

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

In the Matter of the Accusation Against:

Case No. 1H 2011 372

WILLIAM LLOYD CLOER
10 San Pablo Avenue, #3566
San Rafael, CA 94903 CA 92571

Respiratory Care Practitioner License No. 7699

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 March 22,2012.

It is so ORDERED March 12, 2012.

Original signed by: _____

MURRAY L. OLSON, RCP, RRT-NPS, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
State Bar No. 97276
3 Supervising Deputy Attorney General
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Attorneys for Complainant

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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 2011 372

11 **WILLIAM LLOYD CLOER**
12 **10 San Pablo Avenue #3566**
13 **San Rafael, CA 94903**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Respiratory Care Practitioner License No.**
15 **7699**

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 Kamala D. Harris, Attorney General of the State of California, by Catherine E.
24 Santillan, Senior Legal Analyst.

25 2. William Lloyd Cloer (Respondent) is represented by attorney Edgardo Gonzales at
26 1300 Clay Street, Suite 600 in Oakland, California, 94612 in this proceeding.

27 3. On or about July 26, 1985, the Respiratory Care Board of California issued
28 Respiratory Care Practitioner License No. 7699 to William Lloyd Cloer (Respondent). The
Respiratory Care Practitioner License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 1H 2011 372 and will expire on April 30, 2013, unless
2 renewed.

3 JURISDICTION

4 4. Accusation No. 1H 2011 372 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 November
7 23, 2011. Respondent has filed a Notice of Defense. A copy of Accusation No. 1H 2011 372 is
8 attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 1H 2011 372. Respondent also has carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
13 and Order.

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

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

23 RESERVATION

24 8. The admissions made by Respondent herein are only for the purposes of this
25 proceeding, or any other proceedings in which the Respiratory Care Board or other professional
26 licensing agency is involved, and shall not be admissible in any other criminal or civil
27 proceeding.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 1H 2011 372, agrees that cause exists for discipline and hereby surrenders his Respiratory
4 Care Practitioner License No. 7699 for the Board's formal acceptance.

5 10. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Respiratory Care Practitioner License without further
7 process.

8 CONTINGENCY

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

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

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following Order:

23 ORDER

24 IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 7699, issued to
25 Respondent William Lloyd Cloer, is surrendered and accepted by the Respiratory Care Board.

26 1. The surrender of Respondent's Respiratory Care Practitioner License and the
27 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
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1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Respiratory Care Board of California.

3 2. Respondent shall lose all rights and privileges as a respiratory care practitioner in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 1H 2011 372 shall be deemed to be true, correct and admitted by Respondent
12 when the Board determines whether to grant or deny the petition.

13 5. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 1H 2011 372 shall be
16 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
17 Issues or any other proceeding seeking to deny or restrict licensure.

18 6. Respondent shall pay the Board its costs of investigation and enforcement in the
19 amount of \$3,120.00 prior to issuance of a new or reinstated license.

20 ACCEPTANCE

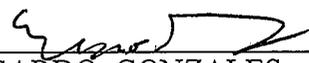
21 I have carefully read the Stipulated Surrender of License and Order. I understand the
22 stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into
23 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
24 agree to be bound by the Decision and Order of the Respiratory Care Board.

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26 DATED: 1-21-2012


27 WILLIAM LLOYD CLOER
28 Respondent

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I have read and fully discussed with Respondent William Lloyd Cloer the terms and conditions and other matters contained in the Stipulated Surrender of License and Order. I approve its form and content.

DATED: 1-25-12 
EDGARDO GONZALES
Attorney for Respondent

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: Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General

CATHERINE E. SANTILLAN
Senior Legal Analyst
Attorneys for Complainant

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I have read and fully discussed with Respondent William Lloyd Cloer the terms and conditions and other matters contained in the Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____
EDGARDO GONZALES
Attorney for Respondent

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: *January 27, 2012*

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

Catherine Santillan
CATHERINE E. SANTILLAN
Senior Legal Analyst
Attorneys for Complainant

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