

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

IN RE:

BERNARD O. SPOONER

License No.: 026-0011688

Docket No.: NU02-0701

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Bernard O. Spooner, R.N., who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing (the "Board") has the jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a and 814; 26 V.S.A. Chapter 28 and the rules of the Board and the Vermont Office of Professional Regulation.
2. Fraudulent or deceptive procurement or use of a license is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 3 V.S.A. §129a(a)(1).
3. Having made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 26 V.S.A. §1582(a)(1).

Statement of Facts

4. Bernard O. Spooner (the "Respondent") of Bradford, Vermont is a Registered Nurse holding License Number 026-0011688 issued by the State of Vermont. Respondent's license was originally issued on April 1, 2001 and Respondent's license lapsed on March 31, 2003.
5. At all times relevant, the Respondent owned and operated Nursing Resources, Inc. in Bradford, Vermont.
6. On or about March 26, 2001, Respondent completed a license renewal application to renew his nursing license.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. On the section "regarding taxes," the Respondent checked the statement, "I hereby certify, under the pains and penalties of perjury, that I am in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont as of the date of this application."
8. In a letter from Judith E. Lambert, Supervisor of Tax Collections, Ms. Lambert advises that the Respondent was not in good standing with the State of Vermont Tax Department. *top*
9. The Vermont Tax Department issued a Tax Lien against the Respondent and Nursing Resources, Inc. on January 10, 2003 for several tax periods including June 2000 and December 2000.
10. Upon information and belief, the Respondent has recently attempted to come into good standing with the Vermont Tax Department.
11. Although the Respondent does not admit to the truth of the State's allegations, he does not contest that the State would be able to present credible evidence to prove these facts by a preponderance of the evidence at a hearing.

Charges

12. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has violated:
 - a. 3 V.S.A. §129a(a)(1) (fraudulent or deceptive procurement or use of a license); and
 - b. 26 V.S.A. §1582(a)(1) (having made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing).

Understandings

13. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
14. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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Office of
Professional Regulation
Montpelier, VT 05602

16. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
17. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
18. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing.
19. Respondent agrees that in order to resolve this matter the Order set forth below may be entered by the Board.

ORDER

- A) Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

The Board of Nursing hereby stays its judgment in this matter until its next scheduled meeting on May 10, 2004. On or before that date, the Respondent shall provide satisfactory written evidence, from the Vermont Department of Taxes indicating that he has come into "good standing" with the Department of Taxes. If this written evidence is provided, the Respondent's license in this matter shall be **WARNED** without further disciplinary action.

If the Respondent has not provided satisfactory proof that he has come into good standing with the Vermont Department of Taxes, on or before May 10, 2004, then his license shall be **INDEFINATELY SUSPENDED** pending such a time where as he has produced satisfactory evidence of his good standing status with the Department of Taxes. If the Respondent does come into good standing after May 10, 2004. His license shall be **REINSTATED AND WARNED** upon a finding by the Board that he has come into good standing.

- B) This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- C) This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

AGREED TO:

Dated:

4/24/04

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adams
State Prosecuting Attorney

BERNARD O. SPOONER
RESPONDENT

Dated:

04-22-04

By:

Bernard O. Spooner
Bernard O. Spooner

Approved As to Form:

Dated:

04-22-04

ATTORNEY FOR THE
RESPONDENT

By:

Leslie C. Pratt, Esq.
Leslie C. Pratt, Esq.

APPROVED AND SO ORDERED:

Dated:

4/26/04

VERMONT BOARD OF NURSING

By:

Alan H. Weiss
Chairperson Acting

Date of Entry:

5/3/04

as sponsor's copy

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Executive Director
Office of
Professional Regulation
Montpelier, VT 05602

8. In a letter from Judith E. Lambert, Supervisor of Tax Collections, Ms. Lambert advises that the Respondent was not in good standing with the State of Vermont Tax Department. Ms. Lambert advised that the Vermont Department of Taxes notified the Respondent that he was not in good standing in regard to his taxes in the summer of 2000.
9. The Vermont Department of Taxes issued a Tax Lien against the Respondent and Nursing Resources, Inc. on January 10, 2003 for several tax periods including June 2000 and December 2000.
10. The Respondent has acknowledged that he has unpaid taxes due to the State of Vermont Tax Department.

Charges

11. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:
 - a. Committed unprofessional conduct by the fraudulent or deceptive procurement or use of a license in violation of 3 V.S.A. §129a(a)(1);
 - b. Committed unprofessional conduct by having made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing in violation of 26 V.S.A. §1582(a)(1).

Relief Requested

WHEREFORE, the nursing license of Linda M. Young should be revoked suspended or otherwise disciplined.

Dated at Montpelier, Vermont this 2nd day of December 2003.

State of Vermont
Secretary of State

By: _____

Edward Adrian
State Prosecuting Attorney

STATE OF VERMONT

m.spooner.soc



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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SECRETARY OF STATE, OFFICE OF PROFESSIONAL REGULATION

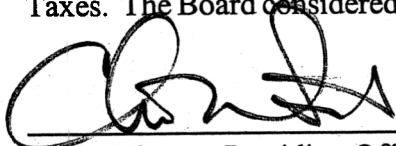
Board: Nursing
In re: Bernard Spooner

Case File No. NU02-0701

ORDER

At a hearing held April 26, 2004, the Board approved a Stipulation and Consent Order which stayed judgment on the Respondent's case until the next meeting, which was held May 10, 2004. The Stipulation and Consent Order contemplated that the Respondent would provide the Board with proof of his good standing with the Department of Taxes by May 10, 2004. If he did, his license would be warned. If he did not, his license would be suspended.

The Respondent did provide proof in the form of a letter from Judith Lambert at the Department of Taxes. The Board considered the letter, and upon motion, the Respondent's license was WARNED.


Chris Winters, Presiding Officer
for the Board of Nursing

5/11/04
Date

Date copies sent to:
Respondent's attorney

Respondent

Cert. to resp't: return receipt no. 1306

5/12/04
X

Pros. Atty

Other

X
Case Manager

Docket Clerk's Initials TE