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

11
12 In the Matter of the Accusation/Petition to
Revoke Probation Against:

13 TERI TERUMI ASAI, R.C.P.
12709 Farrington Street
14 Rancho Cucamonga, CA 91739
Respiratory Care Practitioner License No. 5655

15
16 Respondent.

Case No. R-2078 and D1-2006-580

OAH No. 00-000-00

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Stephanie Nunez (Complainant) is the Executive Officer of the
22 Respiratory Care Board of California. She brought this action solely in her official capacity and
23 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
24 California, by Matthew M. Davis, Deputy Attorney General.

25 2. TERI TERUMI ASAI, R.C.P. (Respondent) is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about June 28, 1985, the Respiratory Care Board of California
28 issued Respiratory Care Practitioner License No. 5655 to TERI TERUMI ASAI, R.C.P.

1 (Respondent). Respiratory Care Practitioner License No. 5655 was in full force and effect at all
2 times relevant to the charges brought in Accusation/Petition to Revoke Probation No. R-2078
3 and will expire on June 30, 2010, unless renewed.

4 JURISDICTION

5 4. Accusation/Petition to Revoke Probation No. R-2078 was filed before the
6 Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending
7 against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily
8 required documents were properly served on Respondent on January 16, 2009. Respondent
9 timely filed her Notice of Defense contesting the Accusation/Petition to Revoke Probation. A
10 copy of Accusation/Petition to Revoke Probation No. R-2078 is attached as exhibit A and
11 incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations
14 in Accusation/Petition to Revoke Probation No. R-2078. Respondent also has carefully read, and
15 understands the effects of this Stipulated Surrender of License and Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation;
18 the right to be represented by counsel, at her own expense; the right to confront and cross-
19 examine the witnesses against her; the right to present evidence and to testify on her own behalf;
20 the right to the issuance of subpoenas to compel the attendance of witnesses and the production
21 of documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in
27 Accusation/Petition to Revoke Probation No. R-2078, agrees that cause exists for discipline and
28 hereby surrenders her Respiratory Care Practitioner License No. 5655 for the Board's formal

1 acceptance.

2 CONTINGENCY

3 9. This stipulation shall be subject to approval by the Board. Respondent
4 understands and agrees that counsel for Complainant and the staff of the Board may
5 communicate directly with the Board regarding this stipulation and surrender, without notice to
6 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
7 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
8 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
9 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for
10 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
11 shall not be disqualified from further action by having considered this matter.

12 10. The parties understand and agree that facsimile copies of this Stipulated
13 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
14 and effect as the originals.

15 11. Respondent further agrees that if she ever petitions for reinstatement of
16 Respiratory Care Practitioner License No. 5655, she shall reimburse the Board for its costs of
17 investigation and enforcement in this case in the sum of two thousand four hundred forty-nine
18 dollars (\$2,449.00). Respondent further agrees that, if she ever petitions for reinstatement of
19 Respiratory Care Practitioner License No. 5655 and the Board votes to grant the petition, the
20 Board shall not be required to reinstate respondent's Respiratory Care Practitioner License No.
21 5655 until and unless respondent has fully reimbursed the Board the sum of two thousand four
22 hundred forty-nine dollars (\$2,449.00). Respondent may be permitted to pay these costs in a
23 payment plan approved by the Board.

24 ADDITIONAL PROVISIONS

25 12. The parties agree that, if accepted by the Board, this Stipulated Surrender
26 of License and Order shall constitute a complete and final resolution of the charges and
27 allegations contained in Accusation/Petition to Revoke Probation No. R-2078.

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: March 27, 2009

EDMUND G. BROWN JR., Attorney General
of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

Original signed by: _____
MATTHEW M. DAVIS
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2008803248
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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

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Respiratory Care Practitioner License No. 5655

Respondent.

Case No. R-2078 and D1-2006-580

OAH No. 00-000-00

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 11, 2009.

It is so ORDERED June 1, 2009

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA