

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 PAUL C. AMENT
Supervising Deputy Attorney General
3 E. A. JONES III, State Bar No. 71375
Deputy Attorney General
4 ELAINE GYURKO
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 897-4944
Facsimile: (213) 897-9395

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:	Case No. 1H 2008 357
12 GLEN ALAN ASKLAND	A C C U S A T I O N
13 13122 Sutton Street	
14 Cerritos, California 90701	
15 Respiratory Care Practitioner License No. 5146	
Respondent.	

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about June 21, 1985, the Board issued Respiratory Care Practitioner
23 License Number 5146 to Glen Alan Askland (Respondent). This license was in full force and
24 effect at all times relevant to the charges brought herein and will expire on January 31, 2011,
25 unless renewed.

26 JURISDICTION

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

1 otherwise indicated.

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

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

7 6. Section 3750.5 of the Code states:

8 "In addition to any other grounds specified in this chapter, the board may deny,
9 suspend, or revoke the license of any applicant or license holder who has done any of the
10 following:

11 "(a) Obtained or possessed in violation of law, or except as directed by a licensed
12 physician and surgeon, dentist, or podiatrist administered to himself or herself, or
13 furnished or administered to another, any controlled substances as defined in Division 10
14 (commencing with Section 11000) of the Health and Safety Code.

15 ". . . .”

16 7. Section 492 of the Code states:

17 “Notwithstanding any other provision of law, successful completion of any
18 diversion program under the Penal Code, or successful completion of an alcohol and drug
19 problem assessment program under Article 5 (commencing with section 23249.50) of
20 Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established
21 under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any
22 initiative act referred to in that division, from taking disciplinary action against a licensee
23 or from denying a license for professional misconduct, notwithstanding that evidence of
24 that misconduct may be recorded in a record pertaining to an arrest.”

25 COST RECOVERY

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

27 "In any order issued in resolution of a disciplinary proceeding before the board,
28 the board or the administrative law judge may direct any practitioner or applicant found to

1 have committed a violation or violations of law to pay to the board a sum not to exceed
2 the costs of the investigation and prosecution of the case."

3 9. Section 3753.7 of the Code states:

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

7 10. Section 3753.1, subdivision (a) of the Code states:

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

11 CONTROLLED SUBSTANCE

12 11. Cocaine is a Schedule II controlled substance pursuant to Health and
13 Safety Code Section 11055.

14 CAUSE FOR DISCIPLINE

15 (Possession of a Controlled Substance)

16 12. Respondent is subject to disciplinary action under section 3750.5,
17 subdivision (a), of the Code in that he possessed the controlled substance cocaine. The
18 circumstances are as follows:

19 A. On or about June 9, 2008, Los Angeles County Deputy Sheriffs from the
20 Lennox Station observed that Respondent was driving his vehicle without the headlights
21 turned on, and then made a turn without signaling. The deputies initiated a traffic stop.
22 Respondent was arrested when he could not produce a valid driver's license or any
23 identification. The deputies searched Respondent, and recovered a paper bundle
24 containing a white powdery substance resembling cocaine from Respondent's pants'
25 pocket. When he was asked what the bundle was Respondent said, "It's just a little dope,
26 deputy." Respondent was also arrested for unlawful possession of a controlled substance.

27 B. On or about June 24, 2008, in Los Angeles County Superior Court
28 Complaint No. YA071998, Respondent was charged with possession of the controlled

1 substance cocaine, in violation of Health and Safety Code section 11350, subdivision (a),
2 a felony.

3 C. On or about July 9, 2008, Respondent was convicted pursuant to a plea of
4 guilty to possession of the controlled substance cocaine. Proceedings were suspended.
5 The court deferred entry of judgment, and respondent was placed on diversion for 18
6 months pursuant to Penal Code section 1000.2. He was ordered to pay an administrative
7 fee of \$150.00 and a diversion restitution fee of \$100.00, and complete a diversion drug
8 program. He was also ordered to comply with the standard diversion terms and
9 conditions.

10 PRAYER

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

- 13 1. Revoking or suspending Respiratory Care Practitioner License Number
14 5146 issued to Glen Alan Askland;
- 15 2. Ordering Glen Alan Askland to pay the Respiratory Care Board the costs
16 of the investigation and enforcement of this case, and if placed on probation, the costs of
17 probation monitoring; and
- 18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: March 11, 2009

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21 Original signed by Colleen Whitestine for:
22 STEPHANIE NUNEZ
23 Executive Officer
24 Respiratory Care Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant
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