

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

In the Matter of the Petition to Revoke  
Probation of:

MICHELE ESTHER MOLLEN,

Respondent.

Case No. 2008-5

OAH No. 2010040925

**PROPOSED DECISION**

On November 2, 2012, Complainant's Amended Motion to Enforce Stipulated Surrender (Motion), came on regularly for hearing in Los Angeles, California, before Jankhana Desai, Administrative Law Judge, Office of Administrative Hearings, State of California.

Christina Thomas, Deputy Attorney General, represented Complainant Louise R. Bailey, M.Ed., RN (Complainant), Interim Executive Officer of the Board of Registered Nursing (Board), State of California.

No appearance was made on or behalf of Michele Esther Mollen (Respondent).

The record remained open for Complainant to submit a certified copy of Respondent's license certification, by November 9, 2012. This was submitted timely and was marked and received in evidence as Exhibit 8. The record closed on November 9, 2012.

The Motion is GRANTED and the Proposed Decision is issued pursuant to: the Motion, a settlement agreement placed on the record on March 29, 2012, and the Petition to Revoke Probation herein, as follows:

**FACTUAL FINDINGS**

1. Complainant brought this action solely in her official capacity.
2. Notice of the Motion was sent to Respondent at her address of record with the Board. Respondent did not appear on November 2, 2012.
3. The Petition to Revoke Probation was signed October 29, 2012.

4. On March 29, 2012, Complainant and Respondent appeared for the noticed hearing in this matter. At that time, a settlement was reached and placed orally on the record.

5. The essential terms of the settlement agreed to by Respondent are as follows:

Respondent will surrender her license to the Board.

In the event that Respondent reapplies for her license and the Board grants her reapplication, Respondent will be placed on probation under probationary terms and conditions 1 through 19 of the Board's Guidelines that were in effect on March 29, 2012. Respondent may not reapply for her license before three years from the effective date of this decision.

Respondent shall pay the Board costs totaling \$15,000, due upon reapplication of her license. Respondent is to pay these costs in a payment plan approved by the Board.

6. Respondent expressed on the record that she understood and agreed to all the terms of the settlement. Further, Respondent was instructed that, although a written settlement document would be forwarded to her for signature, the agreement placed on the record was binding.

7. On May 29, 2012, Complainant sent the Stipulated Surrender of License and Order (Stipulation) to Respondent, via regular and certified mail correspondence for signature at her address of record. The envelope containing the Stipulation was returned by the post office, stamped "Return to Sender," "Not Deliverable as Addressed," and "Unable to Forward." Complainant also left Respondent two voicemail messages, and did not hear back from Respondent. Unable to acquire Respondent's signature on the Stipulation, Complainant then filed this Motion.

#### LEGAL CONCLUSIONS

1. The Board may issue a decision based on the settlement that embodies the agreement of the parties, under Government Code section 11415.60.

2. Cause exists to enforce the agreement of the parties, by reason of Factual Findings 1 through 7, and Legal Conclusion 1.

#### ORDER

Pursuant to the agreement of the parties, the following order is made:

1. Respondent's license is deemed surrendered to the Board on the effective date of this decision.

2. In the event that Respondent reapplies for her license and the Board grants her reapplication, Respondent will be placed on probation under probationary terms and conditions 1 through 19 of the Board's Guidelines that were in effect of March 29, 2012. Respondent may not reapply for her license before three years from the effective date of this decision.

3. Respondent shall pay the Board costs totaling \$15,000, due upon reapplication of her license. Respondent is to pay these costs in a payment plan approved by the Board.

DATED: December 10, 2012

/s/

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JANKHANA DESAI  
Administrative Law Judge  
Office of Administrative Hearings