

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 State Bar No. 97276
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5585
5 Facsimile: (415) 703-5480
Attorneys for Complainant

6
7 **BEFORE THE**
RESPIRATORY CARE BOARD
8 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

9
10 In the Matter of the Accusation Against:

Case No. 7002015000499

11 **SARAH ANN CALLEBS**

12 **184 Valley View Drive**
Oroville, CA 95966

A C C U S A T I O N

13
14 **Respiratory Care Practitioner License No.**
30437

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about August 23, 2010, the Board issued Respiratory Care Practitioner License
23 Number 30437 to Sarah Ann Callebs (Respondent). The Respiratory Care Practitioner License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 October 31, 2015, unless renewed. Respondent's license is currently on inactive status.

26 ///

27 ///

28 ///

1 JURISDICTION

2 3. This Accusation is brought before the Board, Department of Consumer Affairs, under
3 the authority of the following laws. All section references are to the Business and Professions
4 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:
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 "(d) Conviction of a crime that substantially relates to the qualifications,
14 functions, or duties of a respiratory care practitioner. The record of conviction or a
15 certified copy thereof shall be conclusive evidence of the conviction.

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

21 7. Section 3752 of the Code states:
22 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
23 charge of any offense which substantially relates to the qualifications, functions, or duties of a
24 respiratory care practitioner is deemed to be a conviction within the meaning of this article. The
25 board shall order the license suspended or revoked, or may decline to issue a license, when the
26 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when
27 an order granting probation is made suspending the imposition of sentence, irrespective of a
28 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or

1 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
2 dismissing the accusation, information, or indictment."

3 8. Section 3752.5 of the Code states:

4 "For purposes of Division 1.5 (commencing with Section 475), and this chapter [the
5 Respiratory Care Practice Act], a crime involving bodily injury or attempted bodily injury shall
6 be considered a crime substantially related to the qualifications, functions, or duties of a
7 respiratory care practitioner."

8 COST RECOVERY

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

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

17 10. Section 3753.7 of the Code states:

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

21 11. Section 3753.1 of the Code states:

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

25 CODE OF REGULATIONS

26 12. California Code of Regulations, title 16, section 1399.370, states:

27 "For the purposes of denial, suspension, or revocation of a license, a crime or act shall be
28 considered to be substantially related to the qualifications, functions or duties of a respiratory care

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

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Substantially-Related Conviction)

8 13. Respondent's license is subject to disciplinary action under Code sections 3750(d),
9 3752, and 3752.5 in that she was convicted of a substantially-related crime. The circumstances
10 are as follows:

11 14. On or about January 8, 2015, Oroville Police Officer Jessica Raggio responded to a
12 report that two children had been left unattended in a storage shed. When she arrived, she was
13 flagged down by an adult female, later identified as Respondent. Officer Raggio observed that
14 Respondent's speech was fast paced, and she was moving her hands uncontrollably. Officer
15 Raggio noted that Respondent had sores on her face, which the officer believed was due to
16 methamphetamine use, based on the officer's training, education and experience.

17 15. Respondent told Officer Raggio that she left her children in the shed with E.D., an
18 adult male. She believed that E.D. had fallen asleep and the children walked out of the shed.
19 Respondent led Officer Raggio to the shed, and the officer observed two male juvenile children
20 inside the shed. Respondent identified both of the children as hers, and stated that R. was three
21 years old and M. was two years old. Based on Officer Raggio's previous law enforcement
22 contacts, the officer was aware that the sheds were frequented by transients or drug users. The
23 shed was not fit for habitation as it did not have electricity, insulation, running water or a
24 bathroom. The officer observed a portable crib placed under a makeshift wood shelf unit with
25 about six inches of clearance from the top of the crib to the bottom of the shelf. She also
26 observed a half gallon of milk on the ground and open containers of food and beverages scattered
27 around the floor. Officer Raggio observed fecal matter on the exterior wall of the shed. Due to
28 the lack of a bathroom, the officer believed that the fecal matter was human. She noted that R.

1 had diarrhea leaking from his diaper to his sock on his right foot. M. was in a diaper without
2 pants.

3 16. Sergeant Sanzone spoke to E.D. separately while Officer Raggio continued
4 interviewing Respondent. Respondent admitted that she was homeless, and stated that she and
5 her children had slept in the shed one night. She stated that she could not go to the Rescue
6 Mission in Oroville because she had “too much property.” Sergeant Sanzone called Child
7 Protective Services (CPS) to respond to the scene. Respondent began cleaning R. from the waist
8 down, and became verbally upset and began yelling at R, using profanity. Neither child was
9 dressed in clothing that fit. Officer Raggio observed that R. and M. continually picked up items
10 on the floor of the shed, including coins, nails, a light switch cover and a small, sharp piece of
11 plastic.

12 17. Respondent stated that she could not take her children with her when she needed to
13 make phone calls, and she admitted that she left them in the shed so that she could handle her
14 business. CPS workers V.L. and J.S. arrived on scene. R. reached behind the door to the shed
15 and produced a small, red heart shaped container and opened it, revealing a clear plastic zip lock
16 bag. J.S. took the container and bag from R. and handed it to Officer Raggio. Officer Raggio
17 noted a white powdery residue on the inside of the bag. Due to her training, education and
18 experience, she believed the substance to be methamphetamine.

19 18. Officer Carpenter, who was also on the scene, handed Officer Raggio an additional
20 container with a white powdery substance which Officer Raggio believed to be
21 methamphetamine. A third vial ,also believed to contain methamphetamine, was found in the
22 shed. The CPS workers took custody of the children, and Respondent was arrested for felony
23 child endangerment in violation of Penal Code (PC) section 273a(a). Officer Raggio searched
24 Respondent’s wallet, incident to the arrest, and found an unloaded syringe. The syringe was
25 photographed as evidence and Respondent was charged with possession of drug paraphernalia in
26 violation of Health and Safety (H&S) Code section 11364.1.

27 19. As Respondent was transported to Butte County Jail, she began making spontaneous
28 statements. She admitted that she “did a bit of drugs” but said “that’s not my focus in life.”

1 submitted copies of receipts before the fine due date to receive credit. She was placed on
2 probation for one year subject to successful completion of an alcohol information school.

3 24. On or about July 19, 2005, in the State of California, Respondent was convicted on
4 her plea of guilty to a misdemeanor violation of Vehicle Code section 20002(a), hit and run
5 driving. She was placed on summary probation for 24 months and ordered to complete a driving
6 under the influence level 1 program.

7 25. Respondent revealed the above-named two convictions in her application for
8 licensure. On July 7, 2010, the Board informed Respondent that its investigation into the
9 convictions was closed but the Board would use the convictions as aggravating evidence in any
10 future disciplinary proceedings.

11 PRAYER

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

14 1. Revoking or suspending Respiratory Care Practitioner License Number 30437, issued
15 to Sarah Ann Callebs;

16 2. Ordering Sarah Ann Callebs to pay the Respiratory Care Board the costs of the
17 investigation and enforcement of this case, and if placed on probation, the costs of probation
18 monitoring;

19 3. Taking such other and further action as deemed necessary and proper.
20
21

22 DATED: September 28, 2015

Original signed by Liane Freels for:

23 STEPHANIE NUNEZ
24 Executive Officer
25 Respiratory Care Board of California
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

SF2015401702
41328072.doc