



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

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

COMMONWEALTH of VIRGINIA

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

November 2, 2011

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

RE: License No.: 0001-119612

CERTIFIED MAIL

DUPLICATE COPY VIA FIRST CLASS MAIL

DATE _ulalu

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

Kerprolde - Care MD

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: //- 2-11

D. Keyrolds-Cove M.D.



COMMONWEALTH of VIRGINIA

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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.

Dianne L. Reynolds-Cane, M.D.

Date:

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

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



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influence, third offense within less than five years sentence case number CR09001031(00); for a period of ten years, for a total suspension of four years and six months, upon the following conditions:

Good behavior. The defendant shall be of good behavior for ten years from her date of sentencing.

Supervised probation. The defendant is placed on probation to commence on her release from incarceration, under the supervision of a Probation Officer of this Court for an indefinite period of time, 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 pay \$50.00 to the Trauma Fund pursuant to Virginia Code §18.2-270.1.

The defendant shall pay all costs of court to include any applicable court appointed attorney fees.

The defendant shall provide a blood, saliva or tissue sample as required by the provisions of Virginia Code §§19.2-310.2 and 19.2-310.3, if a sample has not been previously provided.

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

It is further ORDERED that the defendant be remanded to jail to begin serving the sentence pronounced by the Court.

The Court certifies that at all times the defendant was personally present with an attorney.

DATE: 2\5/10

IER. OUT

DEFENDANT IDENTIFICATION:

Alias: None

SSN: DOB: 10/21/1965 Sex: Female

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: FIVE YEARS

TOTAL SENTENCE SUSPENDED: FOUR YEARS AND SIX MA

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