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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against,  
14 **BRYAN MAGPANTAY BRAVO, R.C.P.**  
15 **13383 Beverly Hills Court**  
**Corona, CA 92880**  
16 **Respiratory Care Practitioner License**  
**No. 30876,**

Case No. 1H-2013-667

**DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

17  
18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about October 2, 2014, Complainant Stephanie Nunez, in her official capacity  
21 as the Executive Officer of the Respiratory Care Board of California (Board), Department of  
22 Consumer Affairs, filed Accusation No. 1H-2013-667 against Bryan Magpantay Bravo, R.C.P.,  
23 (respondent) before the Respiratory Care Board.

24 2. On or about December 7, 2010, the Board issued Respiratory Care Practitioner  
25 License No. 30876 to respondent Bryan Magpantay Bravo, R.C.P. Respiratory Care Practitioner  
26 License No. 30876 was in full force and effect at all times relevant to the charges brought in  
27 Accusation No. 1H-2013-667 and will expire on January 31, 2016, unless renewed. Respondent's

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1 certified license history is attached as Exhibit A to the accompanying Default Decision Evidence  
2 Packet<sup>1</sup> and is hereby incorporated by reference as if fully set forth herein.

3 3. On or about October 2, 2014, Tara M. Yoshikawa, an employee of the Board, served  
4 by Certified and First Class Mail, a true and correct copy of Accusation No. 1H-2013-667, and  
5 true and correct copies of the Statement to Respondent, Notice of Defense (two copies), Requests  
6 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7, on respondent at  
7 his address of record on file with the Board, which was and is: 13383 Beverly Hills Court,  
8 Corona, CA 92880. A true and correct copy of the Accusation, the related documents, and  
9 Declaration of Service are attached as Exhibit B to the accompanying Default Decision Evidence  
10 Packet, and are hereby incorporated by reference as if fully set forth herein. Service of the  
11 Accusation was effective as a matter of law under the provisions of Government Code section  
12 11505, subdivision (c).

13 4. On or about October 6, 2014, the Accusation and related documents were received by  
14 respondent. A copy of the signed receipt card is attached as Exhibit C to the accompanying  
15 Default Decision Evidence Packet and is hereby incorporated by reference as if fully set forth  
16 herein.

17 5. Government Code section 11506 states, in pertinent part:

18 “(a) Within 15 days after service of the accusation or District Statement of  
19 Reduction in Force the respondent may file with the agency a notice of defense ...

20 “...

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

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27 <sup>1</sup> 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.

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6. Respondent failed to file a Notice of Defense within 15 days after Accusation No. 1H-2013-667 was served on him (Exhibit D, Declaration of Deputy Attorney General Lori J. Forcucci) and, therefore, has waived his right to a hearing on the merits of Accusation No. 1H-2013-667.

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

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

“...”

8. Pursuant to its authority under Government Code section 11520, the Board hereby finds that respondent is in default. The Board will take action without further hearing and, based on respondent’s express admissions by way of default and the evidence before it, contained in Exhibits A through G, finds that the charges and allegations in Accusation No. 1H-2013-667, and each of them, separately and severally, are true and correct.

9. Section 3710 of the Code states:

“(a) 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].

“...”

10. Section 3718 of the Code states:

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

11. 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:

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“(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).

“... ”

12. Section 3752 of the Code states:

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

13. Section 3752.5 of the Code states:

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

1 14. Section 1399.370 of title 16 of the California Code of Regulations, states, in pertinent  
2 part:

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

9 “(a) Violating or attempting to violate, directly or indirectly, or assisting or  
10 abetting the violation of or conspiring to violate any provision or term of the Act.

11 “...”

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

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

21 16. Section 3753.7 of the Code states:

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

25 17. Section 3753.1 of the Code states, in pertinent part:

26 “(a) An administrative disciplinary decision imposing terms of probation may  
27 include, among other things, a requirement that the licensee-probationer pay the  
28 monetary costs associated with monitoring the probation.

1           “...”

2           18. Respondent has subjected his Respiratory Care Practitioner License No. 30876  
3 to disciplinary action under section 3750, as defined by sections 3750, subdivision (d),  
4 3752.5, and 3752, of the Code, and section 1399.370 of title 16 of the California Code of  
5 Regulations, in that he has been 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           19. On or about October 1, 2013, respondent called the Fontana Police Department (FPD)  
9 to report he had hit a man (victim) found to be in the presence of respondent's wife. Respondent  
10 hit the victim with a candle holder, and punched him in the face, body and hands. Respondent  
11 reported that the victim needed an ambulance, and that he, respondent, had a knife in his  
12 possession. (Exhibit E: Licensee Mandatory Reporting form and “Declaration of Defendant,”  
13 Byran Bravo.) On or about October 1, 2013, respondent was arrested for a violation of section  
14 245, subdivision (a)(1), of the Penal Code (assault with a deadly weapon).

15           20. On or about October 18, 2013, in the case entitled, *The People of the State of*  
16 *California vs. Bryan Magpantay Bravo*, San Bernardino Count Case No. FVA1301863,  
17 respondent was charged with Count 1, a violation of section 245, subdivision (a)(1), of the Penal  
18 Code (assault with a deadly weapon, (not a firearm), a felony. On or about May 21, 2014, the  
19 complaint in Case No. FVA1301863 was amended to allege Count 2, a violation of section 245,  
20 subdivision (a)(4), of the Penal Code (assault by means of force likely to produce great bodily  
21 injury), a felony.

22           21. On or about June 19, 2014, respondent was convicted upon his plea of guilty to Count  
23 2, a violation of section 245, subdivision (a)(4), of the Penal Code (assault by means of force  
24 likely to produce great bodily injury), a felony. Count 1 was dismissed. Respondent sentenced to  
25 supervised probation for the period of 36 months and was ordered to comply with the Court's  
26 terms and conditions, including but not limited to, counseling, restitution, and two days in county  
27 jail. (Exhibit F: Certified copy of Felony Complaint, Court Conviction Case Printout in Case No.  
28 FVA1301863.)



1 (b) Respondent has violated or attempted to violate, directly or indirectly, a  
2 provision or provisions, of the Respiratory Care Practice Act, as found in paragraphs  
3 4(a) above, in violation of California Business and Professions Code section 3750,  
4 subdivision (g).

5 **ORDER**

6 IT IS SO ORDERED that Respiratory Care Practitioner License No. 30876, heretofore  
7 issued to respondent Bryan Magpantay Bravo, R.C.P., is revoked.

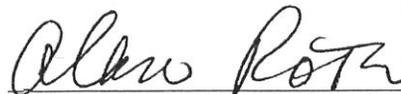
8 If respondent ever files an application for relicensure in the State of California, the Board  
9 shall treat it as a petition for reinstatement of a revoked license. Respondent must comply with  
10 all laws, regulations and procedures for reinstatement of a revoked license at the time that the  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

12 Respondent is ordered to reimburse the Respiratory Care Board the amount of One  
13 Thousand Fifteen dollars and no cents (\$1,015.00) for its investigative and enforcement costs.  
14 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
15 reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License No. 30876  
16 may not be renewed or reinstated unless all costs ordered under Business and Professions Code  
17 section 3753.5 have been paid.

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

22 This Decision shall become effective on May 1, 2015.

23 It is so ORDERED April 1, 2015.

24 

25 ALAN ROTH, MS, MBA, RRT-NPS, FAARC  
26 PRESIDENT, RESPIRATORY CARE BOARD  
27 DEPARTMENT OF CONSUMER AFFAIRS  
28 STATE OF CALIFORNIA

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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. 1H 2013 667

14 **BRYAN MAGPANTAY BRAVO, R.C.P.**  
15 **13383 Beverly Hills Court**  
**Corona, CA 92880**

**A C C U S A T I O N**

16 **Respiratory Care Practitioner**  
17 **License No. 30876,**

Respondent.

18  
19 **PARTIES**

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

23 2. On or about December 7, 2010, the Respiratory Care Board issued Respiratory Care  
24 Practitioner License No. 30876 to Bryan Magpantay Bravo, R.C.P. (respondent). The  
25 Respiratory Care Practitioner License was in full force and effect at all times relevant to the  
26 charges and allegations brought herein and will expire on January 31, 2016, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 3710 of the Code states:

6 “The Respiratory Care Board of California, hereafter referred to as the board,  
7 shall enforce and administer this chapter.” [Chapter 8.3, the Respiratory Care Practice  
8 Act].

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

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

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

15 “...

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

19 “...

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

25 “...”

26 7. Section 3752 of the Code states:

27 “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
28 made to a charge of any offense which substantially relates to the qualifications,

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

9 8. Section 3752.5 of the Code states:

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

14 9. California Code of Regulations, title 16, section 1399.370, states, in pertinent part:

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

21 “(a) Violating or attempting to violate, directly or indirectly, or assisting or  
22 abetting the violation of or conspiring to violate any provision or term of the Act.

23 “...”

#### 24 **COST RECOVERY**

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

26 “In any order issued in resolution of a disciplinary proceeding before the board,  
27 the board or the administrative law judge may direct any practitioner or applicant  
28 found to have committed a violation or violations of law or any term and condition of

1 board probation to pay to the board a sum not to exceed the costs of the investigation  
2 and prosecution of the case. A certified copy of the actual costs, or a good faith  
3 estimate of costs where actual costs are not available, signed by the official custodian  
4 of the record or his or her designated representative shall be prima facie evidence of  
5 the actual costs of the investigation and prosecution of the case.”

6 11. Section 3753.7 of the Code states:

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

10 12. Section 3753.1 of the Code states, in pertinent part:

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

14 “...”

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Crime Substantially Related to the Qualifications, Functions,  
17 Or Duties of a Respiratory Care Practitioner)**

18 13. Respondent has subjected his Respiratory Care Practitioner License No. 30876 to  
19 disciplinary action under section 3750, as defined by sections 3750, subdivision (d), 3752.5, and  
20 3752, of the Code, and section 1399.370, subdivision (a), of title 16 of the California Code of  
21 Regulations, in that he was convicted of a crime substantially related to the qualifications,  
22 functions or duties of a respiratory care practitioner, as more particularly alleged hereinafter:

23 14. On or about October 1, 2013, respondent called the Fontana Police Department (FPD)  
24 dispatch and reported he had just beat up his wife’s lover (victim), and the victim needed an  
25 ambulance. Respondent also reported to the FPD that “he had a knife in his possession.”  
26 Respondent did not injure the victim with the knife but hit him with a candle holder and punched  
27 the victim in the face, body and hands. The victim did not defend himself and held his hands up  
28 trying to protect himself from respondent.



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2. Ordering Bryan Magpantay Bravo, R.C.P. 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: October 2, 2014

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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