

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF NURSING

In the Matter of  
Christor Rontrell Riley,  
Applicant for Licensure as a  
Registered Nurse by Examination.

**FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION**

The above-entitled matter came on before Administrative Law Judge Bruce H. Johnson (the "ALJ") for a prehearing conference on Friday, July 15, 2005, at 1:30 p.m. at the Board of Nursing, 2829 University Avenue, S.E., Minneapolis, Minnesota 55414. The prehearing conference was held pursuant to a Notice of and Order for Prehearing Conference and Hearing, dated June 8, 2005.

Tamar N. Gronvall, Assistant Attorney General, Suite 1400, 445 Minnesota Street, St. Paul, MN 55101-2131, appeared on behalf of the Minnesota Board of Nursing ("Board"). The Respondent, Christor Rontrell Riley, 2701 Westown Parkway #28, West Des Moines, Iowa 50266 and 1314-13<sup>th</sup> Street, Auburn, Nebraska 68305, did not appear in person or by counsel.<sup>[1]</sup> There were no additional submissions following the Respondent's default on July 15, 2005.

**NOTICE**

This Report is a recommendation, not a final decision. The Board of Nursing will make the final decision after reviewing the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. § 14.61,<sup>[2]</sup> the Board's decision shall not be made until this Report has been available to the parties to the proceeding for at least ten (10) days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact the Board of Nursing, 2829 University Avenue, S.E., Minneapolis, Minnesota 55414, telephone (612) 617-2277, to ascertain the procedure for filing exceptions or presenting argument to the Board.

If the Board fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. The record closes upon the filing of exceptions to the report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and the Administrative Law Judge of the date on which the record closes.

Under Minn. Stat. § 14.62, subd. 1, the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law. If the Board fails to issue a final decision within 90 days of

the close of the record under Minn. Stat. § 14.61, this report becomes a final decision. In order to comply with Minn. Stat. § 14.62, subd. 2a, the Board must then return the record to the Administrative Law Judge within 10 working days to allow the Judge to determine the discipline to be imposed.

### **STATEMENT OF ISSUES**

1. Did the Respondent fail to demonstrate the qualifications for a nursing license contained in Minn. Stat. §§ 148.171 through 148.285 and in the rules adopted by the Board?

2. Did the Respondent procure or attempt to procure registered licensure from the Board by fraud, deceit or by attempting to subvert the licensing examination process in violation of Minn. Stat. § 148.261, subd. 1(2)?

3. And if either or both of the above is the case, should the Respondent be disciplined by the Board?

Based upon all of the files, records and proceedings herein, the Administrative Law Judge makes the following:

### **FINDINGS OF FACT**

1. On June 8, 2005, a copy of the Notice of and Order for Prehearing Conference and Hearing was delivered via first class mail to Christor Rontrell Riley at the following address: 2701 Westown Parkway #28, West Des Moines, Iowa 50266, as appears from an Affidavit of Mailing on file herein. That address was the address that the Respondent had provided to the Board on June 9, 2004, in connection with his application to the Board for Registered Licensure.

2. The Board also subsequently delivered a copy of the Notice of and Order for Prehearing Conference and Hearing to the Respondent via first class mail at the following address: 1314-13<sup>th</sup> Street, Auburn, Nebraska 68305. That address was an address that the Respondent had provided to the Board in April 2005, in connection with his application to the Board to retake the licensure examination.<sup>[3]</sup>

3. The U. S. Postal Service returned the copy of the Notice of and Order for Prehearing Conference and Hearing that the Board sent to the Respondent's Nebraska address as undeliverable, and the Respondent has not communicated with the Board either orally or in writing in response to the copy of the Notice of and Order for Prehearing Conference and Hearing that the Board sent to his Iowa address.<sup>[4]</sup>

4. The Respondent did not appear at the prehearing conference, did not obtain the ALJ's prior approval to be absent from the prehearing conference, did not file a Notice of Appearance, and he did not request a continuance or any other relief.

5. The Notice of and Order for Prehearing Conference and Hearing contained the following informational warning:

Respondent's failure to appear at the prehearing conference, settlement conference, or hearing may result in a finding that the Respondent is in default, that the allegations contained in this Notice and Order for Prehearing Conference and Hearing may be accepted as true, and its proposed action may be upheld.

6. Because Respondent failed to appear, he is in default.

7. Pursuant to Minnesota Rules, part 1400.6000, the allegations contained in the Notice of and Order for Hearing and Order for Prehearing Conference, Order to Show Cause and Statement of Charges are taken as true and incorporated by reference into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS**

1. The Administrative Law Judge and the Board of Nursing are authorized to consider the charges against Respondent under Minn. Stat. §§ 14.50 and 148.171 through 148.285, 214.10, and 214.103.

2. Respondent received due, proper and timely notice of the charges against him, and of the time and place of the prehearing conference. This matter is, therefore, properly before the Board and the Administrative Law Judge.

3. The Board has complied with all relevant procedural legal requirements.

4. Under Minn. R. 1400.6000, a contested case may be decided adversely to a party who defaults. On default, the allegations of and the issues set out in that Notice of and Order for Hearing or other pleadings may be taken as true or deemed proved without further evidence.

8. The Respondent is in default herein as a result of his failure, without the ALJ's prior consent, to appear at the prehearing conference.

9. On June 9, 2004, the Respondent submitted an Application for Registered Licensure by Examination to the Board. In connection with that application, the Respondent submitted a falsified transcript from a university in Oklahoma. The Respondent had not graduated from that University's nursing program, nor had he ever been a student in that program.

10. The Respondent has failed to demonstrate the qualifications for a nursing license contained in Minn. Stat. §§ 148.171 through 148.285 or in rules adopted by the Board.

11. The Respondent attempted to procure registered licensure from the Board by fraud, deceit or by attempting to subvert the licensing examination process in violation of Minn. Stat. § 148.261, subd. 1(2).

12. Minn. Stat. § 148.262, empowers the Board to take disciplinary action against the Respondent by the Department, as a result of the Respondent's violations of Minn. Stat. §§ 148.171 through 148.285.

13. Minn. Stat. §§ 45.027, subd. 6, empowers the Board also to take disciplinary action against the Respondent, as a result of the Respondent's violations of the applicable licensure statutes and rules.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

### **RECOMMENDATION**

IT IS HEREBY RECOMMENDED: that the Board of Nursing take such disciplinary action against the Respondent as it considers appropriate under the circumstances.

Dated this 26<sup>th</sup> day of July, 2005.

S/ Bruce H. Johnson  
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BRUCE H. JOHNSON  
Administrative Law Judge

Reported: Default (no tapes)

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<sup>[1]</sup> See Findings of Fact No. 4.

<sup>[2]</sup> Unless otherwise specified all references to Minnesota Statutes are to the 2004 edition.

<sup>[3]</sup> Exhibit 1.

<sup>[4]</sup> Exhibit 1.