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VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BOARD OF NURSING

IN RE:

LEVENE T. MITCHELL, L.P.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Levene T. Mitchell, L.P.N. Applicant, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Mitchell's application for licensure by examination to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Levene T. Mitchell submitted an application for licensure by examination to practice practical nursing, which was received by the Board on April 21, 2014.
2. By an Order entered on October 7, 2005, Ms. Mitchell was convicted of credit card theft, a felony, in the Circuit Court of the City of Colonial Heights, Virginia. She was sentenced to 10 years incarceration, with 10 years suspended. She was also ordered to pay restitution in the amount of \$893.13 within 30 days, and \$920.00 in costs. Ms. Mitchell submitted evidence that she has satisfied the costs related to this conviction.
3. On February 1, 2008, Ms. Mitchell was convicted of credit card forgery, a felony, in the Circuit Court of the City of Colonial Heights, Virginia. She was sentenced to five years incarceration, with four years and six months suspended. She was also ordered to pay \$845.00 in costs. Ms. Mitchell was discharged from probation for this conviction effective February 24, 2012. She also submitted evidence that she has satisfied the costs related to this conviction.
4. On January 9, 2008, Ms. Mitchell was convicted of one count of identity theft, two counts of credit card forgery, two counts of receiving stolen goods from credit fraud, and one count of credit card

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fraud, all felonies, in the Circuit Court of the City of Hopewell, Virginia. She was sentenced to 11 years and 3 months incarceration, with 10 years suspended. She was also ordered to pay \$2,185.00 in costs and restitution in the amount of \$7697.82 to Citibank and \$1,322.27 to American Express. The Court placed Ms. Mitchell on supervised probation upon her release from incarceration. Ms. Mitchell is on a payment plan to pay court costs and restitution. She provided evidence that she was discharged from probation effective June 25, 2012.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2, 3, and 4 constitute violations of § 54.1-3007(4) of the Code of Virginia (1950), as amended (“Code”).
2. Ms. Mitchell otherwise meets the qualifications of § 54.1-3020 of the Code.

CONSENT

Levene T. Mitchell, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her application for licensure by examination to practice practical nursing in Virginia.


ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Levene T. Mitchell is hereby REPRIMANDED.
2. The application of Ms. Mitchell for licensure to practice as a practical nurse in Virginia is APPROVED. Upon successful completion of the NCLEX-PN Examination, Ms. Mitchell shall be issued an unrestricted license to practice as a practical nurse.
3. Ms. Mitchell shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD


So Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: January 7, 2015

SEEN AND AGREED TO:



Levene T. Mitchell

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Richmond, TO WIT:

Subscribed and sworn to before me, Trisha B Wright, a Notary Public, this 29th day of December, 2014.

My Commission expires 11/30/2014

Registration Number 332053



NOTARY PUBLIC

Trisha B Wright
Notary Public
Commission
Number
332053
Commonwealth of Virginia