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

11 In the Matter of the Accusation Against:

Case No. 7002015000499

12 **SARAH ANN CALLEBS**

**DEFAULT DECISION  
AND ORDER**

13 **184 Valley View Drive**  
**Oroville, CA 95966**

[Gov. Code §11520]

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

15 Respondent  
16

17 FINDINGS OF FACT

18 1. On or about September 28, 2015, Complainant Stephanie Nunez, in her official  
19 capacity as the Executive Officer of the Respiratory Care Board of California (Board),  
20 Department of Consumer Affairs, filed Accusation No. 7002015000499 against Sarah Ann  
21 Callebs (Respondent) before the Respiratory Care Board. A true and correct copy of the  
22 Accusation No. 7002015000499 is attached as **Exhibit 1** in the separate accompanying “Default  
23 Decision Evidence Packet”.<sup>1</sup>

24 2. On or about August 23, 2010, the Board issued Respiratory Care Practitioner License  
25 No. 30437 to Respondent. The Respiratory Care Practitioner License was in full force and effect  
26 at all times relevant to the charges brought herein and expired on October 31, 2015. A certified

27 <sup>1</sup> The Exhibits referred to herein, which are true and correct copies of the originals, are  
28 contained in the separate accompanying “Default Decision Evidence Packet.”

1 copy of Respondent's Certificate of Licensure is attached as **Exhibit 2** in the separate  
2 accompanying Default Decision Evidence Packet.

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

4 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
5 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
6 order of a court of law, or its surrender without the written consent of the board, shall not, during  
7 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
8 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
9 provided by law or to enter an order suspending or revoking the license or otherwise taking  
10 disciplinary action against the license on any such ground."

11 4. On or about September 28, 2015, an employee of the Complainant Agency, served by  
12 Certified and First Class Mail a copy of the Accusation No. 7002015000499, Statement to  
13 Respondent, Request for Discovery, Notice of Defense (two copies), and Government Code  
14 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which  
15 was and is 184 Valley View Drive, Oroville, CA 95966.

16 5. Service of the Accusation was effective as a matter of law under the provisions of  
17 Government Code section 11505, subdivision (c).

18 6. On or about October 26, 2015, the aforementioned documents were returned by the  
19 U.S. Postal Service marked "Return to Sender Unclaimed Unable to Forward." A copy of the  
20 envelope returned by the post office is attached as **Exhibit 3** in the separate accompanying  
21 Default Decision Evidence Packet. The aforementioned documents mailed by regular mail to 184  
22 Valley View Drive, Oroville, CA 95966 were not returned.

23 7. Government Code section 11506 states, in pertinent part:

24 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
25 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
26 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
27 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."  
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1           8.     The Statement to Respondent informed her that she was required to file a Notice of  
2 Defense within 15 days after receipt of the Accusation. Respondent failed to file a Notice of  
3 Defense within 15 days after service upon her of the Accusation, ie. October 13, 2015, and  
4 therefore waived her right to a hearing on the merits of Accusation No. 7002015000499. To date,  
5 neither Supervising Deputy Attorney General Jose R. Guerrero nor the Board has received a  
6 Notice of Defense from Respondent. The Declaration of Supervising Deputy Attorney General  
7 Guerrero is attached as **Exhibit 4** in the separate accompanying Default Decision Evidence  
8 Packet.

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

10           "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
11 agency may take action based upon the respondent's express admissions or upon other evidence  
12 and affidavits may be used as evidence without any notice to respondent."

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

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

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

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

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

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

1           13. Section 3752 of the Code states:

2           "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
3 charge of any offense which substantially relates to the qualifications, functions, or duties of a  
4 respiratory care practitioner is deemed to be a conviction within the meaning of this article. The  
5 board shall order the license suspended or revoked, or may decline to issue a license, when the  
6 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when  
7 an order granting probation is made suspending the imposition of sentence, irrespective of a  
8 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or  
9 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
10 dismissing the accusation, information, or indictment."

11           14. Section 3752.5 of the Code states:

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

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

17           "For the purposes of denial, suspension, or revocation of a license, a crime or act shall be  
18 considered to be substantially related to the qualifications, functions or duties of a respiratory care  
19 practitioner, if it evidences present or potential unfitness of a licensee to perform the functions  
20 authorized by his or her license or in a manner inconsistent with the public health, safety, or  
21 welfare. Such crimes or acts include but are not limited to those involving the following:

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

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

25           "In any order issued in resolution of a disciplinary proceeding before the board, the board or  
26 the administrative law judge may direct any practitioner or applicant found to have committed a  
27 violation or violations of law or any term and condition of board probation to pay to the board a  
28 sum not to exceed the costs of the investigation and prosecution of the case. A certified copy of

1 the actual costs, or a good faith estimate of costs where actual costs are not available, signed by  
2 the official custodian of the record or his or her designated representative shall be prima facie  
3 evidence of the actual costs of the investigation and prosecution of the case."

4 17. Section 3753.7 of the Code states:

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

8 18. Section 3753.1 of the Code states:

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

12 19. On or about January 12, 2015, a criminal complaint titled *People of the State of*  
13 *California vs. Sarah Ann Callebs* was filed in Butte County Superior Court, case no. SCR101072.  
14 Respondent was charged with two misdemeanor counts of violating PC 273a(b), cruelty to a child  
15 by endangering health, and one misdemeanor count of violating H&S Code section 11364(a),  
16 possession of a smoking device used for smoking a controlled substance. A true and correct copy  
17 of the Complaint is attached as **Exhibit 5** in the separate accompanying Default Decision  
18 Evidence Packet.

19 20. The circumstances of the arrest are contained in a true and correct copy of the  
20 Oroville Police Report attached as **Exhibit 6** in the separate accompanying Default Decision  
21 Evidence Packet, which states as follows:

22 A. On or about January 8, 2015, Oroville Police Officer Jessica Raggio responded to a  
23 report that two children had been left unattended in a storage shed. When she arrived, she was  
24 flagged down by an adult female, later identified as Respondent. Officer Raggio observed that  
25 Respondent's speech was fast paced, and she was moving her hands uncontrollably. Officer  
26 Raggio noted that Respondent had sores on her face, which the officer believed was due to  
27 methamphetamine use, based on the officer's training, education and experience.  
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1           B. Respondent told Officer Raggio that she left her children in the shed with E.D., an adult  
2 male. She believed that E.D. had fallen asleep and the children walked out of the shed.  
3 Respondent led Officer Raggio to the shed, and the officer observed two male juvenile children  
4 inside the shed. Respondent identified both of the children as hers, and stated that R. was three  
5 years old and M. was two years old. Based on Officer Raggio's previous law enforcement  
6 contacts, the officer was aware that the sheds were frequented by transients or drug users. The  
7 shed was not fit for habitation as it did not have electricity, insulation, running water or a  
8 bathroom. The officer observed a portable crib placed under a makeshift wood shelf unit with  
9 about six inches of clearance from the top of the crib to the bottom of the shelf. She also  
10 observed a half gallon of milk on the ground and open containers of food and beverages scattered  
11 around the floor. Officer Raggio observed fecal matter on the exterior wall of the shed. Due to  
12 the lack of a bathroom, the officer believed that the fecal matter was human. She noted that R.  
13 had diarrhea leaking from his diaper to his sock on his right foot. M. was in a diaper without  
14 pants.

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

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

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

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

13 21. On or about May 7, 2015, Respondent was convicted on her plea of guilty to one  
14 count of violating PC 273a(b), and the remaining counts were dismissed. She was granted four  
15 years formal probation, ordered to complete 50 community service hours, totally refrain from the  
16 use, control, or possession of any controlled substances unless obtained with a current  
17 prescription from a licensed physician, and totally refrain from the use or possession of alcohol.  
18 She was ordered to submit to testing, treatment, or program designed to detect alcohol or  
19 controlled substances at her expense. She was ordered to enroll and successfully complete a child  
20 abuse program. A true and correct copy of the criminal court documents are attached as **Exhibit**  
21 **5** in the separate accompanying Default Decision Evidence Packet.

22 22. A true and correct copy of the Declaration of Costs is attached as **Exhibit 7** in the  
23 separate accompanying Default Decision Evidence Packet.

24 23. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on  
26 Respondent’s express admissions by way of default and the evidence before it, contained in  
27 Exhibits 1, 2, 3, 4, 5, 6, and 7, finds that the allegations in Accusation No. 7002015000499 are  
28 true.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Sarah Ann Callebs has subjected  
3 her Respiratory Care Practitioner License No. 30437 to discipline.

4 2. A copy of Accusation No. 7002015000499 and the related documents and  
5 Declaration of Service are attached in the separate accompanying Default Decision Evidence  
6 Packet.

7 3. The agency has jurisdiction to adjudicate this case by default.

8 4. Pursuant to its authority under California Government Code section 11520, and based  
9 on the evidence before it, the Board hereby finds that the charges and allegations contained in  
10 Accusation No. 7002015000499, and the Findings of Fact contained in paragraphs 1 through 23,  
11 above, and each of them, separately and severally, are true and correct.

12 5. The Respiratory Care Board is authorized to revoke Respondent's Respiratory Care  
13 Practitioner License based upon the following violations alleged in the Accusation:

14 Business and Professions code sections 3750(d), 3752 and 3752.5 [substantially-  
15 related conviction.

16 6. Respondent is hereby ordered to pay the below-listed costs of investigation and  
17 enforcement of this action in the amount of \$1,530.00.

18 ORDER

19 IT IS SO ORDERED that Respiratory Care Practitioner License No. 30437, heretofore  
20 issued to Respondent Sarah Ann Callebs, is revoked.

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

25 Respondent is ordered to reimburse the Respiratory Care Board the amount of \$1,530.00  
26 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not  
27 relieve Respondent of her responsibility to reimburse the Board for its costs. Respondent's  
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1 Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered  
2 under Business and Professions Code section 3753.5 have been paid.

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

7 This Decision shall become effective on January 21, 2016.

8 It is so ORDERED December 22, 2015.

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

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