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URANGA & URANGA

BEFORE THE BOARD OF EXAMINERS OF

RESIDENTIAL CARE FACILITY ADMINISTRATORS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. RCA-2005-3
SHAWNTEL LANDSBOROUGH,	)	
aka Shawntel Watkins,	)	**FINDINGS OF FACT,**
License No. RCA-413,	)	**CONCLUSIONS OF LAW AND**
	)	**RECOMMENDED ORDER**
Respondent.	)	
	)	

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Having reviewed the Complaint and other documents in this matter, the Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Recommended Order:

FINDINGS OF FACT

1. Shawntel Landsborough, aka Shawntel Watkins (hereinafter "Respondent") is licensed by the Idaho State Board of Examiners of Residential Care Facility Administrators (hereinafter "Board") under License No. RCA-413 to practice as a residential care facility administrator. Respondent's license expired on April 9, 2005, and Respondent's license was canceled as of April 10, 2005. Pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

2. On May 5, 2005, a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on May 5, 2005, by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at her most recent home address on file with the Board, as follows:

Shawntel Landsborough
16916 Hollow Road
Caldwell, ID 83607

4. The certified mail mailing was returned to the sending office with the notation "addressee unknown," and the regular mailing was not returned.

5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's license without the necessity of conducting a hearing.

6. On June 13, 2005, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

Shawntel Landsborough
16916 Hollow Road
Caldwell, ID 83607

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, Respondent, while a licensed residential care facility administrator, did do the following:

a. Repeatedly failed to act in a manner consistent with the health and safety of residential care facility residents;

b. Repeatedly failed to operate residential care facilities consistent with laws, regulations, and standards of practice recognized in the field of health care administration; and

c. Failed to cooperate with the Bureau of Occupational Licenses investigator and to disclose to the Board any actual or potential circumstances concerning Respondent that might reasonably be thought to have a substantial adverse impact on the residential care facilities or the residents.

CONCLUSIONS OF LAW

1. As a licensed residential care facility administrators in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 42, Idaho Code. Although Respondent did not renew her license and her license was canceled as of April 10, 2005, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

2. The Complaint was sent to Respondent at the address on file with the Board. Respondent was duly and lawfully given notice of proceedings against her license pursuant to the provisions of IDAPA 04.11.01.055.

3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

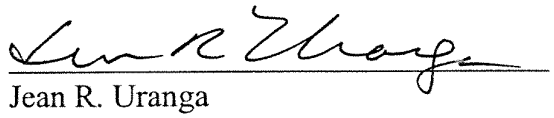
4. Respondent's acts as detailed in the incorporated Complaint constitute violations of American College of Health Care Administrators (ACHCA) Code of Ethics Expectations I and III, IDAPA 24.19.01.650, and Idaho Code §§ 54-4213(1)(a) and (b), thereby authorizing the Board to impose sanctions against Respondent, including her five-year right to renewal.

/ / /

ORDER

Based upon the foregoing, it is the recommendation of the Hearing Officer that the Board take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

DATED this 21st day of June, 2005.



Jean R. Uranga
Hearing Officer

NOTICE OF DUE PROCESS RIGHTS

This is a recommended order of the Hearing Officer. It will not become final without action of the Board. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer issuing the order within fourteen (14) days of the service date of this order. The Hearing Officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5243(3).

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exceptions to the recommended order shall be filed with the Board. Opposing parties shall have twenty-one (21) days to respond. The Board may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties and for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Shawntel Landsborough 16916 Hollow Road Caldwell, ID 83607	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Kenneth F. Stringfield Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail

Jean R. Uranga
Hearing Officer