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

10 In the Matter of the Interim Suspension Order  
 11 Against:

Case No. 1H 2012 493

12 **PATTI VAREE BURTON**  
 7625 N. First Street, Apt 176  
 13 Fresno, CA 93720

**STIPULATION TO AN ORDER  
 OF SUSPENSION;  
 ORDER**

14 **Respiratory Care Practitioner License No.**  
 15 **5741**

16 Respondent.

17  
 18 Petitioner Stephanie Nunez, Executive Officer of the Respiratory Care Board of California,  
 19 by and through her attorneys, Edmund G. Brown Jr., Attorney General of the State of California,  
 20 by Supervising Deputy Attorney General Jose R. Guerrero and Senior Legal Analyst Catherine  
 21 Santillan, hereby petitions the Office of the Administrative Hearings for an interim order  
 22 suspending Respiratory Care Practitioner License No. 5741 issued to PATTI VAREE BURTON  
 23 and by this Petition alleges as follows:

24 1. At all times herein, Respondent Patti Varee Burton (Respondent) has held Respiratory  
 25 Care Practitioner License No. 5741 which was issued on June 28, 1985. The Respiratory Care  
 26 Practitioner License was in full force and effect at all times relevant to the charges brought in  
 27 Interim Suspension Order No. 1H 2012 493 and will expire on July 31, 2014, unless renewed.  
 28

1           2.     Business and Professions code section 494 provides, in pertinent part, that:  
2 administrative law judge may issue an interim order suspending a license

3           “(a) A board or an administrative law judge sitting alone, as provided in  
4 subdivision (b), may upon petition issue an interim order suspending any  
5 licentiate or imposing license restrictions, including, but not limited  
6 to, mandatory biological fluid testing, supervision, or remedial training. The  
7 petition shall include affidavits that demonstrate, to the satisfaction of the  
8 board, both of the following:

- 9           (1) The licentiate has engaged in acts or omissions constituting a violation  
10 of this code or has been convicted of a crime substantially related to the licensed activity.  
11           (2) Permitting the licentiate to continue to engage in the licensed activity, or  
12 permitting the licentiate to continue in the licensed activity without restrictions,  
13 would endanger the public health, safety or welfare.”

14           3.     Section 3701 of the Business and Professions Code provide for the existence of the  
15 Board.

16           4.     Respondent was employed as a respiratory care practitioner at Community Medical  
17 Centers (CMC) in Fresno, California. The Board is currently investigating allegations that on  
18 June 18, 2012, Respondent was under the influence of alcohol in the workplace, and tested  
19 positive for alcohol. Respondent desires to cooperate with the Board’s investigation, and has  
20 agreed that it is in the best interest of all parties if she stipulates to a suspension order at this time.

21           5.     Respondent is aware of her right under Business and Professions code section 494,  
22 subdivision (c), to a noticed hearing on any Petition for Interim Order of Suspension, as well as  
23 all other rights accorded her under Business and Professions code section 494, subdivision (d),  
24 which include, at a minimum, the following rights:

- 25           (1) To be represented by counsel.  
26           (2) To have a record made of the proceedings, copies of which shall be available to the  
27 licentiate upon payment of costs computed in accordance with the provisions for transcript costs  
28 for judicial review contained in Section 11523 of the Government Code.  
          (3) To present affidavits and other documentary evidence.  
          (4) To present oral argument.

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1           6. Respondent PATTI VAREE BURTON hereby knowingly, intelligently, freely, and  
 2 voluntarily waives each and every one of the rights set forth and/or referenced above, and in lieu  
 3 of responding to a Petition for Interim Suspension Order agrees to a voluntary suspension of her  
 4 respiratory care practitioner (RCP) license no. 5741 immediately.

5           7. Respondent hereby stipulates that her license is suspended pending the resolution of  
 6 the charges against her. In so stipulating, Respondent acknowledges that her RCP License No.  
 7 5741 shall be suspended until the effective date of an decision by the Office of Administrative  
 8 Hearings, following the filing of an accusation. Respondent acknowledges that she is waiving the  
 9 15 day period in which Complainant is required to file an accusation pursuant to code sec 494(f).  
 10 Respondent acknowledges that she shall be prohibited from practicing as a respiratory care  
 11 practitioner in the State of California, pending the issuance of a final Decision and Order by the  
 12 Respiratory Care Board in the instant matter.

13           8. Respondent agrees that facsimile copies of this "Stipulation to an Order of  
 14 Suspension" including any and all facsimile signatures appearing thereon, may be used in lieu of  
 15 original documents and signatures, and further, that Facsimile copies and signatures shall have the  
 16 same force and effect as originals.

17 DATED: Oct 23, 2012

*Patti Varee Burton*  
 PATTI VAREE BURTON  
 Respondent

21 Dated: October 23, 2012

KAMALA D. HARRIS  
 Attorney General of California  
 JOSE R. GUERRERO  
 Supervising Deputy Attorney General

*Catherine Santillan*  
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**ORDER**

Pursuant to the foregoing Stipulation, and good cause appearing, it is hereby ordered that Respiratory Care Practitioner License No. 5741 issued to PATTI VAREE BURTON is immediately SUSPENDED.

This Order shall be served by regular mail upon Respondent at her address of record with the Board.

IT IS SO ORDERED this 26<sup>th</sup> day of October, 2012.

  
ADMINISTRATIVE LAW JUDGE

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