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

12 In the Matter of the Statement of Issues Against:

Case No. 1H 2007 683

13 ALBERT R. AMBROSIO  
8425 Colony Court  
14 Paramount, California 90723

**STATEMENT OF ISSUES**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

22 2. On or about November 30, 2007, the Board received an application for a  
23 Respiratory Care Practitioner License from Albert R. Ambrosio (Respondent). On or about  
24 November 9, 2007, Respondent certified under penalty of perjury to the truthfulness of all  
25 statements, answers, and representations in the application. The Board denied the application on  
26 March 12, 2008.

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1 JURISDICTION

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

5 4. Section 3710 of the Code states: “The Respiratory Care Board of  
6 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
7 8.3, the Respiratory Care Practice Act].”

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

10 6. Section 3732, subdivision (b) of the Code states:  
11 “The board may deny an application, or may order the issuance of a license  
12 with terms and conditions, for any of the causes specified in this chapter for  
13 suspension or revocation of a license, including, but not limited to, those causes  
14 specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761.”

15 7. Section 3750 of the Code states:  
16 “The board may order the denial, suspension or revocation of, or the  
17 imposition of probationary conditions upon, a license issued under this chapter, for  
18 any of the following causes:

19 “ . . .

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

23 “ . . .

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

27 “ . . . .”

28 8. Section 3752 of the Code states:



1           11.     Section 3753.7 of the Code states:

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

5           12.     Section 3753.1, subdivision (a) of the Code states:

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

9                           FIRST CAUSE FOR DENIAL OF APPLICATION

10   (Conviction of a Crime)

11           13.     Respondent's application is subject to denial under Code sections  
12 3750, subdivision (d), and 3752, and California Code of Regulations, Title 16, section  
13 1399.370, subdivision (b), in conjunction with Code section 3732, subdivision (b), in that  
14 Respondent has been convicted of a crime substantially related to the qualifications,  
15 functions and duties of a respiratory care practitioner. The circumstances are as follows:

16           A.     On or about August 26, 2006, an Anaheim police officer was  
17 dispatched to a Fry's Electronics store where a theft suspect was being detained by  
18 store security. The loss prevention officer had observed via closed circuit  
19 television the actions of Respondent and a female suspect, who was Respondent's  
20 sister. Respondent selected a Hewlett Packard P.D.A. (personal digital assistant)  
21 from the shelf, and then selected a keyboard. He removed the P.D.A. from its box  
22 and concealed it the keyboard box. Respondent then gave the keyboard box to his  
23 sister, who proceeded to the cash register, paid for the keyboard, but made no effort  
24 to pay for the P.D.A. that was concealed in the same box. Respondent's sister was  
25 detained by security outside the store. After arresting Respondent's sister, the  
26 police officer also requested that the charge of grand theft be filed against  
27 Respondent, who had left the store prior to the arrival of the police, and who was  
28 later arrested.

1           B.     On or about October 30, 2006, in Orange County Superior Court  
2 Case No. 06NM13206, Respondent was charged with grand theft, in violation of  
3 Penal Code section 487(a), a misdemeanor.

4           C.     On or about January 3, 2007, Respondent was convicted pursuant to  
5 his plea of guilty to grand theft. He was placed on probation for three years on the  
6 following terms and conditions, including: serve 30 days in county jail (with credit  
7 for 1 day), and pay a restitution fine of \$100.00, a security fee of \$20.00, a  
8 probation revocation fine of \$100.00 (which was stayed), and booking fees of  
9 \$224.00. On or about March 22, 2007, Respondent completed a 28-day electronic  
10 monitoring program in lieu of his county jail sentence.

11                           SECOND CAUSE FOR DENIAL OF APPLICATION

12                           (Commission of a Fraudulent, Dishonest, or Corrupt Act)

13           14.     Respondent's application is subject to denial under Code section  
14 3750, subdivision (j), in conjunction with section 3732, subdivision (b), in that he  
15 committed a fraudulent, dishonest or corrupt act that is substantially related to the  
16 qualifications, functions, or duties of a respiratory care practitioner. Respondent had a  
17 conviction for grand theft on January 3, 2007. The facts and circumstances, set forth in  
18 above Paragraph 13 of this Statement of Issues, are incorporated herein by reference.

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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. Denying the application of Albert R. Ambrosio for a Respiratory Care Practitioner License;
- 2. Directing Albert R. Ambrosio 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; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: July 24, 2008

Original signed by Liane Zimmerman for:  
STEPHANIE NUNEZ  
Executive Officer  
Respiratory Care Board of California  
Department of Consumer Affairs  
State of California  
Complainant