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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

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

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

June 30, 2011

Jennifer Lynn Pencille
60 Turnstone Court
Stafford, VA 22556

CERTIFIED MAIL

**DUPLICATE COPY
VIA FIRST CLASS MAIL**

DATE 6/30/11

RE: License No.: 0001-224403

Dear Ms. Pencille:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered June 30, 2011. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

cc: Dennis Somech, Esquire
Enclosures
Case # 139128

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: JENNIFER LYNN PENCILLE, R.N.
License No.: 0001-224403

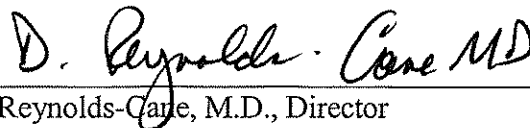
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that Jennifer Lynn Pencille, R.N., pled guilty to, and was found to be guilty of a felony charge in the Circuit Court for the County of Fairfax, Virginia, to wit: One (1) Count of Possession of a Controlled Drug. A certified copy of the Final Order (with attachments) is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Jennifer Lynn Pencille, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Jennifer Lynn Pencille, R.N., to practice professional nursing by will be recorded as suspended. Should Ms. Pencille seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, 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 and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: _____

6-30-11



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

Perimeter Center
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Henrico, Virginia 23233-1463

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FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Final Order (with attachments) entered April 21, 2011, regarding Jennifer Lynn Pencille, R.N., are true copies of the records received from the Circuit Court for the County of Fairfax, Virginia.

D. Reynolds-Cane MD Date: 6-30-11
Dianne L. Reynolds-Cane, M.D.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)
VERSUS)
JENNIFER LYNN PENCILLE)
CRIMINAL NUMBER FE-2009-2003
INDICTMENT - POSSESSION OF A
CONTROLLED DRUG

FINAL ORDER

On April 8, 2011, James Panagis, the Assistant Commonwealth's Attorney, JENNIFER LYNN PENCILLE, the Defendant, and Dennis Somech, Counsel for the Defendant, appeared before this Court. The Defendant stands indicted for the felony of POSSESSION OF A CONTROLLED DRUG and she appeared while on probation.

This case came before the Court for review and final imposition of sentence. The Court heard all of the statements by the Probation Officer and heard all of the evidence presented on behalf of the Defendant and argument of Counsel. In consideration, the Court found the Defendant, JENNIFER LYNN PENCILLE, guilty of POSSESSION OF A CONTROLLED DRUG as charged in the indictment, and sentenced the Defendant to serve two (2) years incarceration with the Virginia Department of Corrections. The Court suspended two (2) years of the sentenced and placed the Defendant on two (2) years of active probation.

The fee of the Court Reporter who recorded the evidence and incidents of trial in this case is assessed as costs, as provided in § 19.2-165 of the 1950 Code of Virginia, as amended.

The Court certifies that at all times during the revocation hearing, the Defendant was personally present and her Attorney was likewise personally present and capably represented the Defendant.

The Defendant was released upon the aforesaid conditions.

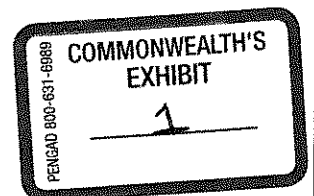
Entered on April 21, 2011.

A COPY TESTE:
JOHN T. FREY, CLERK

BY: Michelle K. Hunt
Deputy Clerk

Date: 6-20-11
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

Jonathan C. Thacher
JUDGE JONATHAN C. THACHER



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m
2010
JCT/sh
FE-2009
2003

DOB: 08/10/1973

DOO: 06/07/2007

ABSTRACT OF CONVICTION

ADDRESS: r: Stafford, VA 22556

SSN/OL#:

STATE of OPERATOR'S LICENSE: VA

STATUTE: 18.2-250

VIOLATION: State

OTN: 059GM1950910185

VCC: NAR3022F5

OL SURRENDERED: No

SEX: Female

A COPY TESTE:
JOHN T. EDEY, CLERK

BY: *[Signature]*

Deputy Clerk

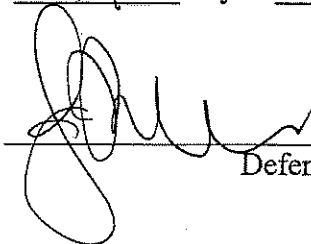
Date: *6-16-11*

Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

PLEA OF GUILTY TO A FELONY

1. My name is **Jennifer Lynn Pencille** and my age is 36 years.
2. I am represented by Counsel whose name is **Dennis Somech** and I am satisfied with his services as an attorney.
3. I have received a copy of the warrant or indictment before being called upon to plead and have read and discussed it with my attorney and believe that I understand the charges against me in this case. I am the person named in the indictment. I have told my attorney all the facts and circumstances, as known to me, concerning the case against me. My attorney has discussed with me the nature and elements of the offense and has advised me as to any possible defenses I might have in this case. I have had ample time to discuss the case and all possible defenses with my attorney.
4. My attorney has advised me that the punishment which the law provides is as follows: **A maximum of ten years imprisonment (and a minimum of one year imprisonment)** or, in the discretion of the Jury or the Judge sitting without a jury, up to twelve months in jail and a fine of not more than \$2,500, or both, also that probation may or may not be granted; and that if I plead guilty to more than one offense, the Court may order the sentences to be served consecutively, that is, one after another.
- 4a. I understand that if the Court sentences me to a term of incarceration, it shall impose an additional term of not less than six months nor more than three years, all of which shall be suspended, conditioned upon successful completion of a period of post release supervision.
5. I understand that I may, if I so choose, plead "Not Guilty" to any charge against me, and that if I do plead "Not Guilty", the constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of any evidence and attendance of witnesses in my behalf; (c) the right to have the assistance of a lawyer at all stages of the proceedings; (d) the right against self-incrimination; and (e) the right to confront and cross-examine all witnesses against me.
6. I understand that by pleading guilty I waive my right to an appeal and that I am admitting that I committed the offense as charged and that the only issue to be decided by the Court is punishment.
7. The following plea agreement is submitted: **The Commonwealth will not object to a disposition pursuant to § 18.2-251, if the defendant is otherwise eligible.**
8. I understand that the Court may accept or reject the agreement, and may defer its decision as to the acceptance or rejection until there has been an opportunity to consider the pre-sentence report and other evidence.
9. I declare that no officer or employee of the State or County or Commonwealth's Attorney's Office, or anyone else, has made any promises to me that I would receive a lighter sentence or probation if I would plead guilty. In addition, no one has threatened me and thereby caused or influenced me to plead guilty.
10. After having discussed the matter with my attorney, I do freely and voluntarily plead guilty to the offense of **Possession of Schedule I/II Controlled Substance (§ 18.2-250), FE-2009-2003**, and waive my right to a trial by jury and request the Court to hear all matters of law and fact.

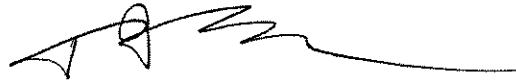
Signed by me in the presence of my attorney this 14th day of December, 2009.



Defendant

CERTIFICATE OF DEFENDANT'S COUNSEL

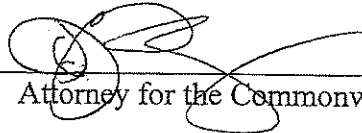
The undersigned attorney for the above-named Defendant, after having made a thorough investigation of the facts relating to this case, do certify that I have explained to the Defendant the charges in this case and that the Defendant's plea of guilty is voluntarily and understandingly made.



Attorney for Defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in this case.



Attorney for the Commonwealth


The Court being of the opinion that the plea of guilty and waiver of jury are voluntarily made, understanding the nature of the charges and the consequences of said plea of guilty and waiver, doth accept same and concur.

Filed and made a part of the record this 14 day of Dec, 2009.



Judge

A COPY TESTE:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

Date: 6-20-10
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CRIMINAL NUMBER FE-2009-2003
VERSUS)	
JENNIFER LYNN PENCILLE)	INDICTMENT - POSSESSION OF A CONTROLLED DRUG

ORDER

On March 12, 2010, Marc Birnbaum, the Assistant Commonwealth's Attorney, JENNIFER LYNN PENCILLE, the Defendant, and Dennis Somech, Counsel for the Defendant, appeared before this Court. The Defendant is convicted of the felony of POSSESSION OF A CONTROLLED DRUG and she appeared while on bond.

The Probation Officer of this Court, to whom this case had been referred for investigation, appeared in open Court with a written report. Copies of the report were previously furnished to Counsel for the Defendant, the Assistant Commonwealth's Attorney, and the Court. Counsel for the Defendant advised the Court that he had discussed the report with the Defendant and that the Defendant is fully advised of the contents.

The accused and her Counsel were given the right to cross-examine the Probation Officer as to any matter contained in the report and to present any additional facts. The report of the Probation Officer is filed and made a part of the record of this case.

The Court heard argument presented on behalf of the Commonwealth. The Court accepted the plea agreement made between the Attorney for the Commonwealth and the Defendant and granted the Defendant's motion to place the Defendant on supervised probation and to delay imposition of sentence for one (1) year pursuant to § 18.2-251 of the 1950 Code of Virginia, as amended. The Court **ORDERED** that imposition of sentence be continued conditioned that the Defendant be placed on supervised probation for one (1) year and further conditioned that the Defendant undergo a substance abuse screening and that the Defendant submit to random urine screens, and further conditioned that the Defendant complete one hundred (100) hours of community service with the Fairfax County Sheriff's Community Labor Force. The Defendant shall comply with all substance abuse treatment recommendations made as a result of the screening. This case was

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SELF
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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CRIMINAL NUMBER FE-2009-2003
VERSUS)	
JENNIFER LYNN PENCILLE)	INDICTMENT - POSSESSION OF A CONTROLLED DRUG

ORDER

On March 11, 2011, Katherine Stott, the Assistant Commonwealth's Attorney, JENNIFER LYNN PENCILLE, the Defendant, and Dennis Somech, Counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felony of POSSESSION OF A CONTROLLED DRUG and she appeared while on probation.

The Defendant's Attorney moved the Court to continue the revocation/sentencing date. The Assistant Commonwealth's Attorney stated no objection to the continuance.

The Court **ORDERED** that this case be continued to April 8, 2011 at 10:00 a.m. for review and final imposition of sentence.

The Defendant was continued on probation.

Entered on March 21st, 2011.

Jonathan C. Thatcher

 JUDGE JONATHAN C. THACHER

A COPY TESTE:
JOHN F. FREY, CLERK

BY: *John Frey*
Deputy Clerk

Date: 6-16-11
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

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pnb