

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

In the Matter of the Accusation Against:

Case No. 1H 2008 708

DIANE F. BAHR
1211-1/2 Francisco Street
Berkeley CA 94702

Respiratory Care Practitioner License No. 5904

DECISION AND ORDER

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

This Decision shall become effective on October 6, 2010 .

It is so ORDERED September 21, 2010 .

Original Signed by: _____

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

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

10 In the Matter of the Accusation Against:

Case No. 1H 2008 708

11 **DIANE F. BAHR**
12 **1211 1/2 Francisco Street**
13 **Berkeley, CA 94702**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Respiratory Care Practitioner License No.**
15 **5904**

16 Respondent.

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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 Respiratory Care
22 Board of California. She brought this action solely in her official capacity and is represented in
23 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Catherine E.
24 Santillan, Senior Legal Analyst.

25 2. Diane F. Bahr (Respondent) is representing herself in this proceeding and has chosen
26 not to exercise her right to be represented by counsel.

27 3. On or about June 28, 1985, the Respiratory Care Board issued Respiratory Care
28 Practitioner License No. 5904 to Diane F. Bahr (Respondent). The license was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 1H 2008 708 and will expire
2 on April 30, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1H 2008 708 was filed before the Respiratory Care Board (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on May 10,
7 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 1H 2008 708 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 1H 2008 708. Respondent also has carefully read, and understands the effects of
12 this Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 1H 2008 708, agrees that cause exists for discipline and hereby surrenders her Respiratory
25 Care Practitioner License No. 5904 for the Board's formal acceptance.

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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: August 23 , 2010

Respectfully submitted,
EDMUND G. BROWN JR.
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General

Original signed by:

CATHERINE E. SANTILLAN
Senior Legal Analyst
Attorneys for Complainant

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