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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against: **HOLLY SHORT** **1133 Meadow Lane, # 102** **Concord, CA 94520** Applicant.	Case No. 2011-493 **STATEMENT OF ISSUES**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about June 24, 2010, the Board of Registered Nursing, Department of Consumer Affairs received an application for a Registered Nurse License from Holly Short ("Applicant"). On or about May 24, 2010, Applicant certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on September 30, 2010.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

. . .

5. Section 480 of the Code states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

"(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the crime or act is

substantially related to the qualifications, functions, or duties of the business or profession for which application is made."

. . .

FIRST CAUSE FOR DENIAL OF APPLICATION

(Criminal Convictions)

6. Applicant's registered nursing license application is subject to denial under Code section 2761, subdivisions (a) and (f) and Code section 480, subdivisions (a)(1) and (3)(A) based on the following:

a. On or about February 11, 2004, in a criminal proceeding entitled *The State of Nevada v. Holly Dell Scheneck*, Second Judicial District Court of the State of Nevada, County of Washoe, Case Number CR03-2773, Applicant was convicted by her plea of guilty to a violation of NRS 205.060(1) [burglary], a felony. The circumstances giving rise to this plea are as follows: On December 23, 2003, Applicant entered into Copeland Sports in Washoe County and attempted to remove merchandise without paying. Applicant was sentenced to two (2) years of imprisonment in the Nevada Department of Corrections and was paroled after twelve (12) months. She was also ordered to pay fines and to reimburse the County of Washoe for legal representation.

b. On or about February 22, 2005, in a criminal proceeding entitled *The People of the State of California v. Holly Short*, San Diego County Superior Court, Case No. SCN 160224, Applicant was convicted of a violation of Penal Code section 459 [burglary], a felony. Applicant was sentenced to three (3) years probation, committed to the county jail for two hundred and forty (240) days with credit for time served of two hundred and eighteen (218) days. Applicant was also ordered to pay fines in the amount of $1245.00.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Acts involving dishonesty, fraud and/or deceit)

7. Applicant's registered nursing license application is subject to denial under Code section 2761, subdivision (a) and Code section 480, subdivisions (2), (3)(A) and (3)(B), for dishonest, fraudulent and/or deceitful conduct, which would alternatively be grounds for discipline if the Applicant was licensed as a registered nurse. The circumstances are as follows:

a. Applicant admitted on her application for a registered nurse license that on or about August 4, 1987, she was convicted of violating Penal Code section 484 [petty theft], a misdemeanor, in a criminal proceeding entitled *The People of the State of California v. Holly Short*, San Diego County Superior Court, Case No. H 40379. In her license application, Applicant admitted that the basis for this conviction was that she had entered a store and attempted to steal clothing. She was placed on three (3) years probation and sentenced to ten (10) days service on a community work project.

b. Applicant admitted on her application for a registered nurse license that on or about May 6, 1994, she was convicted of violating NCIC 2602 [issuance of a bad check], a felony, in a criminal proceeding entitled *The People of the State of Utah v. Holly Short*, Third Judicial District Court of the State of Utah, Salt Lake City. In her license application, Applicant admitted that the basis for this conviction was that she had written several checks without sufficient funds. Applicant was sentenced to five (5) years probation, ninety (90) days in the county jail, and ordered to pay fines and restitution in amounts as directed by the court.

c. Applicant admitted on her application for a registered nurse license that on or about on or about June 8, 1998, she was convicted of violating Penal Code section 459 [burglary], a misdemeanor, in a criminal proceeding entitled *The People of the State of California v. Holly Short,* Contra Costa County Superior Court. In her license application, Applicant admitted that the basis for the conviction was related to her attempt to remove clothing from a retail store without payment. Applicant was sentenced to three (3) years probation and twenty (20) days in county jail, for which she performed community service.

d. Applicant admitted on her application for a registered nurse license that on or about on or about December 3, 1999, she was convicted of violating Penal Code section 488 [petty theft], a misdemeanor, in a criminal proceeding entitled *The People of the State of California v. Holly Short,* Contra Costa County Superior Court. In her license application, Applicant admitted that the basis for the conviction was related to groceries removed from a market without payment. Applicant was sentenced to two (2) years probation, twenty-five (25) days in county jail, and ordered to pay fines as directed by the court.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Holly Short for a Registered Nurse License.
2. Taking such other and further action as deemed necessary and proper.

DATED: November 24, 2010

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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