

**BEFORE THE ARIZONA STATE BOARD OF
RESPIRATORY CARE EXAMINERS**

IN THE MATTER OF:

ENRIQUE VARGAS ACEVEDO, RCP
Holder of License No. 012161 for the Practice
of Respiratory Care in the State of Arizona,

RESPONDENT

**DECREE OF CENSURE
CONSENT AGREEMENT
AND**

ORDER NO. 2021-RCE-0197

9489 0090 0027 6155 1991 90

A complaint charging ENRIQUE VARGAS ACEVEDO (“Respondent”) with violation of the Board of Respiratory Care Examiner’s (the “Board”) Practice Act has been received by the Board. In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued license number 012161 for the practice of respiratory care in the State of Arizona.
2. The Board initiated case no. 2021-RCE-0197 against Respondent after he reported to Board staff that he may have practiced on an expired license.
3. The Board initially issued a license to Respondent on April 23, 2018. The license expired October 23, 2020. Respondent failed to submit a license renewal application to the Board until August 24, 2017. The Board renewed Respondent’s license on August 24, 2021.
4. Respondent practiced on an expired license for approximately 10 months

CONCLUSIONS OF LAW

Pursuant to A.R.S. § 32-3501, et seq., the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute unprofessional conduct as defined in A.R.S. § 32-3501(9)(k) (“Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate a provision of this chapter.”) via A.R.S. § 32-3556(1) (Engaging in the practice of respiratory care without a license). Such conduct is grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to AR.S. §§ 32-3552 and -3553 to take disciplinary action against Respondent’s license to practice respiratory care in the State of Arizona.

However, in lieu of a hearing on these issues, Respondent admits the Board’s Findings of Fact and Conclusions of Law and agrees to issuance of the following Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Respondent further waives any and all claims or causes of action, whether known or unknown, that Respondent may have against the State of Arizona, the Board, its members, officers, employees and/or agents arising out of this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Board’s Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board or its designee and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by Respondent and accepted by the Board or its designee.

Respondent acknowledges and agrees that the acceptance of this Consent Agreement is solely to settle this Board matter and does not preclude the Board from instituting other proceedings as may be appropriate now or in the future.

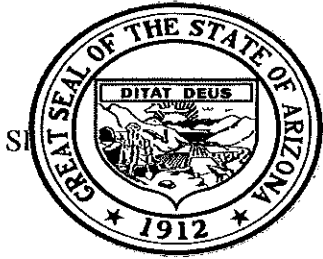
Furthermore, and notwithstanding any language in this Consent Agreement, this Consent Agreement does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Consent Agreement makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Respondent.

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Enrique Vargas Acevedo, Respondent

Dated: _____

Jack Confer

Interim Executive Director

ARIZONA STATE BOARD OF RESPIRATORY
CARE EXAMINERS

Acceptance Date: June 29, 2023

ORDER

In view of the above the Findings of Fact, Conclusions of Law, and the consent of Respondent, the Board hereby issues the following Order:

A. Respondent's consent to the terms and conditions of this Order and waiver of hearing is accepted.

B. It is ordered that a DECREE OF CENSURE be entered against license no. 012161, held by Respondent.

COPY mailed/mailed this 30 day of June, 2023, to:

Enrique Angel Vargas Acevedo

1305 E. Desert Cove Ave.

Phoenix, AZ 85050

Eacevedo1@yahoo.com

Respondent

By: Tarui Hernandez