence without any notice to respondent; and where
17 the burden of proof is on the respondent to establish that the respondent is entitled
18 to the agency action sought, the agency may act without taking evidence.

19 “...”

20 11. Pursuant to its authority under Government Code section 11520, the Board hereby
21 finds respondent is in default. The Board will take action without further hearing and, based on
22 respondent’s express admissions by way of default and the evidence before it, contained in
23 Exhibits A through L, finds that the charges and allegations in Accusation No. 7002014000002,
24 and each of them, separately and severally, are true and correct.

25 12. Section 3710 of the Code states:

26 “(a) The Respiratory Care Board of California, hereafter referred to as the
27 board, shall enforce and administer this chapter.

28 “...”

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13. Section 3718 of the Code states:

“The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

14. Section 3722 of the Code states:

“The board shall adopt any regulations as may be necessary to effectuate this chapter ...”

15. Section 3750 of the Code states, in pertinent part:

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

“... ”

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

“... ”

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

“... ”

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

“... ”

16. Section 3750.5 of the Code states:

“In addition to any other grounds specified in this chapter, the board may deny, suspend, place on probation, or revoke the license of any applicant or

1 licenseholder who has done any of the following:

2 “...

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

9 “...

10 “(d) Been convicted of a criminal offense involving the consumption or self-
11 administration of any of the substances described in subdivisions (a) and (b) ...

12 “...”

13 17. Section 3752 of the Code states:

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

25 18. Section 1399.370, title 16, California Code of Regulations states:

26 “For the purposes of denial, suspension, or revocation of a license, a crime or
27 act shall be considered to be substantially related to the qualifications, functions or
28 duties of a respiratory care practitioner, if it evidences present or potential

1 unfitness of a licensee to perform the functions authorized by his or her license or
2 in a manner inconsistent with the public health, safety, or welfare. Such crimes or
3 acts include but are not limited to those involving the following:

4 “(a) Violating or attempting to violate, directly or indirectly, or assisting or
5 abetting the violation of or conspiring to violate any provision or term of the
6 Business and Professions Code.

7 “(b) Commission of an act or conviction of a crime involving fraud, fiscal
8 dishonesty, theft or larceny.

9 “(c) Commission of an act or conviction of a crime involving driving under
10 the influence or reckless driving while under the influence.

11 “...”

12 19. Section 3753.5, subdivision (a) of the Code states:

13 “In any order issued in resolution of a disciplinary proceeding before the
14 board, the board or the administrative law judge may direct any practitioner or
15 applicant found to have committed a violation or violations of law or any term and
16 condition of board probation to pay to the board a sum not to exceed the costs of
17 the investigation and prosecution of the case. A certified copy of the actual costs,
18 or a good faith estimate of costs where actual costs are not available, signed by the
19 official custodian of the record or his or her designated representative shall be
20 prima facie evidence of the actual costs of the investigation and prosecution of the
21 case.”

22 20. Section 3753.7 of the Code states:

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

26 21. Section 3753.1 of the Code states, in pertinent part:

27 “(a) An administrative disciplinary decision imposing terms of probation may
28 include, among other things, a requirement that the licensee licensee-probationer

1 pay the monetary costs associated with monitoring the probation.”

2 22. Respondent has subjected his Respiratory Care Practitioner License No. 28683 to
3 disciplinary action under section 3750, as defined by sections 3750, subdivision (d), 3750.5,
4 subdivision (d), and 3752, of the Code, and section 1399.370, subdivision (c), title 16, of the
5 California Code of Regulations, in that he was convicted of a crime substantially related to the
6 qualifications, functions, or duties of a respiratory care practitioner, as more particularly
7 described hereinafter:

8 23. 2014 Driving Under The Influence Conviction

9 A. On or about October 5, 2013, respondent was involved in a non-injury
10 traffic collision wherein the vehicle he was driving rear-ended another vehicle that
11 was stopped on the roadway. Following the collision, at approximately 1547
12 hours, Irvine Police Department Officer R.W. responded to the location of the
13 traffic collision where respondent was located along with the driver of the other
14 vehicle. Officer R.W. identified damage to the front end of respondent’s vehicle
15 consistent with a recent collision. While questioning both drivers about the
16 accident, Officer R.W. immediately noticed respondent was exhibiting signs of
17 impairment including, slow and slurred speech, poor balance and stumbling while
18 walking, and an agitated demeanor.

19 B. A second officer, Officer J.O., responded to the collision scene to
20 conduct a driving under the influence (DUI) evaluation of respondent. While
21 questioning respondent, Officer J.O. observed that respondent exhibited multiple
22 objective signs of impairment. During questioning, respondent admitted to Officer
23 J.O. that he had taken “Xanax”² at approximately 1400 hours that same day, prior
24 to the accident. A drug prescription for respondent was located inside
25 respondent’s vehicle which listed various controlled substances. According to

26 ² Xanax is a brand name for Alprazolam, a Schedule IV controlled substance pursuant to
27 Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to
28 Business and Professions Code section 4022.

1 respondent's arrest report: "*The prescription was filled out by Dr. [D.P.] on*
2 *8-22-13 for [sixty] 30 mg Adderall³ pills, [sixty] 2 mg Xanax pills, and another*
3 *drug that was unreadable for what appeared to be [one hundred twenty] 10 mg*
4 *pills.*" [Emphasis added.] Respondent was uncooperative with Officer J.O. and he
5 refused to perform Standardized Field Sobriety Tests (SFST) when requested by
6 the officer.

7 C. Based upon the facts and totality of the circumstances, including,
8 respondent's admission that he had recently taken Xanax before the traffic
9 collision; objective signs of impairment; agitated demeanor; and his refusal to
10 perform SFSTs, Officer J.O. determined that respondent was driving under the
11 influence of drugs, and arrested him at approximately 1651 hours for violation of
12 Vehicle Code section 23152, subdivision (a) [driving under the influence of
13 alcohol and/or drugs]. Respondent chose to take a breath test and subsequently
14 gave two breath samples. At 1740 hours, respondent's Blood Alcohol
15 Concentration (BAC) level measured 0.00 percent; and again, at 1743 hours, his
16 BAC measured 0.00 percent. (Exhibit H, Certified copy of Irvine Police
17 Department Report [redacted].)

18 D. On or about September 18, 2014, in the Superior Court of California,
19 County of Orange, in the case of *The People of the State of California vs.*
20 *Wahedullah Bassir, AKA Wahed Bassir, Wahed Basir, Wahedulla Bassir*, Superior
21 Court case number 14HM03058, respondent was convicted of Vehicle Code
22 section 23152, subdivision (a). Respondent handwrote and signed under penalty
23 of perjury the following statement on the guilty change of plea form: "*On 10/5/13,*
24 *in Orange County, I did willfully and unlawfully drive a vehicle on a public*
25 *roadway while I was under the influence of a drug.*" [Emphasis added.]

26 ³ Adderall is a brand name for dextroamphetamine and amphetamine, a Schedule II
27 controlled substance pursuant to Health and Safety Code section 11055, subdivision (d), and a
28 dangerous drug pursuant to Business and Professions Code section 4022. It is an amphetamine
salts used for attention-deficit hyperactivity disorder and narcolepsy.

1 Respondent was sentenced to three (3) years of probation with standard terms and
2 conditions including, three (3) month first offender program, attend MADD
3 Victim Impact Panel, one hundred twenty (120) hours of community service,
4 standard fines and restitution to the victim. (Exhibit I, Certified copy of court
5 documents: Complaint, Guilty Plea Form; Minutes.)

6 24. Respondent has further subjected his Respiratory Care Practitioner License No.
7 28683 to disciplinary action under section 3750.5, as defined by 3750.5, subdivision (b), of the
8 Code, and section 1399.370, subdivision (c), title 16, of the California Code of Regulations, in
9 that he used dangerous drugs, to an extent, or in a manner as to be dangerous or injurious to
10 respondent, or to others, as more particularly alleged in paragraphs 22 and 23, above, which are
11 hereby incorporated by reference and realleged as if fully set forth herein.

12 25. Respondent has further subjected his Respiratory Care Practitioner License No.
13 28683 to disciplinary action under section 3750.5, as defined by 3750.5, subdivision (d), of the
14 Code, and section 1399.370, subdivision (c), title 16, of the California Code of Regulations, in
15 that he has been convicted of a criminal offense involving the consumption or self-administration
16 of a dangerous drug, as more particularly alleged in paragraphs 22, 23 and 24, above, which are
17 hereby incorporated by reference and realleged as if fully set forth herein.

18 26. Respondent has further subjected his Respiratory Care Practitioner License No.
19 28683 to disciplinary action under section 3750, as defined by 3750, subdivision (j), of the Code,
20 and section 1399.370, subdivision (b), title 16, of the California Code of Regulations, in that he
21 committed a fraudulent, dishonest, or corrupt act substantially related to the qualifications,
22 functions, or duties of a respiratory care practitioner, as more particularly described hereinafter:

23 27. 2014 "Petty Theft" Arrest

24 A. On or about January 12, 2014, respondent was arrested for shoplifting at
25 a Stater Brothers' grocery store located in Santa Ana, California. On that date,
26 respondent was observed by a store employee (L.S.) entering the store and
27 immediately grabbing several empty plastic bags from a front register. L.S.
28 continued his observation of respondent inside the store, where he watched

1 respondent place several grocery items into a basket and then transferred them into
2 the empty plastic bags he had grabbed when he initially entered the store.
3 Respondent then exited the store without paying for the items.⁴ L.S. confronted
4 respondent outside the store about his failure to pay for the items, at which point
5 respondent apologized to L.S. for his actions. L.S. then placed respondent under
6 citizen's arrest and called the police. Santa Ana Police Department Officer S.R.
7 responded to the store location and interviewed L.S. about the incident. L.S. told
8 Officer S.R. that he had prior knowledge of respondent because of a past incident,
9 wherein respondent had entered the same store and selected several items, and then
10 ran out without paying for them. Respondent was never stopped or arrested for
11 this past incident. Based upon his investigation into the incident, Officer S.R.
12 placed respondent under arrest for violation of Penal Code section 488,
13 subdivision (a) [petty theft], and transported him to Santa Ana Jail. (Exhibit J,
14 Certified copy of Santa Ana Police Department Crime Report [redacted].)

15 B. On or about January 30, 2014, the Orange County District Attorney's
16 Office filed a criminal complaint against respondent in the matter of *The People of*
17 *the State of California vs. Waheddullah Bassir, AKA Wahedullah Bassir, Wahed*
18 *Bassir, Wahed Basir*, Superior Court case number 14CM00790. The criminal
19 complaint charged respondent with a violation of Penal Code sections 484,
20 subdivision (a), and 488 [petty theft], a misdemeanor. On or about June 13, 2014,
21 pursuant to a sentence recommendation for terminal disposition, the case against
22 respondent was dismissed upon a motion made by the District Attorney's Office,
23 in exchange for which, respondent voluntarily agreed to provide a
24 deoxyribonucleic acid (DNA) sample, fingerprints and photograph, to the Orange
25 County District Attorney's Office for permanent retention, analysis and search
26 within any database(s) for law enforcement purposes, and pay a seventy-five dollar

27 _____
28 ⁴ The value of the items that respondent shoplifted was approximately \$68.45.

1 (\$75.00) administrative fee. (Exhibit K, Certified copy of court documents:
2 Complaint and Minutes.)

3 28. Respondent has further subjected his Respiratory Care Practitioner License No.
4 28683 to disciplinary action under section 3750, as defined by 3750, subdivision (g), and section
5 1399.370, subdivision (a), title 16, of the California Code of Regulations, in that he violated a
6 provision or provisions of the Respiratory Care Practice Act, as more particularly alleged in
7 paragraphs 22 through 27, above, which are hereby incorporated by reference and realleged as if
8 fully set forth herein.

9 29. To determine the degree of discipline, if any, to be imposed on respondent,
10 complainant alleges that on or about January 20, 2009, the Board received an application for
11 licensure from respondent. (See respondent's certified application for licensure with the Board
12 attached as Exhibit E.) The application inquired whether respondent had ever been convicted of a
13 misdemeanor and, if yes, to complete and submit a criminal history addendum. Respondent
14 answered "yes" to this question and submitted a background statement with an attached type-
15 written document listing information related to his past criminal convictions including, the
16 following two (2) convictions for DUI and one (1) conviction for a "wet reckless":

17 A. Offense: violation of Vehicle Code section 23152 (a);

18 Location of Offense: Irvine, CA;

19 Date of Conviction: on or about September 15, 1996; and

20 Superior Court Case No.: 96HM00968.

21 B. Offense: violation of Vehicle Code section 23103 (a) ["wet reckless"];

22 Location of Offense: Irvine, CA;

23 Date of Conviction: on or about June 20, 1999; and

24 Superior Court Case No.: 99HM01532.

25 C. Offense: violation of Vehicle Code section 23152 (a) and (b);

26 Location of Offense: Irvine, CA;

27 Date of Conviction: on or about December 10, 2001; and

28 Superior Court Case No.: 01HM04919.

1 and Professions Code sections 3750.5, as defined by 3750.5, subdivision (d), and
2 section 1399.370, subdivision (c), title 16, of the California Code of Regulations;

3 d. Respondent committed a fraudulent, dishonest, or corrupt act
4 substantially related to the qualifications, functions or duties of a respiratory care
5 practitioner, in violation of Business and Professions Code section 3750, as
6 defined by 3750, subdivision (j), and section 1399.370, subdivision (b), title 16, of
7 the California Code of Regulations; and

8 e. Respondent has violated or attempted to violate a provision or
9 provisions of the Respiratory Care Practice Act, as found in paragraphs 4(a)
10 through 4(d), above, in violation of Business and Professions Code section 3750,
11 as defined by 3750, subdivision (g), and section 1399.370, subdivision (a), title 16,
12 of the California Code of Regulations.

13 5. Respondent is liable to the Board the costs of investigation and enforcement,
14 in the amount of six thousand ninety-seven dollars and fifty cents (\$6,097.50). (Exhibit L,
15 Declarations of Costs of Executive Officer Stephanie Nunez and Deputy Attorney General
16 Joseph F. McKenna III.)

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28 SD2015700508
Doc.No.81239405

ORDER

IT IS SO ORDERED that Respiratory Care Practitioner License No. 28683, heretofore issued to Respondent Wahedullah Bassir, is revoked.

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

Respondent is ordered to reimburse the Respiratory Care Board the amount of six thousand ninety-seven dollars and fifty cents (\$6,097.50) for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License No. 28683 may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

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

This Decision shall become effective on April 20, 2016.

It is so ORDERED March 21, 2016.

Original signed by:
ALAN ROTH, MS, MBA, RRT-NPS, FAARC
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA