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VA BD OF NURSING

# COMMONWEALTH of VIRGINIA

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

Department of Health Professions  
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November 2, 2011

Wendy Harvey Cales Marks  
110 Longstreet Avenue  
Highland Springs, VA 23075

**CERTIFIED MAIL**

**DUPLICATE COPY  
VIA FIRST CLASS MAIL**

RE: License No.: 0001-119612

DATE 11/2/11

Dear Ms. Marks:

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 November 2, 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 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 of the Board of Nursing, at the above address or (804) 367-4599.

Sincerely,

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

cc: Steven M. Marks, Esquire  
Enclosures  
Case # 141181

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: WENDY HARVEY CALES MARKS, R.N.**  
**License No.: 0001-119612**

**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 Wendy Harvey Cales Marks, R.N., was found guilty of a felony charge in the Circuit Court of Hanover County, Virginia, to wit: One (1) Count of Drive While Under the Influence, Third Offense Within Less Than Five Years. 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 license of Wendy Harvey Cales Marks, 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 Wendy Harvey Cales Marks, R.N., will be recorded as suspended and no longer current. Should Ms. Marks 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: 11-2-11



# COMMONWEALTH of VIRGINIA

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Director

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## CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Sentencing Order entered February 5, 2010, regarding Wendy Harvey Cales Marks, R.N., is a true copy of the records received from the Circuit Court of Hanover County, Virginia.

*D. Reynolds-Cane MD*

Date: 11-2-11

Dianne L. Reynolds-Cane, M.D.

VIRGINIA: IN THE CIRCUIT COURT OF HANOVER COUNTY

FEDERAL INFORMATION PROCESSING  
STANDARDS CODE: 085

Hearing Date: January 25, 2010  
Judge: J. Overton Harris

COMMONWEALTH OF VIRGINIA

v.

CASE NUMBER: CR09001031

WENDY HARVEY MARKS, DEFENDANT

### SENTENCING ORDER

This day came the defendant, led to the bar by the Sheriff of Hanover County, with her attorney, Steven M. Marks. The Commonwealth was represented by Stephen B. Royalty.

On December 9, 2009, the defendant was convicted of the following offense:

CASE NUMBER	OFFENSE DESCRIPTION, AND INDICATOR	OFFENSE DATE	VA. CODE SECTION	VA. CRIME CODE
CR09001031(00)	Drive while under the influence, third offense within less than five years/Felony	08/01/2009*	18.2-266 and 18.2-270	DWI5450F6

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 this case.

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 with the **Virginia Department of Corrections** for a term of five years for case number CR09001031(00).

The total sentence imposed is five years.

A fine of \$1,000.00 for case number CR09001031(00).

Indefinite revocation of operator's license for case number CR09001031(00).

This sentence shall run consecutive with all other sentences.

The Court **SUSPENDS** four years and six months of the drive while under the



