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By Stacy E. [Signature]
Virginia Board of Nursing

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463
August 25, 2016

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

Nicole Janice Lyons Porter, R.N.
3334 Nansemond River Dr
Suffolk, VA 23435

DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 8/25/16

RE: License Number: 0001-244805
Case Number: 175253

Dear Ms. Porter:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered August 24, 2016. You are hereby advised that you may not practice professional nursing or hold yourself out as a licensed professional nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,

Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing
Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: NICOLE JANICE LYONS PORTER, R.N.
License Number: 0001-244805
Case Number: 175253

ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Nicole Janice Lyons Porter, R.N. was convicted of a felony offense, to wit: grand larceny. A certified copy of the Sentencing Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Nicole Janice Lyons Porter, R.N. to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Nicole Janice Lyons Porter, R.N. will be recorded as suspended and no longer current and valid. Should Nicole Janice Lyons Porter, R.N. seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Nicole Janice Lyons Porter's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

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



David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

8/24/16

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Sentencing Order entered February 9, 2016, regarding Nicole Janice Lyons Porter, R.N., is a true copy of the records received from the Circuit Court of the City of Chesapeake, Virginia.



David E. Brown, D.C.

Date: _____

8/24/16

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

HEARING DATE: January 8, 2016
JUDGE : Marjorie A. Taylor Arrington

COMMONWEALTH OF VIRGINIA

VS

Nicole Janice Porter, **DEFENDANT**

Alias : None

SSN :

DOB

SEX : Female

RACE : White

**FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 550**

CASE NO(S): CR15-171-00 (t) -02

SENTENCING ORDER

Attorney for the Commonwealth : Brandon K. Fellers
 Attorney for the Defendant : Stephen B. Plott
 Court Reporter : Connie Murden

The defendant was present and represented by counsel.

On 05/07/2015 the defendant was found guilty of the following offense:

<u>Case No:</u>	<u>Offense (F/M)</u>	<u>Date</u>	<u>Code</u>	<u>VCC</u>
CR15-171-00	Grand Larceny (F)	05/25/2014	18.2-95	LAR2359F9
CR15-171-02	Obtain Money/ETC: False Pretense Larceny < \$200 (M)	05/25/2014	18.2-178	FRD2741M1

On 05/07/2015 the Court found the evidence sufficient for a finding of guilt, but deferred such findings on the following offense:

<u>Case No:</u>	<u>Offense (F/M)</u>	<u>Date</u>	<u>Code</u>	<u>VCC</u>
CR15-171-01	Larceny of \$200 or More With Intent to Sell or Distribute (F)	05/25/2014	18.2-108.1	LAR2302F9

On this day, the Court, in accordance with the plea agreement accepted on 05/07/15 and upon motion of the Commonwealth's Attorney, entered the dismissal on the charge of Larceny of \$200 or More with Intent to Sell or Distribute, as charged in indictment CR15-171-01, and the defendant is discharged unless otherwise detained.

CHESAPEAKE CIRCUIT COURT
 FAYE W. MITCHELL, CLERK
 307 ALBEMARLE DRIVE
 SUITE 300A
 CHESAPEAKE, VIRGINIA
 23322
 (757) 382-3000

The presentence report was considered and filed as part of the record in accordance with the provisions of Code § 19.2-299.

The Court reviewed and considered the applicable discretionary sentencing guidelines and made the completed worksheet a part of the record of the case pursuant to the provisions of Code § 19.2-298.01.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration in the Virginia Department of Corrections for the term of five (5) years for Grand Larceny CR15-171-00, and Incarceration in the Jail of this City for the term of twelve (12) months for Obtain Money/ ETC: False Pretense Larceny < \$200 CR15-171-02
TOTAL SENTENCE IMPOSED: five (5) years and twelve (12) months.

The Court **SUSPENDS** five (5) years of the Grand Larceny sentence CR15-171-00, and twelve (12) months of the Obtain Money/ ETC: False Pretense Larceny < \$200 sentence CR15-171-02. **TOTAL SUSPENSION: five (5) years and twelve (12) months**

Sentence suspended upon the following conditions:

1. **Good behavior.** The defendant shall be of good behavior for a period of two (2) years.
2. **Supervised Probation.** The defendant is placed on Supervised Probation and the defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include the defendant's compliance with any and all programs deemed appropriate by the Probation Officer.

LENGTH OF PROBATION: For an indeterminate period.

PROBATION TO BEGIN: The defendant shall report to the Chesapeake Probation and Parole Office by the close of business today.

RESTITUTION, FINE AND/OR COSTS PAYMENT PLAN (§19.2-305.2)

The Court further **ORDERS** that the defendant make installment payments in the form of certified check(s) or money order(s) to the Chesapeake Circuit Court Clerk's Office for restitution, fines and/or costs, in accordance with the following schedule:

The defendant shall pay any fine(s) and/or costs of these proceedings at a rate in accordance with the Payment Agreement Plan (FORM CC-1379) entered into between the defendant and the Court, which is incorporated by reference into this order.

CHESAPEAKE CIRCUIT COURT
FAYE W. MITCHELL, CLERK
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Any willful failure to comply with the aforementioned plan will result in the defendant being returned to this Court for a citation for Contempt of Court and/or Revocation of any suspended sentence.

Distribution of Copies. The Clerk shall send a copy of this order to the:
Probation Office of this Court

Credit provision when time to be served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to § 53.1-187.

Substance abuse screening and assessment for felony convictions pursuant to § 18.2-251.01

If the defendant has been convicted of a felony offense, not a capital offense, committed on or after January 1, 2000, the defendant shall complete any substance abuse screening, assessment, testing, and treatment as directed by the Department of Corrections as part of the defendant's sentence. The defendant is subject to payment of all or part of the costs of the program or treatment, excluding the costs of the screening and assessment, based upon the defendant's ability to pay.

Sentencing Summary:

TOTAL SENTENCE IMPOSED : five (5) years and twelve (12) months
TOTAL TIME SUSPENDED : five (5) years and twelve (12) months
TOTAL TIME TO SERVE : none

ENTERED: _____


2/9/16



JUDGE

Clerk: sb for cs

CHESAPEAKE CIRCUIT COURT
FAYE W. MITCHELL, CLERK
307 ALBEMARLE DRIVE
SUITE 300A
CHESAPEAKE, VIRGINIA
23322
(757) 382-3000

CERTIFIED TO BE A TRUE COPY
OF THE RECORD IN MY CUSTODY,
FAYE W. MITCHELL, CLERK
CIRCUIT COURT, CHESAPEAKE, VA
BY: 
DEPUTY CLERK