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

10  
11 In the Matter of the Accusation Against:  
12 **JACK STUART BRUNK, RCP**  
13 1041 Via Adorna  
14 Newbury Park, CA 91320  
15 Respiratory Care Practitioner's License No.  
16 RCP 7304  
17 Respondent.

Case No. 1H-2010-192

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

18  
19 FINDINGS OF FACT

20 1. On or about March 25, 2011, Complainant Stephanie Nunez, in her official capacity  
21 as the Executive Officer of the Respiratory Care Board of California (Board), filed Accusation  
22 No. 1H-2010-192 against Jack Stuart Brunk (Respondent) before the Board.

23 2. On or about July 26, 1985, the Board issued Respiratory Care Practitioner's License  
24 No. RCP 7304 to Respondent. The Respiratory Care Practitioner's License was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on May 31, 2012, unless  
26 renewed.

27 3. On or about March 25, 2011, Stephanie M. Aguirre, an employee of the Complainant  
28 Agency, served by Certified Mail a copy of the Accusation No. 1H-2010-192, Statement to

1 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
2 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 1041  
3 Via Adorna, Newbury Park, CA 91320. A copy of the Accusation, the related documents, and  
4 Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

5 4. Service of the Accusation was effective on March 25, 2011, as a matter of law under  
6 the provisions of Government Code section 11505, subdivision (c).

7 As of April 20, 2011, more than 15 days after service of the Accusation, Respondent has  
8 failed to submit a written request for hearing to the Board. A copy of the certified mail receipt  
9 from the post office is attached as exhibit B, and is incorporated herein by reference.

10 5. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
12 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
13 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 Respondent failed to file a Notice of Defense within 15 days after service upon him of the  
16 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 1H-2010-  
17 192.

18 6. California Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
20 agency may take action based upon the respondent's express admissions or upon other evidence  
21 and affidavits may be used as evidence without any notice to respondent."

22 7. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on  
24 Respondent's express admissions by way of default and the evidence before it, contained in  
25 exhibits A, B, C and D finds that the allegations in Accusation No. 1H-2010-192 are true.

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DETERMINATION OF ISSUES

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2           1.     Based on the foregoing findings of fact, Respondent Jack Stuart Brunk has subjected  
3 his Respiratory Care Practitioner's License No. RCP 7304 to discipline.

4           2.     A copy of the Accusation and the related documents and Declaration of Service are  
5 attached.

6           3.     The agency has jurisdiction to adjudicate this case by default.

7           4.     The Board is authorized to revoke Respondent's Respiratory Care Practitioner's  
8 License based upon the following violations alleged in the Accusation:

9           a.     On or about February 8, 2010, Respondent was convicted of a crime  
10 substantially related to the qualifications, functions or duties of a respiratory practitioner in  
11 violation of Business and Professions code sections 3750, subdivisions (d), (g), and (j), and 3752,  
12 Title 16 of the California Code of Regulations section 1399.370, subdivisions (a) and (b), and  
13 Title 26 of the United States Code section 7201. The certified court records of the conviction are  
14 attached as Exhibit C, and incorporated here as if fully set forth.

15           b.     Respondent committed fraud or a dishonest act when he willfully failed to  
16 report any income received from SDI Future Health, Inc. (SDI) when, in truth and in fact, his  
17 reportable income derived from compensation paid to him by SDI was in excess of \$89,700,  
18 resulting in unreported income and undeclared tax due and owing in an amount in excess of  
19 \$25,000 during the 1999 tax year, and when he made affirmative attempts to evade or defeat an  
20 income tax by causing SDI's accounts payable clerk to book his bi-weekly salary payments as  
21 "loans" on SDI's ledgers and to file forms with the IRS that under-reported the amount of  
22 compensation paid to him as salary and benefits, and therefore, is subject to disciplinary action  
23 under Business and Professions Code section 3750, subdivision (j), and Title 16 of the California  
24 Code of Regulations section 1399.370, subdivision (b).

25           5.     Respondent is hereby ordered to pay the above costs of investigation and enforcement  
26 of this action as stated in Attachment D.

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**ORDER**

IT IS SO ORDERED that:

1. Respiratory Care Practitioner's License No. RCP 7304, heretofore issued to Respondent Jack Stuart Brunk is revoked.

2. If Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

3. Respondent is ordered to reimburse the Board the amount of \$4,990.00 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

4. Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 26, 2011.

It is so ORDERED May 27, 2011

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