

**IN THE MATTER OF:
MARION RANDALL, NA**

A.H. FILE NO. (HSR) 2004-25

FINDINGS OF FACT AND ORDER

This matter came to be heard before the Rhode Island Department of Health pursuant to an Administrative Notice dated October 7, 2004 which charged the Respondent, Marion Randall, N.A., , RI The Administrative Hearing Notice stated that pursuant to R.I.G.L. § 23-17.9-8 (1) (2) and (5) alleged that this conduct constituted unprofessional conduct and is grounds for discipline.

The Department of Health was represented by Gregory Madoian, Esq.

Respondent entered pro se

Exhibits considered:

1. Administrative Hearing Notice with a statement of the charges and Notice of the Opportunity to be Heard with the time, place and date of the hearing.

The Respondent testified on her own behalf.

Finding of Facts and Conclusions of Law

1. That the Respondent was a licensed Nursing Assistant at Hallworth House on or about 4 March 2002.
2. That Respondent is the sole custodial parent of one daughter.
3. That Respondent was driving home when the police stopped her car.
4. That Respondent had a pistol on the seat of her car when she was stopped.
5. That she was charged with carrying a pistol without a license.
6. That she plead to the charge after her attorney, Donna Uhlmann, Esq., failed to appear in court to represent her.
7. That Respondent had registered the pistol with police but was unaware that she needed a special license to "carry" the pistol.
8. That the burden of proof is preponderance of the evidence.

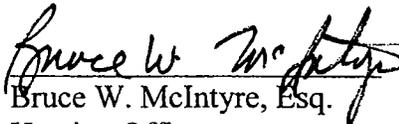
9. That the state has met its burden of proof that the Respondent is guilty.
10. That such conduct is grounds for discipline in accordance with § 23-17.9-8.

Mitigating Circumstances

1. Respondent had registered the pistol with police before carrying it to protect herself during her commute back and forth from home to work
2. Respondent lives in a dangerous section of the city where drug dealing, prostitution and violence are a commonplace.
3. Respondent is the sole custodian of an underage daughter and needs to be employed.
4. Respondent has otherwise had a clean record and has remained gainfully employed.

ORDER

Respondent is hereby issued a stayed suspension of her license during a six-month probationary period. She will not have to serve any suspension time. Respondent is hereby placed on six (6) months probation effective the date of this order.


Bruce W. McIntyre, Esq.
Hearing Officer

1 November 2004
Date

Certification

I hereby certify that on November 1, 2004 a copy of this order was sent to the following individuals postage prepaid:

Gregory Madoian, Esq.
Department of Health
3 Capitol Hill, Rm. 404
Providence, R.I. 02908

Marion Randall, NA
15 Yorkshire St.
Providence, RI 02908

