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

In the Matter of the Accusation Against: **LETRICIA LAVERN BROWN** 2057 West 64th Street Los Angeles, CA 90047 Registered Nurse License No. 680698 Respondent.	Case No. 2008-324 **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, State of California.

2. On or about June 14, 2006, the Board issued Registered Nurse License Number 680698 to Letricia Lavern Brown (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2009, if not renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code 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.

5. Section 2764 of the Code 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 section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 496 of the Code states: "A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to the subversion of licensing examinations."

7. Section 123 of the Code states:

"It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

"(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

. . . .

"Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

"In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars ($10,000) and the costs of litigation.

"(c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable."

8. 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:

. . . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

9. California Code of Regulations, title 16, section 1411.6 provides:

"An applicant who takes the examination shall not disclose the contents of the written examination questions to anyone other than a person authorized by the Board. No one except as authorized by the Board shall solicit, accept, or compile information regarding the contents of written examination questions, either before, during or after the administration of any examination."

COST RECOVERY PROVISION

10. Section 125.3 of the Code 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.

NCSBN/NCLEX

11. The National Council of State Boards of Nursing (NCSBN) develops and administers the NCLEX-RN examinations on behalf of the nursing boards in the 50 states, the District of Columbia, and four U.S. territories. Every registered nurse must pass the NCLEX examination before s/he can be licensed to practice. NCSBN copyrights the NCLEX-RN examination items. Retired items are not released to the public. Before the commencement of an NCLEX-RN examination, each candidate must sign a confidentiality agreement.

GLOBAL NCLEX REVIEW CENTER

12. From about 2004 to the present, Thelma Macabeo owns and/or otherwise operates Global NCLEX Review Center (Global), located at 3255 Wilshire Boulevard, Los Angeles, CA 90010. Global offers review courses to candidates who qualify to take the Board's licensure examination. As part of the review course, students enrolled at Global are provided with test booklets which contain sample test questions and answers.

FIRST CAUSE FOR DISCIPLINE

(Subverting Licensing Examination)

13. Respondent's license is subject to disciplinary action under Code sections 496 and 123, in that Respondent engaged in acts which subverted the Board's licensure examination. The circumstances are as follows:

14. In 2005, Respondent attended the review courses provided by Global. On or about April 12, 2006, Respondent took and passed the Board's licensure examination at test center PPC 46974 (Gardena, CA). Respondent provided test questions from the previous Board's licensure examination to Thelma Macabeo and/or her students, and aided Thelma Macabeo in the unauthorized compilation, reconstruction, and/or reproduction of a portion of the actual licensure examination.

15. These portions of illegally obtained Board licensure examination questions were compiled, reconstructed and reproduced in the 2006 version of Global's test booklets and distributed to the students of Global for preparation of the upcoming Board licensure examinations.

SECOND CAUSE FOR DISCIPLINE

(Violating Regulations Governing Examination Disclosure)

16. Respondent's license is subject to disciplinary action under Code section 2761, subdivision (d), in conjunction with California Code of Regulations, title 16, section 1411.6, for disclosing the contents of the Board's written examination questions without authorization. The circumstances are as described in paragraphs 13-15 above, and incorporated herein by reference as if fully stated.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

17. Respondent's license is subject to disciplinary action under Code section 2761, subdivision (a) for unprofessional conduct, in that Respondent breached the confidentiality of the Board's licensure examination by disclosing questions from the examination without authorization. The circumstances are as described in paragraphs 13-16 above, and incorporated herein by reference as if fully stated.

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 680698 , issued to Letricia Lavern Brown;

2. Ordering Letricia Lavern Brown 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;

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

DATED: 5/20/08

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