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**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Filed Against:

Case No.: VN-2005-2187

ANNE LORRAINE CHAVIS

2220 Virginia Road
Los Angeles, CA 90016

Vocational Nurse License No. VN 26075

Respondent.

**DEFAULT DECISION
AND ORDER**

Anne Lorraine Chavis ("Respondent") was served Accusation No. VN-2005-2187; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on September 2, 2008 at her address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau") has determined that Respondent has waived her rights to a hearing to contest the merits of the Accusation and that the Bureau will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Bureau makes the following findings of fact:

FINDINGS OF FACT

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Bureau's Executive Officer.
2. On February 10, 1966, the Bureau issued Vocational Nurse License Number VN 26075 to Respondent. Said license expired on November 30, 2007 and has not been renewed.
3. Pursuant to Business and Professions Code sections 101.1(b) and 150, the Department of Consumer Affairs has succeeded to and is vested with all duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of the Bureau and its

1 executive officer; that the department is under the control of the Director of Consumer Affairs.

2 4. Pursuant to Business and Professions Code section 2875, the Bureau may
3 discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational
4 Nursing Practice Act.

5 5. Pursuant to Business and Professions Code section 118(b), the expiration of a
6 license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the
7 period within which the license may be renewed, restored, reissued, or reinstated. Under Business
8 and Professions Code section 2892.1, the Bureau may renew an expired license at any time within
9 four years after the expiration.

10 6. Respondent has subjected her license to discipline under Business and
11 Professions Code sections 490, 2878(f), and 2878.6, as defined by California Code of Regulations,
12 title 16, section 2521, in that Respondent was convicted of a crime that is substantially related to the
13 qualifications, functions or duties of a licensed vocational nurse, as described in Accusation No. VN-
14 2005-2187, a copy of which is attached as Exhibit "1" and incorporated by reference.

15 7. Respondent has subjected her license to discipline under Business and
16 Professions Code section 2878(a), in that Respondent committed acts of unprofessional conduct, as
17 described in Accusation No. VN-2005-2187.

18 8. Respondent has subjected her license to discipline under Business and
19 Professions Code section 2878(j), in that Respondent committed acts of dishonesty, as described in
20 Accusation No. VN-2005-2187.

21 9. Respondent has subjected her license to discipline under Business and
22 Professions Code section 2878(d), in that Respondent violated provisions of the Vocational nurse
23 Practice Act, as described in Accusation No. VN-2005-2187.

24 DETERMINATION OF ISSUES

25 Based on the foregoing Findings of Fact, Respondent has subjected her license to
26 discipline under Business and Professions Code sections 490, 2878(a), 2878(d), 2878(f), 2878(j),
27 2878.6 and California Code of Regulations, title 16, section 2521.

28 ///

Exhibit "1"
Accusation No. VN-2005-2187 and Declaration of Service

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 STEPHEN A. MILLS, State Bar No. 54145
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
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5 Telephone: (213) 897-2539
Facsimile: (213) 897-2804
6

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2005-2187

13 ANNE LORRAINE CHAVIS
aka ANNE LORRAINE MILLER
14 aka ANN MILLER CHAVIS
2220 Virginia Road
Los Angeles, CA 90016

ACCUSATION

15 Vocational Nurse License No. VN 26075

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
22 Nursing and Psychiatric Technicians (the Bureau); Department of Consumer Affairs.
- 23 2. On or about February 10, 1966, the Bureau of Vocational Nursing and
24 Psychiatric Technicians issued Vocational Nurse License Number VN 26075 to Anne Lorraine
25 Chavis aka Anne Lorraine Miller aka Ann Miller Chavis (Respondent). The Vocational Nurse
26 License was in full force and effect at all times relevant to the charges brought herein and
27 expired on November 30, 2007, and has not been renewed.
28

JURISDICTION

1
2 3. This Accusation is brought before the Bureau, under the authority of the
3 following laws. All Section references are to the Business and Professions Code unless
4 otherwise indicated.¹

5 4. Section 118, subdivision (b), states in pertinent part:

6 "That the expiration of a license shall not deprive the Board of jurisdiction
7 to proceed with a disciplinary action during the period within which the license may be renewed,
8 restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an
9 expired license at any time within four years after the expiration."

10

11 5. Section 477 states:

12 "As used in this division:

13 "(a) "Board" includes "bureau," "commission," "committee,"
14 "department," "division," "examining committee," "program," and "agency."

15 "(b) "License" includes certificate, registration or other means to engage in
16 a business or profession regulated by this code."

17

18 6. Section 490 states, in pertinent part:

19 "That the Board may suspend or revoke a license when it finds that the
20 licensee has been convicted of a crime substantially related to the qualifications, functions or
21 duties of a licensed-vocational-nurse."

22 7. Section 2875 provides, in pertinent part, that the Board may discipline the
23 holder of a vocational nurse license for any reason provided in Article 3 (commencing with
24 section 2875) of the Vocational Nursing Practice Act.

25
26
27 1. Pursuant to Business and Professions Code section 101.1(b) the Department of Consumer Affairs
28 succeeds with all powers, responsibilities and jurisdiction of any board repealed in accordance with the Sunset
Review Process. Section 150 of the Code provides that the Department is under the control of the Director. The
term "board" is retained where references are to statutes stating the term.

1 8. Section 2878 states:

2 "The Board may suspend or revoke a license issued under this chapter [the
3 Vocational Nursing Practice Act Code § 2840, et seq.] for any of the following:

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

6
7 "(d) Violating or attempting to violate, directly or indirectly, or assisting in
8 or abetting the violating of, or conspiring to violate any provision or term of this chapter.

9
10 "(f) Conviction of a crime substantially related to the qualifications,
11 functions, and duties of a licensed vocational nurse, in which event the record of the conviction
12 shall be conclusive evidence of the conviction.

13
14 "(j) The commission of any act involving dishonesty, when that action is
15 related to the duties and functions of the licensee. . . ."

16 9. Section 2878.6 states:

17 "A plea or verdict of guilty or a conviction following a plea of nolo
18 contendere made to a charge substantially related to the qualifications, functions and duties of a
19 licensed vocational nurse is deemed to be a conviction within the meaning of this article. The
20 board may order the license suspended or revoked, or may decline to issue a license, when the
21 time for appeal has elapsed, or the judgement of conviction has been affirmed on appeal or when
22 an order granting probation is made suspending the imposition of sentence, irrespective of a
23 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person
24 to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
25 guilty, or dismissing the accusation, information or indictment ."

26

27 10. California Code of Regulations, title 16, section 2521, states, in pertinent
28 part:

1 "For the purposes of denial, suspension, or revocation of a license
2 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
3 crime or act shall be considered to be substantially related to the qualifications, functions or
4 duties of a licensed vocational nurse if to a substantial degree it evidences present or potential
5 unfitness of a licensed vocational nurse to perform the functions authorized by his license in a
6 manner consistent with the public health, safety, or welfare. . . ."

7
8 11. Section 125.3 of provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations
10 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Conviction of Substantially Related Crime)**

14 12. Respondent is subject to disciplinary action under Sections 2878,
15 subdivision (f), 2878.6, and 490, as defined by California Code of Regulations, title 16, section
16 2521, in that Respondent was convicted of a crime that is substantially related to the
17 qualifications, functions of duties of a licensed vocational nurse, as follows:

18 a. On or about February 13, 2008, after pleading guilty, Respondent was
19 convicted of two felony counts of violating Penal Code section 118.(a) [perjury] and violating
20 Penal Code section 470 (b) [unlawful forgery of a seal or handwriting], in a criminal proceeding
21 entitled *The People of the State of California v. Anne Lorraine Chavis* (Super. Ct. Los Angeles
22 County, 2007, No. BA301029). The Court sentenced Respondent to 365 days in jail.
23 Additionally, the Court fined Respondent a total of \$92,094.00, and placed her on probation for a
24 period of 3 years.

25 b. The circumstances surrounding the conviction are that on or between
26 April 30, 2002 and June 20, 2002, in the matter of the Conservatorship of the Person and Estate
27 of Thurmond E. Cooks, Respondent attested, under penalty of perjury, to false statements of fact
28 filed with the Superior Court of Los Angeles County.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Bureau of Vocational Nursing and Psychiatric
4 Technicians issue a decision:

- 5 1. Revoking or suspending Vocational Nurse License Number VN 26075,
6 issued to Respondent;
- 7 2. Ordering Anne Lorraine Chavis to pay the Bureau of Vocational Nursing
8 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Business and Professions Code section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.
- 11

12 DATED: September 2, 2008

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14 

15 TERESA BELLO-JONES, J.D., M.S.N., R.N.
16 Executive Officer
17 Bureau of Vocational Nursing and Psychiatric Technicians
18 Department of Consumer Affairs
19 State of California
20 Complainant

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