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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

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7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF NEVADA

-oOo-

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 RANDY LEE WREN,

13 Defendant.

CRIMINAL INFORMATION

Case No: 2:17-cr-00249-JCM-NJK

VIOLATION:

Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2) and (b).

15 THE UNITED STATES ATTORNEY CHARGES THAT:

16 COUNT ONE

17 *Receipt of Child Pornography*

18 Beginning on a date unknown, and continuing to on or about July 21, 2016, in the State
 19 and Federal District of Nevada, and elsewhere,

20 RANDY LEE WREN,

21 defendant herein, did knowingly distribute child pornography and any material that contains child
 22 pornography, as defined in Title 18, United States Code, Section 2256(8), that was shipped and
 23 transported in and affecting interstate and foreign commerce by any means, including by computer;
 24

1 and that was shipped and transported using any means and facility of interstate and foreign
2 commerce in violation of Title 18, United States Code, Sections 2252A(a)(2) and (b)(1).

3 **FORFEITURE ALLEGATION**

4 1. The allegations contained in Count 1 of this Information are hereby realleged and
5 incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States
6 Code, Section 2253.

7 2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of any of
8 the felony offenses charged in Count One of this Criminal Information, the defendant, RANDY
9 LEE WREN, shall forfeit to the United States of America:

- 10 a. Any visual depiction described in Title 18, United States Code, sections
11 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape,
12 or other matter which contains any such visual depiction, which was
13 produced, transported, mailed, shipped or received in violation of Title 18,
14 United States Code, Chapter 110;
- 15 b. Any property, real or personal, constituting or traceable to gross profits or
16 other proceeds obtained from the offense; and
- 17 c. Any property, real or personal, used or intended to be used to commit or to
18 promote the commission of the offense, including but not limited to:
- 19 (i) Nextbook Laptop Computer with Charger;
20 (ii) AMDA.EDU Thumb Drive (Black and Silver);
21 (iii) AT&T Cell Phone with serial number Q4V7NB1182712637;
22 (iv) Samsung Cell Phone with serial number RPDB306465M;
23 (v) Samsung Cell Phone with serial number A000001E193458;
24 (vi) Dell Axim Mobile Computer with serial number 5FFON91;

- (vii) LG Cell Phone with serial number 507CYUK333414;
- (viii) Compaq Presario Computer with serial number 2V96CVJ2W6BT;
- (ix) LG Cell Phone with serial number 507CQCV167683; and
- (x) Printed Circuit Board from Samsung SGH-A197 Phone Above
(item #iv)

(all of which constitutes property).

All pursuant to Title 18, United States Code, Sections 2252A(a)(5)(B), and (b)(2).

DATED: this 3rd day of ~~July~~, 2017.
August

STEVEN W. MYHRE
Acting United States Attorney

Elham Roohani
ELHAM ROOHANI
Assistant United States Attorney

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

RANDY LEE WREN

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:17-CR-0249-JCM-NJK

USM Number: 75916-097

REBECCA LEVY, AFPD

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) ONE [1] OF THE INFORMATION

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC§2252A(a)(2)	Receipt of Child Pornography	8/10/2016	1

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

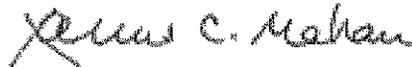
The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/27/2017

Date of Imposition of Judgment


Signature of Judge

JAMES C. MAHAN, U.S. DISTRICT JUDGE

Name and Title of Judge

November 28, 2017

Date

DEFENDANT: RANDY LEE WREN
CASE NUMBER: 2:17-CR-0249-JCM-NJK

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

(97) MONTHS

The court makes the following recommendations to the Bureau of Prisons:

- 1. RESIDENTIAL DRUG PROGRAM
- 2. LOMPOC, CALIFORNIA
- 3. TERMINAL ISLAND, CALIFORNIA

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

- at _____ a.m. p.m. on _____
- as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- before 2 p.m. on _____
- as notified by the United States Marshal.
- as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: RANDY LEE WREN

CASE NUMBER: 2:17-CR-0249-JCM-NJK

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: LIFE.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: RANDY LEE WREN
CASE NUMBER: 2:17-CR-0249-JCM-NJK

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: RANDY LEE WREN
CASE NUMBER: 2:17-CR-0249-JCM-NJK

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

1. NOTIFY COURT OF ANY CHANGE IN ECONOMIC CIRCUMSTANCES.

DEFENDANT: RANDY LEE WREN
CASE NUMBER: 2:17-CR-0249-JCM-NJK

SPECIAL CONDITIONS OF SUPERVISION

1. Substance Abuse Treatment – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program.
2. Drug Testing – You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing shall not exceed 104 tests per year. You must pay the costs of the testing. You must not attempt to obstruct or tamper with the testing methods.
3. Minor Prohibition – You must not have direct contact with any child you know or reasonably should know to be under the age of 18, including your own children, without the permission of the probation officer. If you do have any direct contact with any child you know or reasonably should know to be under the age of 18, including your own children, without the permission of the probation officer, you must report this contact to the probation officer within 24 hours. Direct contact includes written communication, in-person communication, or physical contact. Direct contact does not include incidental contact during ordinary daily activities in public places.
4. Place Restriction – Children Under 18 – You must not go to, or remain at, any place where you know children under the age of 18 are likely to be, including parks, schools, playgrounds, and childcare facilities.
5. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030 (e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

6. No Pornography – Treatment – You must not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256), that would compromise your sex offense-specific treatment.
7. Sex Offender Treatment – You must participate in a sex offense-specific treatment program, and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program.
8. Computer Search – Monitoring Software – To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct periodic, unannounced searches of any computers (as defined in 18 U.S.C. § 1030 (e)(1)) subject to computer monitoring. These searches shall be conducted for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation, and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.
9. Employment Restriction – You must not engage in an occupation, business, or profession, or volunteer activity that would require or enable you to utilize a computer with Internet access without the prior approval of the probation officer.

Note: A written statement of the conditions of release was provided to the Defendant by the Probation Officer in open court at the time of sentencing.

DEFENDANT: RANDY LEE WREN
CASE NUMBER: 2:17-CR-0249-JCM-NJK

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
- not later than _____, or
- in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Restitution amount to be determined at the restitution hearing on Tuesday, February 27, 2018 at 10:00 a.m.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

"FINAL ORDER OF FORFEITURE ATTACHED"

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

1 This Court finds no petitions are pending with regard to the property named herein and
2 the time for presenting such petitions has expired.

3 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all
4 right, title, and interest in the property hereinafter described is condemned, forfeited, and vested
5 in the United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R.
6 Crim. P. 32.2(c)(2); Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3); and Title
7 21, United States Code, Section 853(n)(7) and shall be disposed of according to law:

- 8 1. Nextbook Laptop Computer with Charger with serial number YFGV0615194361;
- 9 2. AMDA.EDU Thumb Drive (Black and Silver);
- 10 3. AT&T Cell Phone with serial number Q4V7NB1182712637;
- 11 4. Samsung SGH-A197 Cell Phone with serial number RPDB306465M;
- 12 5. Printed Circuit Board from Samsung SGH-A197 Cell Phone Above (item #4)
- 13 6. Samsung Cell Phone with serial number A000001E193458;
- 14 7. Dell Axim Mobile Computer with serial number 5FFON91;
- 15 8. LG Cell Phone with serial number 507CYUK333414;
- 16 9. Compaq Presario Computer with serial number 2V96CVJ2W6BT; and
- 17 10. LG Cell Phone with serial number 507CQCV167683

18 (all of which constitutes property).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited
20 funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well
21 as any income derived as a result of the United States of America's management of any property
22 forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of
23 according to law.

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25 ///

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
2 of this Order to all counsel of record.

3 DATED this 27th day of Nov., 2017.

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5 
6 UNITED STATES DISTRICT JUDGE
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**BEFORE THE
RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 7002017000143

RANDY LEE WREN
16185 Tuolumne Rd.
Sonora, CA 95370-7826

Respiratory Care Practitioner License No.
14678

DECISION AND ORDER

The attached Default Decision and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on April 22, 2017.

It is so ORDERED March 23, 2017.

Original signed by: _____

ALAN ROTH, MS, MBA, RRT-NPS, FAARC
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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7 *Attorneys for Complainant*

8 **BEFORE THE**
RESPIRATORY CARE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against,

Case No. 7002017000143

12 **RANDY LEE WREN**
16185 Tuolumne Road
13 Sonora, CA 95370-7826

**DEFAULT DECISION
AND ORDER**

14 **Respiratory Care Practitioner License No.**
15 **14678**

[Gov. Code, §11520]

16 Respondent.

17 FINDINGS OF FACT

18 1. On or about December 14, 2016, Complainant Stephanie Nunez, in her official
19 capacity as the Executive Officer of the Respiratory Care Board of California, Department of
20 Consumer Affairs, filed Accusation No. 7002017000143 against Randy Lee Wren (Respondent)
21 before the Respiratory Care Board.

22 2. On or about October 2, 1991, the Respiratory Care Board (Board) issued Respiratory
23 Care Practitioner License No. 14678 to Respondent. The Respiratory Care Practitioner License
24 expired on November 30, 2016, and has not been renewed. (Exhibit Package, Exhibit 1,
25 Certificate of Licensure.)¹
26

27 ¹ The evidence in support of this Default Decision and Order is submitted as the "Exhibit
28 Package."

1 3. On or about December 14, 2016, an employee of the Board, served by Certified and
2 First Class Mail a copy of the Accusation No. 7002017000143, Statement to Respondent, Notice
3 of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
4 11507.7 (all referred to as the "Accusation Package") to Respondent's address of record with the
5 Board, which was and is: 16185 Tuolumne Road, Sonora, CA 95370-7826. The U.S. Postal
6 Service Track and Confirm search results indicate that the Accusation package was returned to
7 the Board unclaimed on January 17, 2017. (Exhibit Package, Exhibit 2, Accusation Package and
8 copy of U.S. Postal Service Track and Confirm search results.)

9 4. On or about December 14, 2016, an employee of the Board, also served by Certified
10 and First Class Mail a copy of the Accusation Package to a second address for Respondent:
11 Nevada Southern Detention Center, 2190 East Mesquite Ave., Pahrump, NV 89060. The U.S.
12 Postal Service Track and Confirm search results indicate that the Accusation package was
13 "delivered, left with individual" on December 16, 2016. The Board has received no response to
14 the Accusation. (Exhibit Package, Exhibit 2, Accusation Package and copy of U.S. Postal Service
15 Track and Confirm search results.)

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

18 6. On or about January 12, 2017, an employee of the Attorney General's Office sent by
19 certified and regular mail to Respondent at the Nevada Southern Detention Center, as listed above
20 in paragraph 4, a Courtesy Notice of Default, advising Respondent of the service of the
21 Accusation, and providing him with the opportunity to request relief from default. The U.S.
22 Postal Service Track and Confirm search results indicate that the Courtesy Notice of Default was
23 "Delivered, to Mail Room" on January 17, 2017. The Attorney General's Office received no
24 response to the Courtesy Notice of Default. (Exhibit Package, Exhibit 3, Courtesy Notice of
25 Default and copy of U.S. Postal Service Track and Confirm search results.)

26 7. Business and Professions Code section 118 states, in pertinent part:

27 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
28 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by

1 order of a court of law, or its surrender without the written consent of the board, shall not, during
2 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
3 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
4 provided by law or to enter an order suspending or revoking the license or otherwise taking
5 disciplinary action against the license on any such ground."

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

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

11 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
12 Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
13 7002017000143.

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

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

18 10. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent is in default. The Board will take action without further hearing and, based on
20 Respondent's express admissions by way of default and the evidence before it, contained in the
21 Exhibit Package, finds that the allegations in Accusation No. 7002017000143 are true.

22 A. On or about August 11, 2016, the U.S. Attorney's Office filed criminal charges
23 against Respondent in the United States District Court of Nevada in *United States of America v.*
24 *Randy Lee Wren*, Case No. 2:16-mj-00562-NJK. The complaint charges Respondent with one
25 felony count of coercion and enticement of a minor in illicit sexual conduct under Title 18,
26 U.S.C., § 2422(b). (Exhibit Package, Exhibit 4, Complaint, *United States of America v. Randy*
27 *Lee Wren*, Case No. 2:16-mj-00562-NJK.)

28

1 B. During the federal investigation that resulted in the criminal charges, Respondent
2 admitted to having a P.O. Box in Tuolumne, California that he used to send gifts to the underage
3 Victim. He also admitted to knowing the Victim. Law enforcement confirmed that Respondent
4 posed as a minor under a different name when speaking with the Victim. Respondent further
5 admitted that he knew at some point in his relationship that the Victim was a minor. He also
6 admitted going on social websites to find women as young as 16 or 17 years old. (*Id.*)

7 C. Respondent's conduct with the Victim amounts to a corrupt act in violation of
8 Business and Professions Code section 3750(j) and he has subjected his Respiratory Care license
9 to discipline.

10 D. The Respiratory Care Board further finds that pursuant to Business and Professions
11 Code section 3753.5, the costs of investigation and enforcement of the case prayed for in the
12 Accusation total \$3,510.00, based on the Certification of Costs contained in Exhibit Package,
13 Exhibit 5.

14 DETERMINATION OF ISSUES

15 1. Based on the foregoing findings of fact, Respondent's conduct, as set forth above,
16 constitutes cause for disciplinary action and/or unprofessional conduct within the meaning of
17 Business and Professions Code sections 3750(j) [commission of corrupt acts], 3752.6 [sexual
18 misconduct or attempted sexual misconduct], and Code of Regulations sections 1399.370(d)
19 [crime involving harassment or stalking], and 1399.370(e) [crime involving lewd conduct].

20 2. Respondent was duly served a copy of Accusation No. 7002017000143 and failed to
21 file a Notice of Defense or otherwise contest the allegations.

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

23 4. The Respiratory Care Board is authorized to revoke Respondent's Respiratory Care
24 Practitioner License No. 14678.

25 5. Respondent is hereby ordered to pay the above costs of investigation and enforcement
26 of this action in the amount of \$3,510.00.

27 ≡

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