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

In the Matter of the Accusation Against: R. LEE FRENCH, a.k.a. ARLEY FRENCH 825 NW 20th Street Oklahoma City, OK 73106 Registered Nurse License No. 594355 Respondent.	Case No. 2009-99 **ACCUSATION**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about February 6, 2002, the Board issued Registered Nurse License Number 594355 to R. Lee French, also known as Arley French ("Respondent"). Respondent's registered nurse license expired on March 31, 2005.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

> 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:
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> . . . .
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> (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 . . .

6. Code section 2765 states:

> A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, 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 allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

7. California Code of Regulations, title 16, section 1444, states, in pertinent part:

> A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a

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manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

. . . .

(c) Theft, dishonesty, fraud, or deceit . . .

Cost Recovery

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

9. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (f), in that on or about January 10, 2006, in the criminal proceeding titled *State of Texas v. Arley French* (County Court, Gray County, Texas, 2006, Case No. 28190), Respondent pled guilty to theft, a crime substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances of the crime are as follows: On or about April 13, 2005, Respondent unlawfully appropriated, by acquiring or otherwise exercising control over, property, to wit: a Skil reciprocating saw of a value over $50, but under $500, from the owner, Western Auto, with the intent to deprive the owner of the property.

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. Revoking or suspending Registered Nurse License Number 594355, issued to R. Lee French, also known as Arley French;

2. Ordering R. Lee French, also known as Arley French, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/27/08.

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

03579-110-SA2008301559
phd; 10/02/2008