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

In the Matter of the Accusation Against: Ta-Octa Jose Alipo-On a.k.a. Joey Dee a.k.a. Jose Alippon a.k.a. Joey Dee Tacocta a.k.a. Joey Taocta Dee 2401 S. Santa Anita Avenue Arcadia, CA 91006 Registered Nurse License No. 267751 Respondent	Case No. 2005-171

DEFAULT DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on **12/22/05**.

IT IS SO ORDERED **11/22/05**

LaFrancine W Tate

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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

In the Matter of the Accusation Against: TA-OCTA JOSE ALIPO-ON a.k.a. JOEY DEE a.k.a. JOSE ALIPPON a.k.a. JOEY DEE TAOCTA a.k.a. JOEY TAOCTA DEE 2401 S. Santa Anita Avenue Arcadia, CA 91006 Registered Nurse License No. 267751 Respondent.	Case No. 2005-171 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 18, 2005, Complainant Ruth Ann Terry, M.P.H., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2005-171 against Ta-Octa Jose Alipo-On, a.k.a. Joey Dee, a.k.a. Jose Alippon, a.k.a. Joey Dee Taocta, a.k.a. Joey Taocta Dee, (Respondent) before the Board of Registered Nursing.

2. On or about September 30, 1976, the Board of Registered Nursing (Board) issued Registered Nurse License No. 267751 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2006, unless renewed.

3. On or about April 4, 2005, S. Reyes, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2005-171, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 2401 S. Santa Anita Avenue, Arcadia, CA 91006. A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about April 22, 2005, the aforementioned documents served by certified mail were returned by the postal service.

6. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2005-171.

8. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibit A finds that the allegations in Accusation No. 2005-171 are true.

10. The total costs for investigation and enforcement are $8,303.00 as of July 21, 2005.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Ta-Octa Jose Alipo-On, a.k.a. Joey Dee, a.k.a. Jose Alippon, a.k.a. Joey Dee Taocta, a.k.a. Joey Taocta Dee, is has subjected his Registered Nurse No. 267751 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse based upon the following violations alleged in the Accusation:

   a. California Code of Regulations, title 16, sections 1143 and 1444 - acts of incompetence.

ORDER

IT IS SO ORDERED that Registered Nurse No. 267751, heretofore issued to Respondent Ta-Octa Jose Alipo-On is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 12-22-05.

It is so ORDERED 11-22-05

LaFrancine N Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachments:

Exhibit A: Accusation No.2005-171

DOJ docket number:03579110-LA2004601911
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Exhibit A

Accusation No. 2005-171

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Attorneys for Complainant

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

In the Matter of the Accusation Against: TA-OCTA JOSE ALIPO-ON aka JOEY DEE aka JOSE ALIPPON aka JOEY DEE TAOCTA aka JOEY TAOCTA DEE 2401 S. Santa Anita Avenue Arcadia, CA 91006 Registered Nurse License No. 267751 Respondent.	Case No. 2005-171 OAH No. **ACCUSATION**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (Board).

2. On or about September 30, 1976, the Board issued Registered Nurse License No. 267751 to Ta-Octa Jose Alipo-On aka Joey Dee aka Jose Alippon aka Joey Dee Taocta aka Joey Taocta Dee (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2006, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 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 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), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 states, in pertinent part:

"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:

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

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

7. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

8. California Code of Regulations, title 16, section 1444, states, in pertinent part:

"A[n] . . . 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:

. . . .

"(c) Theft, dishonesty, fraud, or deceit."

9. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Government Code section 11519, subdivision (d), states:

" As used in subdivision (b), specified terms of probation may include an order of restitution. Where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action."

11. Section 125.3 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.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), on the grounds of unprofessional conduct as defined in California Code of Regulations, title 16, sections 1443 and 1444, in that Respondent committed substantially related acts of incompetence when on or about January 16, 2002, the State of California, Business, Transportation and Housing Agency, Department of Corporations issued a "Desist and Refrain Order" to Respondent. The substance of the Order is as follows:

"DESIST AND REFRAIN ORDER

The California Corporations Commissioner finds that:

1. Pacific Health Partners, Inc. ("PHP") is a California corporation with its principal place of business at 5161 Pomona Boulevard, Suite 214, Los Angeles, CA 90022, and its registered office at 251 W. Arlight Street in Monterey Park, CA 91754. Joey Dee is the president and registered agent of PHP. Lea Dee is an agent and manager of PHP.

2. Joey Dee and Lea Dee are residents of Los Angeles who provide continuing

education courses to nurses under the fictitious business name Pacific Education Center at 5161 Pomona Boulevard, Suite 208, Los Angeles, CA 90022.

3. Beginning in or about June 2000, Joey Dee and Lea Dee offered and sold securities in California in the form of common stock in PHP. On or about June 25, 2000, Joey Dee and Lea Dee held a seminar in Los Angeles, attended by former students, to induce them to invest in PHP. The seminar was located at 5161 Pomona Boulevard, Suite 214, Los Angeles, CA 90022.

4. During the seminar, Joey Dee and Lea Dee represented to investors that:

a. the primary business of PHP concerned the acquisition and operation of a blood dialysis unit;

b. the federal government pays "very high" reimbursement rates to dialysis centers for the dialysis treatment of patients under care, thus the acquisition of a dialysis center would be a very profitable venture;

c. the dialysis center would gain the contracts to approximately 100 patients, building a client base for the dialysis center and its eventual profitable operation;

d. the operation and management of the dialysis center would be a viable given Lea Dee's experience in dialysis;

e. "millions are available," and that investors would be able to "retire early";

f. investors could expect to "double" their money within one year.

5. Joey Dee and Lea Dee induces approximately 45 of their students to invest in PHP, raising approximately $233,500.

6. Thereafter, Joey Dee and Lea Dee did not purchase a blood dialysis center, but instead used investor funds to establish a nurse registry service. Notwithstanding their failure to purchase a blood dialysis center, Joey Dee and Lea Dee have retained the funds paid to them by investors for common stock of PHP.

7. The Department of Corporations has not issued a permit or other form of qualification authorizing any person to offer and sell common stock of PHP in this state. The securities offered and sold were not exempt from the qualifications requirement under Section 25110 of the California Corporate Securities Law of 1968.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that the common stock of PHP is a security subject to qualification under the California Corporate Securities Law of 1968 and is being or has been offered or sold without being qualified. Pursuant to Section 25532 of the California Corporate Securities Law of 1968, Joey Dee, Lea Dee, and Pacific Health Partners, Inc. are hereby ordered to desist and refrain from the further offer or sale in the State of California of securities, including but not limited to stock, unless and until qualification has been made under said law or unless exempt. This Order is necessary, in the public interest, for the protection of investors and consistent with the purposes, policies, and provisions of the Corporate Securities Law of 1968.

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Dated: January 16, 2002
Los Angeles, California

DEMETRIOS A. BOUTRIS
California Corporations Commissioner

By (signature)
ALAN S. WEINER
Supervising Counsel
Enforcement and Legal Services Division"

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 No. 267751, issued to Ta-Octa Jose Alipo-On aka Joey Dee aka Jose Alippon aka Joey Dee Taocta aka Joey Taocta Dee.

2. Ordering restitution of all damages according to proof suffered by the shareholders of Pacific Health Partners, Inc., as a condition of probation in the event probation is ordered;

3. Ordering restitution of all damages suffered by shareholders of Pacific Health Partners, Inc. as a result of Ta-Octa Jose Alipo-On aka Joey Dee aka Jose Alippon aka Joey Dee Taocta aka Joey Taocta Dee and Pacific Health Partners, Inc.'s conduct, as a condition of restoration of License No. 267751, issued to Ta-Octa Jose Alipo-On aka Joey Dee;

4. Ordering Ta-Octa Jose Alipo-On aka Joey Dee 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;

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5. Taking such other and further action as deemed necessary and proper.

DATED: 3/18/05

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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