

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
MISDEMEANOR PLEA FORM

GJR

FEB 03 2017

People v. SCOTT BOWLER Case Number: RIM 1518411

A. ADVISEMENT OF RIGHTS:

- Initials
- SB 1. I have the right to a speedy and public trial by a judge or jury.
  - SB 2. At my trial, I have the right to face and cross-examine any witnesses against me.
  - SB 3. I have the right to ask the court to compel witnesses to attend my trial at no expense to me.
  - SB 4. I have the right against self-incrimination: I cannot be forced to testify against myself, but I also have the right to testify in my own defense if I choose to do so.
  - SB 5. I have the right to be represented by a lawyer at all proceedings. If I cannot afford one, the court will appoint one to represent me at no cost to me.
  - SB 6. I have the right to have a court reporter at all proceedings. If I wish one, I will advise the court in advance. If I cannot afford to pay for the court reporter, the court will provide one at no cost to me.

B. CONSEQUENCES OF PLEA:

- SB 1. I will be ordered to pay restitution to the victim(s).
- SB 2. I agree that the amount of victim restitution is N/A. If the parties do not agree, the probation department will determine the amount. If I disagree with the amount, I may request a hearing.
- SB 3. Charges and/or enhancements may have been dismissed as part of this negotiated disposition with the District Attorney's Office. I agree that I will be ordered to pay restitution to the victim(s) of the dismissed charges and/or enhancements.
- SB 4. I will be ordered to pay a restitution fine of at least \$150 and not more than \$1000. There are several other fines and fees that will be imposed as a result of this guilty plea.
- SB 5. If I am not a citizen of the United States, I understand that this conviction may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- SB 6. Being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, I can be charged with murder.
- SB 7. My driving privileges may be suspended or revoked by the Department of Motor Vehicles.
- SB 8. I may not be able to own or possess a firearm if I am convicted of a crime involving domestic violence, assault, or a firearm violation.
- SB 9. I understand that I will be ordered to register with law enforcement as a(n) \_\_\_\_\_ and that if I fail to register or to keep my registration current for any reason, new felony criminal charges may be filed against me. I understand that registration as a sex offender is a life long requirement.
- SB 10. I may be required to undergo AIDS testing if I am convicted of sex crimes or an assault.
- SB 11. I may be required to give a DNA sample.
- SB 12. Other \_\_\_\_\_

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JAN 31 2017  
J. Degen

C. DEFENDANT'S STATEMENT:

- SB 1. All the promises made to me are written on this form, or stated in open court.
- SB 2. No one has made any threats to me or anyone close to me, or placed any pressure of any kind on me in order to make me plead guilty.
- SB 3. I understand that if I violate any of my probation terms, I could be sentenced to the maximum custody term possible under these charges as set forth under "Plea Agreement", Item 3.
- SB 4. If there are any dismissed charges, they may be considered in determining restitution and the appropriate sentence.
- SB 5. As part of this plea, I (circle one) do / do not waive any right to appeal that I may have.
- SB 6. Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.

**D. PLEA AGREEMENT:**

1. ~~Defendant in Pro Per: I will plead guilty to the complaint as charged.~~
2. Per agreement with the District Attorney, I will plead guilty to the following charges: V.C. 23152(B)  
V.C. 23578
3. Defendant represented by an Attorney: The terms of the disposition are: ADMIT 1 PRIOR  
45 CWRP
4. The maximum possible custody commitment for the admitted charges may be: 1 year, 6 months, or 90 days, depending on the charge. These are per count. CTS 2  
4 SP
5. My guilty pleas are conditional on receiving the following considerations as to sentence:
  - a) Probation will be granted. The terms are in the Sentencing Memorandum Form which is incorporated into this Plea Form.
  - b) ~~Probation will be denied. The terms are in the Sentencing Memorandum Form which is incorporated into this Plea Form.~~

**E. SIGNATURES:**

**District Attorney:** The above is a correct statement of the Plea Agreement between defense and prosecution.

1/31/17 (DATE) Timothy S. Brown (PRINT NAME) [Signature] (SIGNATURE)

**Defendant:** I have read and understand this entire document. I waive and give up all of the rights that I have initialed. I accept this Plea Agreement. An Attorney acting as a Judge Pro Tem or a Commissioner may act as a Judge in this case.

1-28-2017 (DATE) Scott Rowler (PRINT NAME) [Signature] (SIGNATURE)

**Defense Attorney:** I am the attorney for the defendant. I am satisfied that (1) the defendant understands his/her constitutional rights and understand that a guilty plea would be a waiver of these rights; (2) the defendant has had an adequate opportunity to discuss his/her case with me, including any defenses he/she may have to the charges; and (3) the defendant understands the consequences of his/her guilty plea. I join in the decision of the defendant to enter a guilty plea.

1-28-17 (DATE) Mark Cantrell (PRINT NAME) [Signature] (SIGNATURE)

**Interpreter:** Having been duly sworn, I have translated this form to the defendant in the \_\_\_\_\_ language. The defendant has stated that he/she fully understood the contents of the form prior to signing.

\_\_\_\_\_  
(DATE) (PRINT NAME) (SIGNATURE)

.15

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
SENTENCING MEMORANDUM

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People v. **Scott Bowler**

THE FOLLOWING CHECKED TERMS AND  
CONDITIONS ARE ORDERED BY THE COURT

Case Number **RM151841**

<input checked="" type="checkbox"/> PAS <input type="checkbox"/> FPQ <input checked="" type="checkbox"/> SPG <input checked="" type="checkbox"/> T1	Proceedings are suspended. Formal probation granted for <u>48</u> months. Summary probation granted for <u>48</u> months. Obey all laws, ordinances, and court orders.	<input checked="" type="checkbox"/> MISDEMEANOR <input type="checkbox"/> FELONY Charges admitted: <b>VC 23152 (B)</b> Prior admitted: <b>VC 23573</b> Enhancements: <b>1 prior 23103.5 RW (20B)</b> 654 Counts <b>stayed pursuant to PC 654.</b>
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CUSTODY / WORK PROGRAMS / COMMUNITY SERVICE	
<input checked="" type="checkbox"/> TAA: Be committed to the custody of RSO for <u>45</u> days. Custody to be served as follows: <input type="checkbox"/> TAJ1: <u>41</u> days to be served in the Work Release Program. <input type="checkbox"/> THA: Report on or before <u>2/24/17</u> Perform _____ hours of community service through Alternative Sentencing and report to program within 14 days, excluding time in custody. File proof of completion by _____. <input type="checkbox"/> TAD: Committed to custody of RSO for one day for booking purposes only. Report to _____ by _____.	<input type="checkbox"/> CTS: Credit time served <u>2</u> days actual + <u>2</u> days PC § 4019 <input type="checkbox"/> CTSVF: Credit time served _____ days actual + _____ days PC § 2933.1 <input type="checkbox"/> GJS: _____ days county jail ordered suspended. <input type="checkbox"/> CJSCS: County jail sentence consecutive to _____ <input type="checkbox"/> CJSC: County jail sentence concurrent with _____ <input type="checkbox"/> CJSL: County jail time to be served in _____ in lieu of County jail. <input type="checkbox"/> CJSS: County jail sentence stay granted; defendant ordered to surrender _____ at _____ in Dept. _____ <input type="checkbox"/> TXY6: Report immediately to the Riverside Sheriff's Live Scan office for fingerprinting: [I=IN, IR=R] and [S=SW].

FINES / FEES / RESTITUTION: All fines, fees and restitution imposed shall be paid to the Court, as directed by the Enhanced Collections Division.	
<input checked="" type="checkbox"/> TBL(TBLG): Pay fine and penalty assessment of \$ <u>1949</u> <input type="checkbox"/> TBHL1/2: Pay fine of \$ _____ or serve time in jail, at rate of \$ _____ per day. <input type="checkbox"/> concurrent <input type="checkbox"/> consecutive. <input checked="" type="checkbox"/> TXV1: Pay booking fees of \$ <u>514.50</u> (PC § 29550). <input type="checkbox"/> TMC1: Pay fee of \$500 to domestic violence fund (PC § 1203.097(a)(6)). <input checked="" type="checkbox"/> TYC: Pay restitution fine of \$ <u>150</u> (PC § 1202.4(b)). <input type="checkbox"/> TYC4: Pay 10% of the restitution fine for administrative fee of \$ _____ (PC § 1202.4(i)). <input checked="" type="checkbox"/> TYF1: Pay probation revocation restitution fine of \$ <u>150</u> (PC § 1202.44). Stayed pending completion of Probation. The stay of your obligation to pay the probation revocation restitution fine of \$ _____ is dissolved (PC § 1202.44). Payment is due immediately. Payment of fines due by _____ or appear at 7:30 am on that date in this court. <input type="checkbox"/> POF	<input type="checkbox"/> TCE: Pay victim restitution of \$ _____ (PC § 1203.1(a)(3)). <input type="checkbox"/> TCB/Z: Pay victim restitution; amount to be determined by the Probation Department; disputes as to the amount to be resolved at a court hearing (PC § 1203.1(a)(3)). <input type="checkbox"/> TCQ: Pay interest on restitution of 10% per annum from _____ (PC § 1202.4(f)(3)(G)). <input type="checkbox"/> TCH/1: Pay restitution of \$ _____ to DPSS and report to DPSS Recovery Unit within 5 days of sentencing. <input type="checkbox"/> TXT4: Complete and return a Financial Disclosure form to the court on or before _____ or within 5 days of release. <input checked="" type="checkbox"/> TYG/A: If your fine(s) or actual restitution is not paid in full more than 120 days before completion of probation you are ordered to re-contact Enhanced Collections and complete a new Financial Disclosure Statement form (PC § 1202.4(f)(1)). <input type="checkbox"/> CORECD: Report to cooperate with Enhanced Collections immediately or within two business days of release from custody.

ALCOHOL / DUI / DRIVING LICENSE	
<input type="checkbox"/> TDA: Do not consume alcoholic beverages; do not frequent places where they are main item of sale. <input checked="" type="checkbox"/> TDE: Do not drive with any measurable amount of alcohol or drugs in your blood, or within 8 hours of consuming alcohol or any drugs. <input checked="" type="checkbox"/> TDF: If arrested for driving under the influence of intoxicants, submit to blood, breath, or urine test as requested by the arresting officer. <input checked="" type="checkbox"/> TDH: Do not drive without valid license, insurance & registration. <input type="checkbox"/> TDM1/A: Install an ignition interlock device in each vehicle you own or operate by _____ and maintain for a period of _____ months from the date of reinstatement of your driving privilege. <input type="checkbox"/> TDM2: File proof of installation of IID by _____. <input type="checkbox"/> TDM12: IID installation is stayed as long as you do not own or operate any vehicle. <input type="checkbox"/> PPIID: Provide proof of installation of IID by returning the verification form to the court by _____ or appear at _____ in Dept. _____ on that date.	<input type="checkbox"/> TDG1 <input type="checkbox"/> TDG3 <input checked="" type="checkbox"/> TDG2 <input type="checkbox"/> YDG4 <input type="checkbox"/> TDG7 <input type="checkbox"/> TDN1/A <input type="checkbox"/> TDN1B <input type="checkbox"/> DMVNJR <input type="checkbox"/> TXD3 <input type="checkbox"/> TXG1 <input type="checkbox"/> TXG4/A <input type="checkbox"/> THV

DRUG / SEARCH / TEST PROGRAM TERMS	
<input type="checkbox"/> TDL1: Do not knowingly use or possess any controlled substances, unless lawfully prescribed for you. <input type="checkbox"/> TEC: Submit to chemical test of your blood, saliva, breath or urine or any reasonable physical test upon request of any law enforcement or probation officer. <input type="checkbox"/> TEA1/A: Submit to immediate search of person/property including all residences/premises/ storage units, containers & vehicles under your control; by probation officer or law enforcement officer; with or without cause; <input type="checkbox"/> TEA1B: Search for the detection of _____ <input type="checkbox"/> TEF2: Provide a DNA sample as directed by probation or law enforcement personnel (PC § 296(a)). <input type="checkbox"/> TXJ1/A: Submit to HIV/AIDS testing by RSO (in-custody)/County Health Department within 5 days of this order (PC § 1202.1). <input type="checkbox"/> THP: Enroll in AIDS education program by _____ and complete by _____.	<input type="checkbox"/> THK1 <input type="checkbox"/> THK2 <input type="checkbox"/> THK3 <input type="checkbox"/> THK4 <input type="checkbox"/> TDB <input type="checkbox"/> TDB3 <input type="checkbox"/> THG/A <input type="checkbox"/> THF/A

Register with local law enforcement within 5 days from today or within 5 days upon release from custody:  
 PC § 280  
 H&S § 11590  
 PC § 457.1  
 PC § 186.30

Attend \_\_\_\_\_ AA meetings or approved alternative program.  
 Provide proof of completion to probation/court by \_\_\_\_\_  
 Attend \_\_\_\_\_ NA meetings or approved alternative program.  
 Provide proof of completion to probation/court by \_\_\_\_\_  
 Reside at \_\_\_\_\_ cooperate with staff and do not leave without permission.  
 Participate and complete at your expense any counseling, rehabilitation/treatment, program deemed appropriate by probation officer; and authorize release of information relative to progress.

FEB 03 2017  
 S.J.P.  
 R

**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF RIVERSIDE  
 JAN 31 2017

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
SENTENCING MEMORANDUM

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People v.

**Scott Bowler**

Case Number: **RM151841**

**DRUG / SEARCH / TEST PROGRAM TERMS (Continued)**

<input type="checkbox"/> TMJ	Report to the Alternative Sentencing within 14 days (excluding time in custody) and:	<input type="checkbox"/> TMF	Enroll in parenting classes as directed thru the Court / Probation/ Alternative Sentencing/DPSS by _____, Complete by _____.
<input type="checkbox"/> TMB	Enroll in a 62-week Domestic Violence Program and provide proof of enrollment to the court/probation by _____ and complete by _____.	<input type="checkbox"/> TMA	Enroll in Anger Management Program by _____ and complete by _____.
		<input type="checkbox"/> TME1	Enroll in probation approved 1-year minimum Child Abuse Treatment Prog. Provide proof within 30 days of order/release.

\*Submit proof of enrollment and/or completion of the above noted programs as directed by your probation officer and/or Alternative Sentencing.

**ASSOCIATION / RESIDENCE / WORK TERMS**

<input type="checkbox"/> THO	Do not associate with any unrelated person you know to be on probation or parole.	<input type="checkbox"/> THC	Inform the probation officer of your place of residence and reside at residence approved by the probation officer;
<input type="checkbox"/> THO1	Do not associate with any unrelated person you know to be either on probation, on parole, or a gang member.	<input type="checkbox"/> THC1	Give written notice to the probation officer 24 hours before changing your residence and do not move without the approval of the probation officer.
<input type="checkbox"/> TDK	Do not associate with any unrelated person you know to be a possessor, user or trafficker of controlled substances.	<input type="checkbox"/> THB	Seek and maintain employment or attend a full time school or vocational program.
<input checked="" type="checkbox"/> THR	Do not leave the State of California without first obtaining written permission of the probation department per the Interstate Compact Act.		

**TAGGER TERMS**

<input type="checkbox"/> TLR	Do not engage in tagging, marking, painting, scribing or defacing public and/or private property.	<input type="checkbox"/> TLU	Submit to immediate search of person/auto/residence, surrounding premises/storage areas/personal property by probation or law enforcement officer with or without reasonable cause;
<input type="checkbox"/> TLS	Do not knowingly use or possess spray paint, markers, scribers, aerosol nozzles, or other items that you know are commonly used for tagging.	<input type="checkbox"/> TLU1	for detection of tagging and/or scribing items such as: spray paint, markers, scribers, aerosol nozzles or other items commonly used for tagging.
<input type="checkbox"/> TLT	Do not associate with any person you know to engage in tagging or similar activities.		

**ADDITIONAL PROBATION TERMS**

<input type="checkbox"/> THJ/A	Do not knowingly own/possess/have under your control / immediate access to any firearm/lethal weapon, ammunition or weapon related paraphernalia/incendiary device. Weapon ordered destroyed (PC § 12028). Stay _____ yards away from _____ and don't enter premises described as _____.	<input type="checkbox"/> THD	Have no direct or indirect contact with _____.
<input type="checkbox"/> TXA2		<input type="checkbox"/> TFK	Do not annoy, harass, threaten or disturb the peace of _____.
<input type="checkbox"/> TFO		<input type="checkbox"/> TMI	Any valid Domestic Violence protection/restraining order existing during the period of probation is incorporated into probation terms.

Other: **Madd - Complete by 5/2/17 sawm/21**

**ADDITIONAL FORMAL PROBATION TERMS**

<input type="checkbox"/> THM1	If expelled or deported, do not re-enter the United States illegally.	<input type="checkbox"/> THL	Report to probation officer immediately or upon release from custody, and abide by all reasonable directives of probation officer.
<input type="checkbox"/> THM2	If expelled, deported, or voluntarily leave the United States, you must report to probation by telephone or in writing within 30 days of departure.	<input type="checkbox"/> THI	Report any law enforcement contacts to probation officer within 48 hours.

**ADDITIONAL ORDERS OF THE COURT**

<input checked="" type="checkbox"/> TXX	Pay court operations assessment fee of \$40 per convicted charge (PC § 1465.8).	<input type="checkbox"/> TXL	Pay cost of pre-sentence report in amount to be determined by Probation, not to exceed \$ _____ (PC § 1203.1b).
<input checked="" type="checkbox"/> TXW	Pay court conviction assessment fee of \$80 per convicted misdemeanor/felony charge (GC § 70373).	<input type="checkbox"/> TXM/A	Pay the costs of probation supervision in an amount to be determined by Probation. Based on the level of supervision, the costs will range from \$ _____ to \$ _____ (PC § 1203.1b).
<input type="checkbox"/> TXW1	Pay court conviction assessment fee of \$35 per convicted infraction charge (GC § 70373).	<input type="checkbox"/> TEE	Pay the actual cost of court ordered drug testing through the court as directed by Enhanced Collections.
<input type="checkbox"/> TXV2	Pay citation fees of \$10 (GC § 29550).	<input type="checkbox"/> DORECA	Report to Enhanced Collections immediately, or within two business days after release, regarding ability to pay attorney fees: total hours _____.
<input type="checkbox"/> TXV3	Pay O.R. fees of \$25 (GC § 29550).	<input type="checkbox"/> CFAP	Court finds defendant has the ability to reimburse the county for attorney fees at the standard rate of \$119.50 per hour. Attorney fees ordered in the amount of \$ _____.
<input type="checkbox"/> TBAL	Pay drug lab fee and penalty assessment of \$190 (H&S § 11372.5).	<input type="checkbox"/> FNPAF	Any fine/fee not paid in full by _____ will be subject to a \$50 administrative fee (PC § 1205(d)).
<input type="checkbox"/> TBOL	Pay additional drug lab fee - total \$ _____ (H&S § 11372.5). (\$50 each additional conviction).	<input checked="" type="checkbox"/> TXV5	Pay Pre-Sentence Incarceration costs of \$ <b>284.84</b> (Incarcerated for <b>2</b> days). (PC 1203.1c).
<input type="checkbox"/> TBBL	Pay drug education fee and penalty assessment of \$190 (H&S § 11372.7).	<input type="checkbox"/> PHS	Defendant is ordered to return to court on _____ at _____ in Dept. _____ for _____.
<input type="checkbox"/> TBQL	Pay additional drug education fee - total \$ _____ (H&S § 11372.7) (\$50 each additional conviction).	<input type="checkbox"/> THY	Return to court on _____ at _____ in Dept. _____ for a progress hearing to evaluate your compliance with the above terms and conditions.
<input type="checkbox"/> TBKL	Pay an alcohol and drug assessment fee of \$100 (VC § 23649).		
<input type="checkbox"/> TXP4	Pay AIDS Education fine of \$ _____ (PC § 1463.23)		
<input type="checkbox"/> TCS	Pay administrative fee equal to 15% of victim restitution (PC § 1203.1(f)).		

I have read, I understand, and I accept these terms and conditions of probation on pages one and two.

Defendant: *Scott Bowler* Defense Attorney: *Mark Carter*  
 District Attorney: \_\_\_\_\_ Interpreter: \_\_\_\_\_  
 Dated: *1-28-2017* IT IS SO ORDERED: \_\_\_\_\_ JUDICIAL OFFICER

**NOTICE TO DEFENDANT:** If you have been placed on probation, you have the right to ask the court either (1) to allow you to withdraw your plea of guilty or of nolo contendere and to enter a plea of not guilty, or (2), if you were convicted after a plea of not guilty, to set aside the verdict of guilty. (For details, see Penal Code section 1203.4.) If you have been convicted of a misdemeanor and not placed on probation, and one year has passed since pronouncement of judgment, you have the right to make a similar request. (For details, see Penal Code section 1203.4a.) Forms on which to make such requests are available in the clerk's office.



5. As part of this plea, I (circle one) do / do not waive any right to appeal that I may have.
6. Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.

**D. PLEA AGREEMENT:**

1. Defendant in Pro Per: I will plead guilty to the complaint as charged.
2. Per agreement with the District Attorney, I will plead guilty to the following charges: *23103.5 wet reckless*
3. Defendant represented by an Attorney: The terms of the disposition are: *3 yr. Sum. Prob*
4. The maximum possible custody commitment for the admitted charges may be; 1 year, 6 months, *SB 1176 Fine* or 90 days, depending on the charge. These are per count.
5. My guilty pleas are conditional on receiving the following considerations as to sentence:
  - a) Probation will be granted. The terms are in the Sentencing Memorandum Form which is incorporated into this Plea Form.
  - b) Probation will be denied. The terms are in the Sentencing Memorandum Form which is incorporated into this Plea Form.

**E. SIGNATURES:**

**District Attorney:** The above is a correct statement of the Plea Agreement between defense and prosecution.

11/4/13                      Steve Stout                      [Signature]  
 Date                              Print Name                              Sign Name

**Defendant:** I have read and understand this entire document. I waive and give up all of the rights that I have initiated. I accept this Plea Agreement. An Attorney acting as a Judge Pro Tem or a Commissioner may act as a Judge in this case.

11-1-13                      Scott Bowler                      [Signature]  
 Date                              Print Name                              Sign Name

**Defense Attorney:** I am the attorney for the defendant. I am satisfied that (1) the defendant understands his/her constitutional rights and understand that a guilty plea would be a waiver of these rights; (2) the defendant has had an adequate opportunity to discuss his/her case with me, including any defenses he/she may have to the charges; and (3) the defendant understands the consequences of his/her guilty plea. I join in the decision of the defendant to enter a guilty plea.

11/3/13                      Jeremy J. Waitman                      [Signature]  
 Date                              Print Name                              Sign Name

**Interpreter:** Having been duly sworn, I have translated this form to the defendant in the \_\_\_\_\_ language. The defendant has stated that he/she fully understood the contents of the form prior to signing.

\_\_\_\_\_  
 Date                              Print Name                              Sign Name

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California

County of Riverside

On 11-01-13 before me, Jacqueline Heredia, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Scott Anthony Bowler  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Jacqueline Heredia  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Superior Court of California, Misdemeanor Plea Form

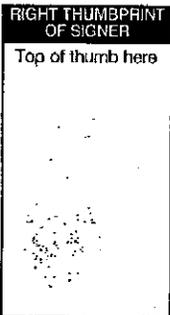
Document Date: 11-01-13 Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Scott Anthony Bowler

- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: SP1P

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 MICHAEL J. YUN  
Deputy Attorney General  
4 State Bar No. 292587  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9453  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **RESPIRATORY CARE BOARD**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7002016000282

14 **SCOTT ANTHONY BOWLER, R.C.P.**  
1341 Lythrum Court  
15 Beaumont, CA 92223

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

16 **Respiratory Care Practitioner License**  
17 **No. 25963**

18 Respondent.

19  
20 **FINDINGS OF FACT**

21 1. On or about April 19, 2017, complainant Stephanie Nunez, in her official capacity as  
22 the Executive Officer of the Respiratory Care Board of California, filed Accusation No. 700-  
23 2016-000282 against Scott Anthony Bowler, R.C.P. (respondent) before the Respiratory Board of  
24 California, Department of Consumer Affairs, State of California.

25 2. On or about February 9, 2007, the Respiratory Care Board (Board) issued Respiratory  
26 Care Practitioner License No. 25963 to respondent. The Respiratory Care Practitioner License

27 ///

28 ///

1 expired on September 30, 2015, and has not been renewed. (Exhibit 1: Respondent's Certificate  
2 of Licensure.)<sup>1</sup>

3 3. On or about April 19, 2017, an employee of the complainant agency, served by  
4 Certified Mail a copy of the Accusation No. 7002016000282, Statement to Respondent, Notice of  
5 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7  
6 to respondent's address of record with the Board, which was and is 1341 Lythrum Court,  
7 Beaumont, CA 92223. A copy of the Accusation, the related documents, and Declaration of  
8 Service are attached as Exhibit 2, and are incorporated herein by reference.

9 4. Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c).

11 5. On or about May 10, 2017, the aforementioned documents sent to respondent via  
12 regular mail were returned by the U.S. Postal Service marked "Return to Sender," "Unclaimed,"  
13 and "Unable to Forward." A copy of the envelope returned by the post office is attached as  
14 Exhibit 3, and is incorporated herein by reference. On or about May 15, 2017, the  
15 aforementioned documents sent to respondent via certified mail were returned by the U.S. Postal  
16 Service marked "Return to Sender," "Unclaimed," and "Unable to Forward." Copies of the  
17 envelopes returned by the post office are attached as Exhibit 3, and are incorporated herein by  
18 reference.

19 6. Business and Professions Code section 3754.8 states:

20 "The expiration, cancellation, forfeiture, or suspension of a license, practice  
21 privilege, or other authority to practice respiratory care by operation of law or by  
22 order or decision of the board or a court of law, the placement of a license on a retired  
23 status, or the voluntary surrender of the license by a licensee shall not deprive the  
24 board of jurisdiction to commence or proceed with any investigation of, or action or

25 ///

26  
27 <sup>1</sup> The exhibits referred to herein, which are true and correct copies of the originals, are  
28 contained in the separate accompanying "Default Decision Evidence Packet" and will be  
identified by the specific exhibit numbers.

1 disciplinary proceeding against, the licensee, or to render a decision to suspend or  
2 revoke the license.”

3 7. Government Code section 11506 states, in pertinent part:

4 “...

5 “(c) The respondent shall be entitled to a hearing on the merits if the  
6 respondent files a notice of defense, and the notice shall be deemed a specific denial  
7 of all parts of the accusation not expressly admitted. Failure to file a notice of  
8 defense shall constitute a waiver of respondent’s right to a hearing, but the agency in  
9 its discretion may nevertheless grant a hearing.”

10 8. Respondent failed to file a Notice of Defense within 15 days after service upon him  
11 of a true and correct copy of the Accusation, and has therefore waived his right to a hearing on  
12 the merits of the charges and allegations contained in Accusation No. 7002016000282. (Exhibit  
13 4: Declaration of Deputy Attorney General Michael Yun re: Notice of Defense and Receipt of  
14 Board Certified Documents from Respiratory Care Board.)

15 9. On or about May 8, 2017, Deputy Attorney General Michael J. Yun mailed a courtesy  
16 notice of default to respondent informing him that he had failed to submit a Notice of Defense,  
17 and if it was not received, a Default would be filed against him. Respondent did not send a  
18 Notice of Defense to Deputy Attorney General Michael J. Yun. (Exhibit 5: Courtesy Notice of  
19 Default from Deputy Attorney General Michael J. Yun.)

20 10. California Government Code section 11520 states, in pertinent part:

21 “(a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent’s express admissions  
23 or upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent.”

25 “...”

26 11. Pursuant to its authority under Government Code section 11520, the Board finds  
27 respondent is in default. The Board will take action without further hearing and, based on  
28 respondent’s express admissions by way of default and the evidence before it, contained in

1 Exhibit 1 through Exhibit 11, finds that the charges and allegations in Accusation No.  
2 7002016000282, and each of them, separately and severally, are true and correct.

3 12. Section 3710 of the Code states: "The Respiratory Care Board of California,  
4 hereafter referred to as the board, shall enforce and administer this chapter." [Chapter 8.3, the  
5 Respiratory Care Practice Act.].

6 13. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke  
7 licenses to practice respiratory care as provided in this chapter."

8 14. Section 3750 of the Code states, in pertinent part:

9 "The board may order the denial, suspension, or revocation of, or the  
10 imposition of probationary conditions upon, a license issued under this chapter, for  
11 any of the following causes:

12 "...

13 "(d) Conviction of a crime that substantially relates to the qualifications,  
14 functions, or duties of a respiratory care practitioner. The record of conviction or a  
15 certified copy thereof shall be conclusive evidence of the conviction.

16 "...

17 "(g) Conviction of a violation of this chapter or of Division 2 (commencing  
18 with Section 500), or violating, or attempting to violate, directly or indirectly, or  
19 assisting in or abetting the violation of, or conspiring to violate this chapter or  
20 Division 2 (commencing with Section 500).

21 "..."

22 15. Section 3750.5 of the Code states, in pertinent part:

23 "In addition to any other grounds specified in this chapter, the board may deny,  
24 suspend, place on probation, or revoke the license of any applicant or licenseholder  
25 who has done any of the following:

26 "...

27 "(b) Used any controlled substance as defined in Division 10 (commencing  
28 with Section 11000) of the Health and Safety Code, or any dangerous drug as defined

1 in Article 2 (commencing with Section 4015) of Chapter 9 of this code, or alcoholic  
2 beverages, to an extent or in a manner dangerous or injurious to himself or herself, or  
3 to others, or that impaired his or her ability to conduct with safety the practice  
4 authorized by his or her license.

5 “...

6 “(d) Been convicted of a criminal offense involving the consumption or self-  
7 administration of any of the substances described in subdivisions (a) and (b), or the  
8 possession of, or falsification of a record pertaining to, the substances described in  
9 subdivision (a), in which event the record of the conviction is conclusive evidence  
10 thereof.

11 “...”

12 16. Section 3752 of the Code states:

13 “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
14 made to a charge of any offense which substantially relates to the qualifications,  
15 functions, or duties of a respiratory care practitioner is deemed to be a conviction  
16 within the meaning of this article. The board shall order the license suspended or  
17 revoked, or may decline to issue a license, when the time for appeal has elapsed, or  
18 the judgment of conviction has been affirmed on appeal or when an order granting  
19 probation is made suspending the imposition of sentence, irrespective of a subsequent  
20 order under Section 1203.4 of the Penal Code allowing the person to withdraw his or  
21 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of  
22 guilty, or dismissing the accusation, information, or indictment.”

23 17. Section 3754.8 of the Code states:

24 “The expiration, cancellation, forfeiture, or suspension of a license, practice  
25 privilege, or other authority to practice respiratory care by operation of law or by  
26 order or decision of the board or a court of law, the placement of a license on a retired  
27 status, or the voluntary surrender of the license by a licensee shall not deprive the  
28 board of jurisdiction to commence or proceed with any investigation of, or action or

1 disciplinary proceeding against, the licensee, or to render a decision to suspend or  
2 revoke the license.”

3 18. California Code of Regulations, title 16, section 1399.370, states, in pertinent part:

4 “For the purposes of denial, suspension, or revocation of a license, a crime or  
5 act shall be considered to be substantially related to the qualifications, functions or  
6 duties of a respiratory care practitioner, if it evidences present or potential unfitness  
7 of a licensee to perform the functions authorized by his or her license or in a manner  
8 inconsistent with the public health, safety, or welfare. Such crimes or acts include but  
9 are not limited to those involving the following:

10 “(a) Violating or attempting to violate, directly or indirectly, or assisting or  
11 abetting the violation of or conspiring to violate any provision or term of the Business  
12 and Professions Code.

13 “...

14 “(c) Commission of an act or conviction of a crime involving driving under the  
15 influence or reckless driving while under the influence.

16 “...

17 “(h) Failure to comply with a court order.

18 “...”

19 19. Section 3753.5, subdivision (a) of the Code states:

20 “In any order issued in resolution of a disciplinary proceeding before the board,  
21 the board or the administrative law judge may direct any practitioner or applicant  
22 found to have committed a violation or violations of law or any term and condition of  
23 board probation to pay to the board a sum not to exceed the costs of the investigation  
24 and prosecution of the case. A certified copy of the actual costs, or a good faith  
25 estimate of costs where actual costs are not available, signed by the official custodian  
26 of the record or his or her designated representative shall be prima facie evidence of  
27 the actual costs of the investigation and prosecution of the case.”

28 ///

1           20. Section 3753.7 of the Code states:

2                   “For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
3 include attorney general or other prosecuting attorney fees, expert witness fees, and  
4 other administrative, filing, and service fees.”

5           21. Section 3753.1 of the Code states:

6                   “(a) An administrative disciplinary decision imposing terms of probation may  
7 include, among other things, a requirement that the licensee-probationer pay the  
8 monetary costs associated with monitoring the probation.”

9           22. Respondent has subjected his Respiratory Care Practitioner License No. 25963 to  
10 disciplinary action under section 3750, as defined by sections 3750, subdivision (d); 3750.5,  
11 subdivision (d), 3752, of the Code and section 1399.370, subdivisions (a) and (c), of title 16 of  
12 the California Code of Regulations, in that he was convicted of crimes substantially related to the  
13 qualifications, functions or duties of a respiratory care practitioner, as more particularly described  
14 hereinafter (Exhibit 6):

15           23. On or about October 29, 2015, at approximately 10:45 PM, California Highway  
16 Patrol (CHP) Sergeant R.R. (Sgt. R.R.) was in CHP uniform riding his CHP motorcycle  
17 eastbound SR-91 at the SR-241 in the Express Lanes. Sgt. R.R.’s attention was drawn to  
18 respondent’s car as Sgt. R.R. observed it weaving erratically from side to side at 70 MPH,  
19 directly in front of his motorcycle, in the #1 Express Lane.

20           24. Sgt. R.R. then observed respondent’s car drift approximately three (3) feet into the  
21 center median area and drift back to within the #1 lane. Respondent’s car suddenly accelerated to  
22 a high speed and Sgt. R.R. matched respondent’s car’s speed at 90 MPH.

23           25. Sgt. R.R. initiated an enforcement stop by activating his red lights as he and  
24 respondent approached the termination point of the Express Lanes. Respondent’s car slowed to  
25 40 MPH but failed to yield. Respondent’s car moved to the right lane as they approached Green  
26 River Road, but continued past the off ramp. Sgt. R.R. notified the inland dispatch as  
27 respondent’s car continued at 40 MPH past SR-71 and exited at Serfas Club Dr. and entered the  
28 AM-PM parking lot.

1           26. After respondent's car finally stopped, Sgt. R.R. dismounted his motorcycle and  
2 contacted respondent. Upon request from Sgt. R.R., respondent provided his driver's license.  
3 Sgt. R.R. noticed respondent's eyes had red, bloodshot, and watery appearance. Sgt. R.R. also  
4 noticed that respondent's speech was slurred and that there was an odor of an alcoholic beverage  
5 coming from within respondent's car. Sgt. R.R. also smelled the odor of an alcoholic beverage  
6 on respondent's breath. When Sgt. R.R. asked respondent to exit his car and as he came out, Sgt.  
7 R.R. noticed that respondent's movements were slow.

8           27. CHP Officer M.R. received a call from CHP Dispatch that Sgt. R.R. made a stop on a  
9 vehicle with a possible impaired driver. Officer M.R. arrived on scene at approximately 11:00  
10 PM and met up with Sgt. R.R. Sgt. R.R. informed Officer M.R. of his observations and handed  
11 him respondent's California driver license.

12           28. When Officer M.R. asked respondent where he was coming from, he stated he was  
13 coming from a work function. Respondent stated he had approximately four (4) beers. Officer  
14 M.R. escorted respondent to the right side of his patrol vehicle. Officer M.R. noticed  
15 respondent's eyes were red and watery. He asked respondent a series of pre-Field Sobriety Test  
16 (pre-FST) questions.

17           29. Respondent stated that he was driving the car, that he had four (4) bottles of beer, that  
18 he started drinking around 5:00 PM and stopped drinking around 8:00 PM, and that he felt the  
19 effects of the drinks "a little".

20           30. Respondent slurred his words as he spoke to Officer M.R. Officer M.R. described  
21 respondent's speech as "low and thick."

22           31. Officer M.R. directed respondent in a series of pre-explained and pre-demonstrated  
23 Field Sobriety Tests (FSTs) on a dry flat asphalt parking lot. The area was lit by overhead lights,  
24 Officer M.R.'s patrol car lights, and his flashlight.

25           32. During the One Leg Stand, respondent stumbled back several steps in order to avoid  
26 falling. Throughout this test, respondent had his right arm parallel to the ground, and his left arm  
27 approximately six (6) inches away from his body.

28 ///

1           33. During the Walk and Turn test, respondent missed heel to toe on steps 1, 2, 3, 4, 6,  
2 and 8 by more than 3 inches each time.

3           34. Based on Sgt. R.R.'s observations of respondent's driving, respondent's objective  
4 symptoms of intoxication, his admission to consuming alcoholic beverages prior to driving,  
5 Officer M.R.'s training and experience, and respondent's poor performance on the FSTs, Officer  
6 M.R. formed the opinion that he was driving while under the influence of an alcoholic beverage.

7           35. Officer M.R. arrested respondent for driving under the influence of alcohol in  
8 violation of California Vehicle Code section 23152, subdivision (a) [Driving Under the Influence  
9 of Alcohol].

10          36. After Officer M.R. advised respondent of Implied Consent, respondent chose to take  
11 a breath test. Respondent was transported to the Riverside CHP area office for the test.

12          37. Respondent provided two (2) samples into the breath machine. The Blood Alcohol  
13 Content (BAC) for the two (2) breath samples were 0.15 % and 0.15 %.

14          38. On or about December 22, 2015, in the Superior Court of California, County of  
15 Riverside, in the case entitled *The People of the State of California v. Scott Anthony Bowler*,  
16 Superior Court Case No. RIM1518411, the Riverside County District Attorney's Office charged  
17 respondent with, in Count 1, a misdemeanor violation of Vehicle Code section (VC) 23152,  
18 subdivision (a) [Driving Under the Influence of Alcohol], and in Count 2, a misdemeanor  
19 violation of VC 23152, subdivision (b) [Driving with Blood Alcohol .08% or More]. As to  
20 Counts 1 and 2, it was further alleged that respondent was convicted of a misdemeanor violation  
21 of California Vehicle Code section 23103.5, subdivision (a) [Wet and Reckless Driving] on  
22 August 15, 2013. (Exhibit 7: Misdemeanor Complaint and Conviction Documents in Case No.  
23 RIM1518411.)

24          39. On or about January 31, 2017, in the Superior Court of California, County of  
25 Riverside, in the case entitled *The People of the State of California v. Scott Anthony Bowler*,  
26 Superior Court Case No. RIM1518411, respondent pled Guilty to Count 2, and admitted the  
27 allegation of his prior Wet Reckless conviction, and was convicted of Count 2, violating VC  
28 23152, subdivision (b). Respondent was sentenced to two (2) years summary probation, forty-

1 five (45) days in county jail to be served in the Work Release Program in lieu of jail, completion  
2 of Riverside County Drinking Driver Program, and fine and fees. (Exhibit 7: Misdemeanor  
3 Complaint and Conviction Documents in Case No. RIM1518411.)

4 40. Respondent has further subjected his Respiratory Care Practitioner License No.  
5 25963 to disciplinary action under section 3750.5, as defined by 3750.5, subdivision (b), of the  
6 Code, in that he used alcoholic beverages to an extent or in a manner dangerous or injurious to  
7 himself or others, as more particularly described in paragraphs 23 through 39, above, which are  
8 hereby incorporated by reference and realleged as if fully set forth herein.

9 41. Respondent has further subjected his Respiratory Care Practitioner License No.  
10 25963 to disciplinary action under section as defined by sections 3750, subdivision (d), of the  
11 Code, and section 1399.370, subdivision (h), of title 16 of the California Code of Regulations, in  
12 that he has failed to comply with his 2013 court ordered criminal probation condition as more  
13 particularly described below:

14 42. On or about November 4, 2013, in the Superior Court of California, County of  
15 Riverside, in the case entitled *The People of the State of California v. Scott Anthony Bowler*,  
16 Superior Court Case No. SWM1305813, respondent was convicted of a violation of Vehicle Code  
17 section 23103.5 [Wet and Reckless Driving] upon his Guilty plea. (Exhibit 8: Misdemeanor  
18 Complaint and Conviction Documents in Case No. SWM1305813.)

19 43. On or about November 4, 2013, in the Superior Court of California, County of  
20 Riverside, in the case entitled *The People of the State of California v. Scott Anthony Bowler*,  
21 Superior Court Case No. SWM1305813, respondent was sentenced to 2 days in county jail, fines  
22 and fees and 36 months summary probation. One of the terms and conditions of respondent's  
23 criminal probation ordered by the Superior Court was "not [to] drive with any measurable amount  
24 of alcohol or drugs in [his] blood, or within 6 hours of consuming any alcohol or drugs." (Exhibit  
25 8: Misdemeanor Complaint and Conviction Documents in Case No. SWM1305813.)

26 44. Respondent has further subjected his Respiratory Care Practitioner License No.  
27 25963 to disciplinary action under section 3750, as defined by 3750, subdivision (g), of the Code,  
28 and section 1399.370, subdivision (a), of title 16 of the California Code of Regulations, in that he

1 has violated a provision or provisions of the Respiratory Care Practice Act, as more particularly  
2 alleged in paragraphs 23 through 43, above, which are hereby incorporated by reference and  
3 realleged as if fully set forth herein.

4 45. To determine the degree of discipline, if any, to be imposed on respondent,  
5 complainant alleges that on or about August 15, 2013, respondent was arrested by the CHP in  
6 Riverside County for violation of Vehicle Code section 23152, subdivision (a) [Driving Under the  
7 Influence of Alcohol]. (Exhibit 9: California Highway Patrol Arrest-Investigation Report of  
8 August 15, 2013.)

9 46. On or about November 4, 2013, in the Superior Court of California, County of  
10 Riverside, in the case entitled *The People of the State of California v. Scott Anthony Bowler*,  
11 Superior Court Case No. SWM1305813, respondent was convicted of a violation of Vehicle Code  
12 section 23103.5 [Wet and Reckless Driving] upon his Guilty plea. (Exhibit 8: Misdemeanor  
13 Complaint and Conviction Documents in Case No. SWM1305813.)

14 47. On or about November 4, 2013, in the Superior Court of California, County of  
15 Riverside, in the case entitled *The People of the State of California v. Scott Anthony Bowler*,  
16 Superior Court Case No. SWM1305813, respondent was sentenced to 2 days in county jail, fines  
17 and fees and 36 months summary probation. One of the terms and conditions of respondent's  
18 criminal probation ordered by the Superior Court was "not [to] drive with any measurable amount  
19 of alcohol or drugs in [his] blood, or within 6 hours of consuming any alcohol or drugs." (Exhibit  
20 8: Misdemeanor Complaint and Conviction Documents in Case No. SWM1305813.)

21 48. On or about December 31, 2013, the Board issued a Citation and Fine No. C-13-0064  
22 in the amount of \$250.00 against respondent's Respiratory Care Practitioner License No. 25963.  
23 (Exhibit 10: Respiratory Care Board's Citation and Fine C-13-0064.)

24 49. The Board finds that, pursuant to Business and Professions Code section 3753.5, the  
25 costs of investigation and enforcement of the case prayed for in the Accusation are in total  
26 \$4,357.50, based on the Certification of Costs jointly contained in Exhibit 11. (Exhibit 11:  
27 Declaration of Costs of Executive Officer, Stephanie Nunez and Declaration of Costs of Deputy  
28 Attorney General Michael J. Yun.)

**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, respondent Scott Anthony Bowler, R.C.P. has subjected his Respiratory Care Practitioner License No. 25963 to discipline.
2. The agency has jurisdiction to adjudicate this case by default.
3. Pursuant to its authority under California Government Code section 11520, and based on the evidence before it, the Board hereby finds that the charges and allegations contained in Accusation No. 7002016000282, and the Findings of Fact contained in paragraphs 1 through 49, above, and each of them, separately and severally, are true and correct.
4. Pursuant to its authority under California Government Code section 11520, and by reason of the Findings of Fact contained in paragraphs 1 through 49, above, and Determination of Issues 1, 2, and 3, above, the Board hereby finds that respondent Scott Anthony Bowler, R.C.P., has subjected his Respiratory Care Practitioner License No. 25963 to disciplinary action in that:
  - (a) Respondent has been convicted of crimes substantially related to the qualifications, functions, or duties of a respiratory care practitioner, in violation of Business and Professions Code sections 3750, subdivision (d), 3750.5, subdivision (d), and 3752 of the Code, and section 1399.370, subdivision (c), of title 16 of the California Code of Regulations;
  - (b) Respondent has used alcoholic beverages to an extent or in a manner dangerous or injurious to himself or others, in violation of Business and Professions Code section 3750.5, subdivision (b);
  - (c) Respondent has failed to comply with his court ordered criminal probation, in violation of Business and Professions Code section 3750, subdivision (d), of the Code, and section 1399.370, subdivision (h), of title 16 of the California Code of Regulations.
  - (d) Respondent has violated or attempted to violate a provision or provisions of the Respiratory Care Practice Act, in violation of Business and Professions Code

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section 3750, subdivision (g) of the Code, and section 1399.370, subdivision (a), of title 16 of the California Code of Regulations.

**ORDER**

IT IS SO ORDERED that Respiratory Care Practitioner License No. 25963, heretofore issued to respondent Scott Anthony Bowler, R.C.P., is revoked.

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

Respondent is ordered to reimburse the Respiratory Care Board the amount of \$4,357.50 for its investigative and enforcement costs. The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License No. 25963 may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

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 September 20, 2017.

It is so ORDERED August 21, 2017.

Original signed by:  
ALAN ROTH, MS, MBA, RRT-NPS, FAARC  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA