

RECEIVED

JUN 23 2015

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

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

June 22, 2015

Susan Denise Williams Smith
246 Country Haven Drive
Ridgeway, VA 24148

RE: Certificate No.: 1401-080009

Dear Ms. Smith:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your certification to practice as a certified nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered June 22, 2015. 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 certificate to Jay P. Douglas, Executive Director of the Virginia 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 certificate, 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 certificate 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 certificate, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4639.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Brown".

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

cc: Philip G. Gardner, Esquire
Enclosures
Case #163746

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: SUSAN DENISE WILLIAMS SMITH, C.N.A.
Certificate No.: 1401-080009**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Susan Denise Williams Smith, C.N.A., was convicted of felony charges in the Circuit Court for the County of Henry, Virginia, to wit: Three (3) Counts of Embezzlement (Grand Larceny). A certified copy of the Sentencing Order is attached 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 certificate of Susan Denise Williams Smith, C.N.A., to practice as a certified nurse aide in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the certificate of Susan Denise Williams Smith, C.N.A., will be recorded as suspended. Should Ms. Smith seek reinstatement of her certificate 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 certificate prior to issuance of her certificate 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.



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

ENTERED: 6/22/15



COMMONWEALTH of VIRGINIA

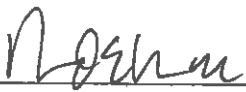
David E. Brown, D.C.
Director

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

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 March 13, 2015, regarding Susan Denise Williams Smith, C.N.A., are true copies of the records received from the Circuit Court for the County of Henry, Virginia.



David E. Brown, D.C.

Date: 6/22/15

SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT OF HENRY

FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 089C

Hearing Date: February 11, 2015

Judge: DAVID V. WILLIAMS

COMMONWEALTH OF VIRGINIA v. SUSAN DENISE SMITH, Defendant

These cases came before the Court for sentencing of the defendant, who appeared in person with her attorney, PHILIP G. GARDNER, retained. The Commonwealth was represented by PATRICK T. NIX, SPECIAL PROSECUTOR.

On November 21, 2014, the defendant was found guilty of the following offenses:

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
089CR1400121300	LAR-2707-F9	18.2-111	CR14001213-00
Offense Date: 06/06/2012	Description: EMBEZZLEMENT(GRAND LARCENY)		Felony
089CR1400121400	LAR-2707-F9	18.2-111	CR14001214-00
Offense Date: 04/11/2013	Description: EMBEZZLEMENT(GRAND LARCENY)		Felony
089CR1400121500	LAR-2707-F9	18.2-111	CR14001215-00
Offense Date: 01/01/2014	Description: EMBEZZLEMENT(GRAND LARCENY)		Felony

The presentence report was considered and is ordered filed as a part of the record in these cases in accordance with the provisions of Virginia Code § 19.2-299.

Pursuant to the provisions of Virginia Code § 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in these cases.

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:

Case No. CR14001213-00 Description: EMBEZZLEMENT (GRAND LARCENY)

Incarceration with the Virginia Department of Corrections for the term of 3 years.

COSTS. The defendant is ordered to pay all costs of this case, plus any additional applicable costs.

The court **SUSPENDS** 3 years of incarceration for a period of _____ years upon the condition(s) specified in Suspended Sentence Conditions.

Case No. CR14001214-00 Description: EMBEZZLEMENT (GRAND LARCENY)

Incarceration with the Virginia Department of Corrections for the term of 3 years.

CLERK'S OFFICE
CIRCUIT COURT
HENRY COUNTY
MARTINSVILLE,
VIRGINIA



COMMONWEALTH OF VIRGINIA v. SUSAN DENISE SMITH, Defendant

COSTS. The defendant is ordered to pay all costs of this case, plus any additional applicable costs.

The court **SUSPENDS** 3 years of incarceration for a period of years upon the condition(s) specified in Suspended Sentence Conditions.

Case No. CR14001215-00 Description: EMBEZZLEMENT (GRAND LARCENY)

Incarceration with the Virginia Department of Corrections for the term of 3 years.

COSTS. The defendant is ordered to pay all costs of this case, plus any additional applicable costs.

The court **SUSPENDS** 3 years of incarceration for a period of 5 years upon the condition(s) specified in Suspended Sentence Conditions.

Consecutive/concurrent:

These sentences shall run consecutively with all other sentences.

Suspended Sentence Conditions:

Good Behavior: The defendant shall be of good behavior for 5 years.

Supervised Probation: The defendant is placed on probation under the supervision of a Probation Officer to commence upon sentencing for 1 year or unless sooner released by the court or by the Probation Officer. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer.

The defendant shall provide a DNA sample and legible fingerprints as directed.

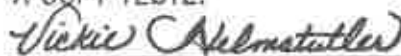
The defendant was allowed to depart.

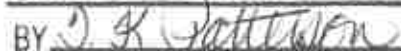
The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code § 53.1-187.

ENTER this 13th day of March, 2015.


_____, Judge
DAVID V. WILLIAMS

A COPY TESTE:



BY 

CLERK
D.C.

COMMONWEALTH OF VIRGINIA v. SUSAN DENISE SMITH, Defendant

DEFENDANT IDENTIFICATION:

Name: SUSAN DENISE SMITH

SSN: 7 DOB: 08/14/1970 Sex: F

SENTENCE SUMMARY:

Total Incarceration Sentence Imposed: 9 YEARS

Total Sentence Suspended: 9 YEARS

Total Active Sentence: NONE

CLERK'S OFFICE
CIRCUIT COURT
HENRY COUNTY
MARTINSVILLE,
VIRGINIA

CONVICTION ORDER

VIRGINIA: IN THE CIRCUIT COURT OF HENRY COUNTY

COMMONWEALTH OF VIRGINIA

FIPS: 089C

v. CR14001213-00, CR14001214-00 & CR14001215-00

SUSAN DENISE SMITH

PRESENT: HONORABLE DAVID V. WILLIAMS, JUDGE

Social Security Number:

Date of Birth: 08/14/

Hearing Date: 11/21/2014

Hearing Type: Guilty Plea {Plea Agreement} – Pre-Sentence Report Ordered

Attorney For Commonwealth: Patrick T. Nix, Special Prosecutor

Attorney For Defendant: Philip G. Gardner, Retained

Original Charge Description(s)/Statute(s):

Embezzlement (Grand Larceny) ~ 3 Counts 18.2-111/18.2-95

Offense Description(s) If Convicted: Same

Alleged Offense Date(s):

Between 06/06/12 & 02/20/13, 04/11/13 & 09/18/13, 01/01/14 & 05/16/14

Commencing Status Of Defendant: Bond

This day came the Attorney for the Commonwealth and the defendant in person and with her attorney, Philip G. Gardner, retained.

Whereupon the defendant waived arraignment to all the charges and the Court having been advised by the defendant, her counsel, and the Attorney for the Commonwealth that there have been a plea agreement in these cases, and such agreement in writing having been presented to the Court, and now filed herein, and the evidence of the Attorney for the Commonwealth, the Court accepts said agreement and the pleas of guilty tendered by the defendant in person and finds the defendant guilty of *Embezzlement (Grand Larceny ~ 3 counts*, as charged in the indictments.

CR14001213-00
et als

CONVICTION ORDER
SUSAN DENISE SMITH

PAGE 2

The Court is of the opinion that it is compatible with the public interest, that the imposition of sentence be deferred upon the following conditions:

That the defendant cooperate fully with the request for information made by the Probation Officer, who is directed to conduct a thorough investigation and to file a pre-sentence report with the Court.

The defendant shall undergo a substance abuse screening and if the screening indicates a substance abuse or dependence problem, an assessment shall be done as directed by the Probation Officer. The results of the screening and assessment if indicated shall be included in the pre-sentence report.

Sentencing is set for February 11, 2015 at 2:00 p.m. to which time these cases are continued and the defendant was allowed to depart.



DAVID V. WILLIAMS, JUDGE

CLERK'S OFFICE
CIRCUIT COURT
HENRY COUNTY
MARTINSVILLE,
VIRGINIA

A COPY TESTE:

Dickie (Almettler) CLERK
BY *J. K. Patterson* D.C.