

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

**IN RE: NOMWENDE KAFANDO
LICENSE NO. 312401 (TX)**

DOCKET NO. 2024-78

Appearances:

Prosecutor: George Hasselback, Esq.
Respondent: Did not appear
Hearing Officer: Wesley M. Lawrence

ORDER ON MOTION FOR DEFAULT

Based on the evidence before me, I find as follows:

1. At all relevant times, Respondent Nomwende Kafando held a Multistate License number 312401(TX) to practice as a Registered Nurse. This license was originally issued on February 5, 2013, and expires on November 30, 2025.
2. I held a Default Hearing in the above matter on June 24, 2025 pursuant to 3 V.S.A. §129(f) and 3 V.S.A. §809(d). This public hearing was held electronically via Microsoft Teams pursuant to a Notice of Hearing.
3. On May 5, 2025, the State moved for Respondent to be found in default because he has not responded to the Specification of Charges in this matter.
4. The State filed the Specification of Charges in this matter on June 25, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation ("OPR"), testified that she sent the Specification of Charges to Respondent on February 25, 2025 by Certified Mail addressed to Southern State Correctional Facility in Springfield, where he was incarcerated at the time. The Certified Mail return receipt ("Green Card") was signed by Laurie Knox, presumably an employee of the correctional facility. I find that notice of the Specification of Charges was proper.
5. Ms. Bowen testified that she sent the Notice of Hearing for Default Judgment to the Respondent on May 7, 2025 by regular mail and Certified Mail. The mailed versions were sent to Respondent's address on file, in Texas. None of these were returned as undeliverable. I find that notice of the Default Hearing was proper.
6. Respondent has not filed an answer, has not acknowledged in any way the Specification of Charges, and did not appear for the Default Hearing in this matter.

7. Under the Administrative Rules of the Office of Professional Regulation, Rule 3.4, a default may be entered when an answer is not filed within the required time period, which is twenty days. *See* OPR Rule 3.3.
8. I find Respondent to be in default based on Ms. Bowen's testimony, the State's Motion for Default and presentation of evidence, and by taking official notice of the Office of Professional Regulation file. The allegations contained in the Specification of Charges are therefore treated as the facts upon which the Board of Nursing may issue an order of professional discipline. *See* OPR Rule 3.4, 3 V.S.A. §809(d), and 3 V.S.A. §814(c).
9. I shall treat the factual allegations in the Specification of Charges as proven. *See* OPR Rule 3.4.
10. I find that Respondent committed two (2) violations:
 - 3 V.S.A. §129a(a)(26) (Sexually harassing or exploiting a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers); and
 - 3 V.S.A. §129a(a)(28) (Engaging in conduct of a character likely to deceive, defraud, or harm the public)

as set forth at length in the Specification of Charges, which is incorporated by reference as if set forth at length herein, and should be appended to this decision.

11. The State recommended that the Board revoke Respondent's multistate licensure privilege to practice nursing in the State of Vermont. I find that this is an appropriate sanction given the serious violations that occurred.

PROPOSED ORDER

Consistent with the above, and the recommendation of the State, it is hereby **ORDERED** that that Respondent's multistate licensure to practice nursing in the State of Vermont is **REVOKED**.

DATED at Montpelier, Vermont this 24th day of June 2025.



Wesley M. Lawrence, Hearing Officer,
Vermont Board of Nursing

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on July 14, 2025.

After considering the Proposed Order and its basis, above, the Board of Nursing takes the following action:

- ☐ Rejects the Hearing Officer's recommendation.
- ☐ Schedules the matter for additional evidence.
- ☒ X Accepts the Hearing Officer's recommendation and orders the recommended discipline as set forth in the Proposed Order above.

SO ORDERED,

Vermont Board of Nursing or Director of the Office of Professional Regulation.

Signed by:
William James Floyd III
3862E763001248E
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 7/15/25

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board or hearing authority may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Floor 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the Board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§129(d) and 130a.

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
Nomwende Kafando) **Docket No. 2024-78**
Multistate License #312401 (TX))

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney George L. Hasselback, and pursuant to Rule 3.3 of the Administrative Rules of Practice for the Office of Professional Regulation (“ARPOPR”), hereby moves that the Board of Nursing (the “Board”) find Respondent Nomwende Kafando (“Respondent”) in default for the reasons stated in the following Memorandum of Law.

MEMORANDUM OF LAW

Rule 3.3 of ARPOPR requires a respondent to file an answer to a specification of charges “within 20 days of the date on which the notice of charges was mailed by the Director.” Under the Rules, if a respondent fails to file a timely answer, a default hearing shall be conducted. ARPOPR 3.4. At the default hearing, “the allegations of the charges will be treated as proven and disciplinary action will be taken.” *Id.*

In this matter, Respondent has failed to file a response to the charges and is, therefore, in default. The State filed the Specification of Charges against Respondent on June 25, 2024. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation, sent by both certified and first class mail, on June 25, 2024. *See* ARPOPR 3.2. Respondent’s answer was due on or before July 15, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier.

WHEREFORE, in accordance with ARPOPR 3.3, et seq., the State respectfully requests that the Board schedule a default hearing and find Respondent in default.

DATED at Montpelier, Vermont this 5th day of May 2025.

STATE OF VERMONT
SECRETARY OF STATE

By: *George Hasselback*
George L. Hasselback
Prosecuting Attorney
George.hasselback@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier.

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
Nomwende Kafando) **Docket No. 2024-78**
Multistate License #312401 (TX))

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Nomwende Kafando:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by registered nurses ("RNs") pursuant to 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation ("OPR").

Statement of Facts

2. Nomwende Kofando ("Respondent") of Dallas, TX is licensed as an RN under multistate license #312401 (TX). This license was originally issued on February 5, 2013, and expires on November 30, 2025.
3. At all times relevant to this matter, Respondent was employed as a travelling nurse at locations in New Hampshire and Vermont.

Sexual Assault #1:

4. On or about November 23, 2023, Respondent was working at an assisted living facility located in Portsmouth, NH ("Facility 1").
5. On that date, Respondent worked the "overnight" shift at Facility 1 from the evening of November 23, 2023, to the morning of November 24, 2023.
6. At approximately 2:30 a.m. on November 24, 2023, Respondent approached a coworker (identified by the initial "L") who was also assigned to work the same shift.
7. Respondent attempted to hug L.
8. L. made it clear to Respondent that his attempt to hug her was unwanted and that L. was married.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

9. Later in the shift, at approximately 5:30 a.m. on November 24, 2023, Respondent followed L. into a dark room at Facility 1, cornering her in the room.
10. While in the room, Respondent grabbed L.'s breasts and attempted to shove his hands down L.'s pants and kiss L.'s face.
11. L. immediately reported this behavior to the lead LNA working at Facility 1 at the time.
12. L. was told that the behavior would be reported to Facility 1's Director of Nursing.
13. For the remainder of the shift, Respondent kept following L. around Facility 1 and kept suggesting places they could go where there were no surveillance cameras.
14. L. reported the incident to the nurse staffing agency for which both L. and Respondent worked at the time.

Sexual Assault #2:

15. On or about March 16, 2024, Respondent was working at an assisted living facility located in Woodstock, VT (Facility #2).
16. On that date, Respondent worked the "evening" shift at Facility 2.
17. On that date, an employee of Facility 2 (identified by the initials "S.M.") was working the "overnight" shift from the evening of March 16, 2024, to the morning of March 17, 2024.
18. When Respondent finished his shift, he came back to the nurse's station, ostensibly to keep S.M. company.
19. Respondent and S.M. engaged in a personal conversation.
20. Subsequently, Respondent kissed S.M.
21. S.M. was uncomfortable with the situation and attempted to engage Respondent in conversation to stop the kissing.
22. Subsequently, Respondent and S.M. were seated on a couch together and continued to talk and kiss.
23. Respondent subsequently began to perform oral sex on S.M.
24. S.M. repeatedly told Respondent to, "stop."
25. Respondent did not stop.
26. S.M. pushed Respondent's head with her knee and said, "we need to stop."

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

27. Respondent asked, "why?"
28. S.M. expressed to Respondent that she was not comfortable doing anything further due to sexual health concerns.
29. Respondent offered to wear a condom, but S.M. told him, "that's not what I'm getting at."
30. Respondent subsequently grabbed S.M.'s hand and put it on his penis.
31. Respondent held S.M.'s hand on his penis, moving it forward and back.
32. When Respondent let go of S.M.'s hand, she moved it away from his penis and said, "I can't. I'm not ready."
33. Upon hearing this, Respondent stood up, and attempted to pull S.M.'s head towards his penis.
34. S.M. turned her head and said, "I can't do this."
35. S.M. then turned her back to Respondent and said, "I really can't do this. We have to stop."
36. Respondent put an arm around S.M.'s waist and put his other hand between her legs.
37. S.M. then said, "we have to stop."
38. Respondent turned S.M. around to face him.
39. S.M. attempted to pull up her pants.
40. Respondent told S.M. to "stop" pulling up her pants.
41. Respondent then held S.M. against him in a standing position, bent his knees to lower his body, and inserted his penis into S.M.'s vagina.
42. S.M. was able to get out of Respondent's grip, and pull her pants up.
43. During this encounter, S.M., "felt like [she] was stuck."
44. S.M. was afraid of being "too forceful [towards Respondent] because he is so much stronger than [her]."
45. On or about March 21, 2024, Respondent was arrested and charged with Sexual Assault (no consent) and Lewd and Lascivious Conduct, both felonies.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

46. Upon information and belief, Respondent is currently incarcerated at Southern State Correctional Facility.

47. On or about June 13, 2024, the Board ordered that Respondent cease-and-desist any practice within the State of Vermont under any multistate licensure privilege, pending a hearing on the merits.

Violation One: 3 V.S.A. § 129a(a)(26) Sexually harassing or exploiting a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers.

48. The State re-alleges and incorporates Paragraphs 2 through 47 above.

49. As a licensed RN, practicing in the State of Vermont, Respondent is required to refrain from sexually harassing or exploiting a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers.

50. Paragraphs 2 through 47 demonstrate that Respondent sexually harassed or exploited a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers, when he continued to engage in sexual acts with a coworker, despite the coworker repeatedly withdrawing and/or refusing consent to those acts verbally and/or by her actions.

51. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(26).

Violation Two: 3 V.S.A. § 129a(a)(28) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

52. The State re-alleges and incorporates Paragraphs 2 through 47 above.

53. As a licensed RN, practicing in the State of Vermont, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.

54. Paragraphs 2 through 47 demonstrate that Respondent engaged in conduct of a character likely to harm the public in that he sexually assaulted a coworker.

55. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 3 V.S.A. § 129a(a)(28).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Relief Requested

WHEREFORE, the State of Vermont respectfully requests that pursuant to 26 V.S.A. § 1647c(d) the Board discipline Respondent's multistate licensure privilege to practice nursing in the State of Vermont.

DATED at Montpelier, Vermont this 25th day of June, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: _____


George Lloyd Hasselback
Prosecuting Attorney
(802)828-0350
george.hasselback@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402