

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TRINA L. SAUNDERS
State Bar No. 207764
4 California Department of Justice
300 South Spring Street, Suite 1702
5 Los Angeles, California 90013
Telephone: (213) 620-2193
6 Facsimile: (213) 897-9395
Attorneys for Complainant
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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 Accusation Against:
13
14 DENNISE JOANNE BALDOVINO, RCP
2948 Fashion Avenue
15 Long Beach, California 90810
16 Respiratory Care Practitioner License 31425,
17 Respondent.

Case No. 1H 2013 371

ACCUSATION

18
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 (Board).

23 2. On May 31, 2011, the Board issued Respiratory Care Practitioner License No. 31425
24 to Dennise Joanne Baldovino (Respondent). That license was in full force and effect at all times
25 relevant to the charges brought herein and will expire on December 31, 2015, unless renewed.

26 **JURISDICTION**

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

1 indicated.

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

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

7 6. Section 3750 of the Code states, in relevant part, as follows:

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

10 “. . .

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

14 7. Section 3750.5 of the Code states, in relevant part, as follows:

15 “In addition to any other grounds specified in this chapter, the board may deny, suspend
16 place on probation, or revoke the license of any applicant or license holder who has done
17 any of the following:

18 “(a) Obtained, possessed, used, or administered to himself or herself in violation of law,
19 or furnished or administered to another, any controlled substances as defined in Division
20 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous
21 drug as defined in Article 2 (commencing with Section 4015) of Chapter 9, except as
22 directed by a licensed physician and surgeon, dentist, podiatrist, or other authorized health
23 care provider.

24 “. . .

25 “(d) Been convicted of a criminal offense involving [...] the possession of [...] the
26 substances described in subdivision (a), in which event the record of the conviction is
27 conclusive evidence thereof.”

28

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Involving Possession of a Controlled Substance)**

3 12. Respondent’s license is subject to disciplinary action under Code section 3750.5,
4 subdivision (d), in that she has been convicted of a criminal offense involving the possession of a
5 Schedule I controlled substance as defined in Health and Safety Code section 11054, subdivision
6 (d), in which event the record of the conviction is conclusive evidence thereof. The
7 circumstances are as follows:

8 13. On June 7, 2013, Respondent was driving in the vicinity of Alondra Boulevard and
9 Woodruff Avenue, in the city of Bellflower. Respondent stopped her vehicle at a pre-designated
10 area at a DUI checkpoint. An officer standing at the window on the driver’s side of her car
11 detected a strong odor of burnt marijuana coming from inside the vehicle. When questioned as to
12 whether there was marijuana in the car, Respondent nodded her head affirmatively and said, “Just
13 a little bit of weed somewhere in the back.” Respondent was detained until further investigation
14 could be completed. Although Respondent passed the field sobriety tests administered and it was
15 determined that she was not driving under the influence, the investigation revealed that she was in
16 possession of illegal drugs and related items. During a search of her car, officers found a plastic
17 pill bottle containing marijuana in the center console and a large glass marijuana bong on the
18 back seat. In addition, a Ziploc baggie containing powder cocaine was found in Respondent’s
19 purse, which was on the passenger side floor of the car. Respondent was read her Miranda rights.
20 She indicated that she understood those rights and agreed to speak to the officer on scene.
21 Respondent stated that the powder cocaine that was recovered was hers and was for her own
22 personal use. She also stated that she had recently developed a drug use problem. Respondent
23 was arrested.

24 14. On or about June 14, 2013, in a criminal proceeding entitled *People of State of*
25 *California v. Dennise Joanne Frijas Baldovino*, in *Los Angeles County Superior Court*, Case
26 Number VA130605, Respondent was charged in a Felony Complaint with one criminal count
27 relating to the acts that occurred around June 7, 2013. The felony criminal count was as follows:
28

1 Count 1: Health and Safety Code section 11350(a): Unlawful possession of a controlled
2 substance, to wit cocaine.

3 15. On or about July 22, 2013, Respondent pled guilty to violation of Health and Safety
4 Code section 11350(a) (count 1), a felony, unlawful possession of a controlled substance.

5 16. The Court placed Respondent on deferred entry of judgment for eighteen (18)
6 months, ordered that she not use or possess any narcotics, dangerous or restricted drugs or
7 associated paraphernalia except with a valid prescription, and cooperate in a plan for drug
8 counseling.

9 17. The Court ordered Respondent to appear in court on February 16, 2015, for deferred
10 entry of judgment termination/dismissal.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Obtained or Possessed a Controlled Substance in Violation of Law)**

13 18. Respondent's license is subject to disciplinary action under Code section 3750.5,
14 subdivision (a), in that she obtained and/or possessed in violation of law a controlled substances
15 as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code.¹ The
16 circumstances are as follows:

17 19. Paragraphs 12 through 17 above are incorporated by reference here as if set forth in
18 full.

19 **PRAYER**

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

22 1. Revoking or suspending Respiratory Care Practitioner License Number RCP 31425,
23 issued to Respondent Dennise Joanne Baldovino;

24
25

26 ¹ Health and Safety Code section 11055, subdivision (a), states as follows: "The
27 controlled substances listed in this section are included in Schedule II." Cocaine is a controlled
28 substance is a powerful nervous system stimulant listed under Schedule II. (Health & Saf. Code, §
11055, subd.(b)(6).)

1 2. Ordering Dennise Joanne Baldovino to pay the Respiratory Care Board the costs of
2 the investigation and enforcement of this case, and if placed on probation, the costs of probation
3 monitoring; and,

4 3. Taking such other and further action as deemed necessary and proper.
5

6 DATED: June 2, 2014

Original signed by Liane Freels for:

7 STEPHANIE NUNÉZ

8 Executive Officer

9 Respiratory Care Board of California

10 Department of Consumer Affairs

11 State of California

Complainant

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13 Final Accusation.docx
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