

Certified True Copy

By   
Virginia Board 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

March 4, 2015

Tammy Lynn Tawney  
P.O. Box 332  
Newport, VA 24128

RE: License No.: 0002-049815

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 3/4/15

Dear Ms. Tawney:

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 March 4, 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 license 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 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,



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

RECEIVED

MAR 05 2015

cc: Frederick M. Kellerman, Esquire  
Ryan Dalton Hamrick, Esquire

Enclosures  
Case # 161344

VA BOARD OF NURSING

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: TAMMY LYNN TAWNEY, L.P.N.  
License No.: 0002-049815**

**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 Tammy Lynn Tawney, L.P.N., was convicted of felony charges in the Circuit Court for the County of Giles, Virginia, to wit:

1. One (1) Count of Child Abuse;
2. One (1) Count of Conspiracy to Manufacture Methamphetamine; and
3. One (1) Count of Conspiracy to Distribute Schedule II Drug.

A Certified copy of the Conviction and Sentencing Order 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 Tammy Lynn Tawney, L.P.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, suspended.

Upon entry of this Order, the license of Tammy Lynn Tawney, L.P.N., will be recorded as suspended and no longer current. Should Ms. Tawney 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.



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

ENTERED: 3/4/15



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director


## *Department of Health Professions*

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### **CERTIFICATION OF DUPLICATE RECORDS**

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order entered March 12, 2014, regarding Tammy Lynn Tawney, L.P.N., is a true copy of the records received from the Circuit Court for the County of Giles, Virginia.

  
\_\_\_\_\_  
David E. Brown, D.C.

Date: 3/4/15

CONVICTION AND SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT OF GILES COUNTY

FEDERAL INFORMATION PROCESSING  
STANDARDS CODE: 071

HEARING DATE: February 27, 2014

Judge: Honorable Colin R. Gibb

COMMONWEALTH OF VIRGINIA

v.

TAMMY LYNN TAWNEY, DEFENDANT

This day came the defendant, who stands indicted for a felony, who appeared in person with her attorney's Frederick M. Kellerman, Jr., and Ryan Hamrick. The Commonwealth was represented by Debra K. Sifford.

It is ORDERED that all of the evidence and other incidents of trial be recorded verbatim on electronic equipment operated by Debbie Wilson, Court Reporter, who was sworn so to do.

Whereupon, the defendant was arraigned and after being advised by her counsel pleaded guilty to the indictments, which plea was tendered by the defendant in person, and after being first advised by her counsel and by the Court of her right to trial by jury, the defendant in person, knowingly and voluntarily waived trial by jury, and with the concurrence of the Attorney for the Commonwealth and of the Court, the Court proceeded to try these cases without intervention of a jury as provided by law.

The Court having been advised by the defendant, her counsel and the Attorney for the Commonwealth that there has been a plea agreement in these cases and such agreement in writing having been presented to the Court, and now filed herein and having heard the evidence of the Commonwealth and of the defendant and their attorneys, the Court accepts said agreement and plea of the defendant and finds the defendant guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR00438704-00	Child Abuse (F)	12-25-12	18.2-371.1 FAM-3808-F6
CR13000686-00	Conspiracy to Manufacture Methamphetamine (F)	12-15-12	18.2-248 NAR-3131-C9

PENGAD 800-931-6888

COMMONWEALTH'S  
EXHIBIT

1

Pursuant to the provisions of 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 part of this record.

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

The Court **SENTENCES** the defendant to:

Incarceration with the Department of Corrections, for a term of **Ten (10) years** on CR13000686-00, **Five (5) Years** on CR13D07131-00, and **Five (5) Years** on CR00438704-00 to run consecutively with each other for a total sentence of **Twenty (20) Years**.

The Court **SUSPENDS** **Nine (9) years** on CR13000686-00, **Five (5) Years** on CR13D07131-00 and **Five (5) Years** on CR00438704-00, to run consecutively with each other for a total suspension of **Nineteen (19) years**, upon the following conditions:

**Good Behavior.** The defendant shall keep the peace and be of good behavior.

**Supervised Probation.** The defendant is placed on probation upon her release from incarceration under the supervision of a Probation Officer for **Five (5) years**, 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 complete any substance abuse screening, assessment, testing and treatment as directed by the Department of Corrections.

The defendant is subject to payment of any fees associated with the substance abuse treatment or intervention as requires by the treatment or intervention program on an ability to pay basis.

**Specific Conditions of the defendant's probation are that she will follow all requirements of her probation officer including but not limited to the VASAP black box program, in-patient substance abuse programs, and parenting classes.**

Costs. ORDERED in the amount of \$4,254.00.

Day Report. The defendant shall attend and successfully complete the Giles County Day Report Program for a period of Six (6) Months, during the first year of her release, and pay all associated costs.

Driver's License. ORDERED suspended for a period of six (6) months on CR13000686-00 and Six (6) Months on CR13D07131-00 to run consecutively with each other for a total suspension of Twelve (12) Months, with said suspension to begin immediately pursuant to §18.2-259.1.

#### 4<sup>TH</sup> AMENDMENT AND EXTRADITION WAIVER

If the defendant is being placed or will be placed on probation pursuant to this agreement, she hereby waives her rights against search and seizure under the 4<sup>th</sup> Amendment of the United States Constitution, Article I, Section 10 of the Constitution of Virginia and any statutory or constitutional prohibition in any state in which the defendant resides against search and seizures with probable cause. This waiver will date from the date of acceptance by the Court of this plea agreement and continue until expiration of probation, both supervised and unsupervised, suspended sentence or period of suspension of sentence, whichever is later. A specific condition of this waiver is that defendant will allow law enforcement officers, and specifically her probation officer, to search her person, residence, automobile or any property in which defendant would otherwise have a legitimate and reasonable expectation of privacy, without first establishing probable cause or obtaining a search warrant. If defendant has been placed on probation or will be on probation or parole at any time for the conviction(s) pursuant to this agreement, she hereby waives extradition proceedings from any other state in the United States or from the District of Columbia back to Virginia involving a probation or parole revocation proceeding and/or hearing involving the conviction(s) under this plea agreement. For any violation of or noncompliance with terms of probation, the probation officer may direct the defendant to attend the Giles County Day Report Center for an amount of time no greater than twelve (12) months. This may be done without further Order of the Court.

And is further ORDERED that (as a condition of probation), and pursuant to Code §19.2-310.2 and Code §19.2-310.3 of the CODE OF VIRGINIA the defendant shall have a sample of his/her blood, saliva or tissue taken for DNA analysis to be sent to the Division of Forensic Science within fifteen (15) days after taking, unless a sample was previously taken.

The Court hereby authorizes the defendant who has been committed to jail, to work on public works projects under §53.1-129, and Judicial Good Time may be given at a rate determined by the Jail's policy, or an order similar in manner. However this privilege does not apply to any defendant convicted of the following offenses under Chapter 4 of the Virginia Code: any Homicide under Article 1, any kidnapping or Abduction under Article 3, any felony Assault and Wounding under Article 4, any Robbery under Article 5, any felony Sexual Offenses under Article 7 of the Code of Virginia, and any conviction for violation of a protective order entered by any Judge or Magistrate.

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

The Attorney for the Commonwealth moved for the entry of a nolle prosequi to which motion the defendant consented. The Court, for good cause shown, entered the nolle prosequi in the following described cases:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR00438702-00	Child Abuse (F)	08-11-12	18.2-371.1 FAM-3808-F6
CR00438703-00	Child Abuse (F)	12-25-12	18.2-371.1 FAM-3808-F6
CRI3000686-01	Bailee Viol Rel/Pretrial Conditions (M)	06-02-13	19.2-123 END-9975-09

March 12<sup>th</sup>, 2014  
DATE

ENTER:

  
Colin R. Gibb, JUDGE

**DEFENDANT IDENTIFICATION:**

Alias: none

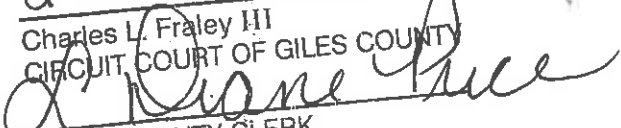
SSN: [REDACTED] DOB: 09-26-1975 Sex: Female

**SENTENCING SUMMARY:**

TOTAL SENTENCE IMPOSED: Twenty (20) Years

TOTAL SENTENCE SUSPENDED: Nineteen (19) Years

True Copy Teste:  
2 - 4

Charles L. Fraley III  
CLERK/COURT OF GILES COUNTY  
  
CLERK/DEPUTY CLERK