EDMUND G. BROWN JR.
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General
MICHAEL B. FRANKLIN
Deputy Attorney General
State Bar No. 136524
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5622
Facsimile: (415) 703-5480
Attorneys for Complainant

LYDIA ZANE
Senior Legal Analyst

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

In the Matter of the Accusation Against: **JACOB WILLIAM VENZON** **34661 Loreal Ter** **Fremont, California 94555** **Registered Nurse License No. RN 700560** Respondent.	Case No. 2010- 635 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about March 21, 2007, the Board of Registered Nursing issued Registered Nurse License Number RN 700560 to Jacob William Venzon (Respondent). The License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation 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.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (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 2761 of the Code states in relevant part that:

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:

. . .

(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.

7. Section 490 of the Code provides, in pertinent part, that a Board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. 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.

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444, states in relevant part, that 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 manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

10. Respondent's Registered Nurse License is subject to disciplinary action under Business and Professions Code sections 490 and 2761(f), in that Respondent was convicted of battery, a crime, as defined by section 1444(a) of Title 16 of the California Code of Regulations, as substantially related to the qualifications, functions and/or duties of a Registered Nurse. The circumstances are as follows:

a. On or about July 25, 2009, in the County of Alameda, State of California, Respondent was arrested for an incident of domestic battery wherein Respondent willfully and unlawfully used force and violence upon a person with whom Respondent previously had a dating/engagement relationship.

b. On or about December 10, 2009, in a criminal proceeding entitled *People of the State of California v. Jacob William Venzon*, in the Superior Court of California, County of Alameda, Gale/Schenone Hall of Justice, Case No. 131339-4, Respondent was convicted by his plea of no contest for the violation of Penal Code section 243(e)(1) (Battery), a misdemeanor.

b. On or about December 10, 2009, the Court suspended imposition of Respondent's sentence and respondent was placed on Court Probation for 36 months subject to the following terms and conditions:

(1) Serve 30 days in the county jail, less 2 days credit for time served, through the Weekend Work Program;

(2) Pay fees and fines of $245.00 plus $100.00 to the victim witness fund and $100.00 probation restitution fine (suspended);

(3) Be of good conduct and obey all laws. If arrested, give his own true name, address and date of birth to the arresting officer and report in writing to the court within 7 days;

(4) Participate in 52 sessions of domestic violence counseling as directed by the Court;

(5) Ordered to stay away from the victim.

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 RN 700560, issued to Jacob William Venzon.

2. Ordering Jacob William Venzon 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: 6/10/10

for 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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