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

12 In the Matter of the Accusation Against:

Case No. 1H 2010 112

13 **ANGELICA MARIA CASTRO**

14 22501 Marlin Place
15 West Hills, California 91307

A C C U S A T I O N

16 **Respiratory Care Practitioner License No.**
17 **28805**

18 Respondent.

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 (Board).

24 2. On or about June 9, 2009, the Board issued Respiratory Care Practitioner License
25 Number 28805 to Angelica Marie Castro (Respondent). The Respiratory Care Practitioner
26 License was in full force and effect at all times relevant to the charges brought herein and is
27 currently inactive with an expiration date of June 30, 2012.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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

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

6. Section 3750 of the Code states: "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.

". . . ."

7. 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 license holder who has done any of the following:

"(a) Obtained, possessed, used, or administered to himself or herself in violation of law, or furnished or administered to another, any controlled substances as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with Section 4015) of Chapter 9, except as directed by a licensed physician and surgeon, dentist, podiatrist, or other authorized health care provider."

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1 11. Section 3753.7 of the Code states:

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

5 12. Section 3753.1 of the Code states:

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

9 FIRST CAUSE FOR DISCIPLINE

10 (Conviction of a Crime)

11 13. Respondent was convicted of a crime substantially related to the qualifications,
12 functions, or duties of a respiratory care practitioner. Accordingly, she is subject to disciplinary
13 action under Code section 3750, subdivision (d), and 3752, and California Code of Regulations,
14 title 16, section 1399.370.

15 14. On or about May 3, 2010 Respondent was convicted of violating Health and Safety
16 Code Section 11351, Possession for Sale of a Controlled Substance, a felony. The facts and
17 circumstances that give rise to the conviction are as follows:

18 15. On or February 10, 2010, pursuant to a narcotics complaint Los Angeles Police
19 Department (LAPD) officers observed Respondent driving a vehicle with a passenger and
20 followed the vehicle. Respondent's car pulled up to the sidewalk where an individual was
21 standing and stopped near him. This individual then approached the car driven by Respondent and
22 handed the passenger an item. The passenger then handed the individual standing on the sidewalk
23 a small object. After this transaction the person who had been on the sidewalk ran into his
24 residence and Respondent drove off.

25 16. The officers formed the opinion that a drug transaction had taken place between the
26 individual on the sidewalk and those in the vehicle. They followed Respondent's vehicle.

27 17. After Respondent parked the car the officers approached Respondent and her
28 passenger.

1 18. The officers detained Respondent and her passenger pending their search of the
2 vehicle. The officers discovered a plastic bag containing 19 balloon bundles in the center console
3 of the vehicle, a cell phone, currency, a paper depicting pays and owes and sales records from
4 February 9, 2010 and February 10, 2010.

5 19. Respondent was then arrested for violating Health and Safety Code Section 11351,
6 possession of a controlled substance for sale.

7 20. In a statement to police Respondent's passenger stated that he and Respondent had
8 been selling heroin on and off for the past three months.

9 21. On March 2, 2010, the Los Angeles District Attorney filed felony criminal complaint
10 number PA066822 against Respondent. The Complaint charged Respondent with violating
11 Health and Safety Code Section 11352 subsection (a), the crime of sale/transportation/offer to sell
12 controlled substance and violating Health and Safety Code Section 11351, possession for sale of a
13 controlled substance.

14 22. On April 6, 2010, Respondent pled nolo contendere to Count 2 of the criminal
15 complaint, violating Health and Safety Code Section 11351, possession for sale of a controlled
16 substance.

17 23. On May 3, 2010 Respondent was convicted of violating Health and Safety Code
18 Section 11351, a felony. She was sentenced as follows: sentence was suspended and Respondent
19 was placed on formal probation for three years and required to serve 150 days in Los Angeles
20 County jail; pay \$30.00 for court security assessment, \$30.00 for criminal conviction assessment,
21 \$25.00 administrative screening fee and \$115.00 for attorney fees. Respondent was also ordered
22 to pay restitution in the amount of \$200.00 with other terms and conditions including submitting
23 to periodic controlled substance testing when request by probation and register as a convicted
24 narcotics offender and carry proof of registration at all times and display this registration to
25 enforcement officers upon their request.

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SECOND CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

24. Complainant repeats paragraphs 14 through 23 and incorporates as if fully included herein.

25. Respondent was convicted of a felony involving possession of a controlled substance in violation of Health and Safety Code Section 11351. Accordingly, she is subject to disciplinary action under Code sections 3750.5, subdivision (a).

PRAYER

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

- 1. Revoking or suspending Respiratory Care Practitioner License Number 28805, issued to Angelica Marie Castro;
- 2. Ordering Angelica Marie Castro to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: October 21, 2010

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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accusation.rtf