



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

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

Sandra Whitley Ryals
Director

November 3, 2008

Kimberly Monk Mawyer
1816 N. Amherst Way
Amherst, VA 24521

CERTIFIED MAIL

**DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 11/3/08**

RE: License No.: 0001-144900

Dear Ms. Mawyer:

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 3, 2008. 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, 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,

Emily O. Wingfield, Chief Deputy Director
Department of Health Professions

Enclosures
Case # 122113

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: **KIMBERLY MONK MAWYER, R.N.**
 License No.: 0001-144900

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Emily O. Wingfield, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that:

1. Kimberly Monk Mawyer, R.N., was convicted of a felony charge in the Circuit Court of the County of Amherst for the Commonwealth of Virginia on May 3, 2006, to wit: Drive Under the Influence, 3rd or Subsequent Offense Within 10 Years. A certified copy of the Sentencing Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

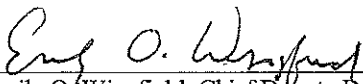
2. Kimberly Monk Mawyer, R.N., was convicted of a felony charge in the Circuit Court of the County of Amherst for the Commonwealth of Virginia on November 19, 2003, to wit: Driving Under the Influence, 4th Offense Within 10 Years. A certified copy of the Conviction and Sentencing Order is attached to this Order and is marked as Commonwealth's Exhibit No. 2.

3. Kimberly Monk Mawyer, R.N., was convicted of a felony charge in the Circuit Court of the County of Amherst for the Commonwealth of Virginia on July 16, 2003, to wit: Driving Under the Influence, 3rd Offense Within 10 Years. A certified copy of the Conviction and Sentencing Order is attached to this Order and is marked as Commonwealth's Exhibit No. 3.

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 Kimberly Monk Mawyer, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Kimberly Monk Mawyer, R.N., will be recorded as suspended and no longer current. Should Ms. Mawyer 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.



Emily O. Wingfield, Chief Deputy Director
Department of Health Professions

ENTERED: 11/3/08



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

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CERTIFICATION OF DUPLICATE RECORDS

I, Emily O. Wingfield, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Sentencing Order dated May 3, 2006, regarding Kimberly Monk Mawyer, R.N., are true copies of the records received from the Circuit Court of the County of Amherst, Virginia.

Emily O. Wingfield

Date: 11/3/08

Emily O. Wingfield

VIRGINIA: IN THE CIRCUIT COURT OF AMHERST COUNTY

FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 009C

Hearing Date: **May 3, 2006**
Judge: **J. Michael Gamble**

SENTENCING ORDER

COMMONWEALTH OF VIRGINIA

Vs. #CR06012565-00

KIMBERLY JANE MAWYER, DEFENDANT

This case came before the Court for sentencing of the defendant, who appeared in person with **James H. Massie, III**, her court-appointed attorney. **H. Cary Payne** represented the Commonwealth.

On **March 7th, 2006**, the defendant was found guilty of the following offense:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR06012565-00	Drive under influence, 3rd or subsequent offense within 10 years (F)	11-24-05	18.2-266

The presentence report was received by this Court in the manner prescribed by law together with additional evidence in mitigation and extenuation, if any, the Court heard argument by counsel for the defendant and by the Attorney for the Commonwealth.

Pursuant to Virginia Code Section 19.2-298.01, the Court states for the record that it has reviewed and considered the suitability of the applicable discretionary sentencing guidelines, and the worksheets prepared in accordance therewith, and that the worksheets are made a part of the record in this case.



The Court then asked if the defendant wanted to say if there was any reason why sentence should not be imposed. Nothing having been offered, it is the judgment of this Court that the defendant is sentenced to:

Commitment to the **Virginia Department of Corrections** for imprisonment for a term of **5 years, and a fine of \$1,000.00.**

The Court **SUSPENDS 4 years of the 5-year sentence**, for a period of **10 years** upon the following conditions:

Good Behavior: That the defendant keep the peace and be of good behavior and violate none of the penal laws of this Commonwealth or any other jurisdiction for a period of **10 years** from the date of her release from confinement.

Supervised Probation: That the defendant is placed on probation under the supervision of a Probation Officer of this Court during her good behavior for **2 years** from the date of her release from confinement, and the defendant shall comply with the probation rules of this Court set forth below, and with all additional requirements set by the Probation Officer:

1. That she not use or possess any illegal drug or contraband substance or alcohol
2. That she participate in and complete drug/alcohol treatment as directed by the Probation Officer
3. That she submit to drug/alcohol screens as directed by the Probation Officer

Unsupervised Probation: That the defendant is placed on unsupervised probation during her good behavior for a period of **8 years** from the date of her release from supervised probation.

Substance Abuse Screening: That the defendant shall complete any substance abuse screening, assessment, testing and treatment as directed by the Department of Corrections. The defendant may be subject to payment

of any fees associated with substance abuse treatment or intervention as required by the treatment or intervention program on an ability to pay basis.

Costs: That the defendant shall pay court costs of \$_____. On motion of the defendant, and upon showing good cause, the Court ORDERS an extension of time for the payment of costs for a period of two years as permitted by Virginia Code Section 19.2-358(C).

Operator's License: That the defendant's motor vehicle operator's license is **REVOKED**.

Credit for Time Served: That unless otherwise receiving credit, the defendant shall be given credit for the time spent in custody awaiting trial.

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

The defendant is remanded to jail.

Enter this 3rd day of May, 2006.



J. Michael Gamble, Judge

DEFENDANT IDENTIFICATION:

SSN: 212-76-6801

DOB: 10-28-57

SEX: FEMALE

SENTENCING SUMMARY:


TOTAL SENTENCE IMPOSED: 5 YEARS

TOTAL SENTENCE SUSPENDED: 4 YEARS

TOTAL SENTENCE TO SERVE: 1 YEAR

FOR ADMINISTRATIVE USE ONLY:

VCC: DWI-5405-F6



Roy C. Mayo

ENTERED
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MAY - 3 2006



COMMONWEALTH of VIRGINIA

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CERTIFICATION OF DUPLICATE RECORDS

I, Emily O. Wingfield, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order dated November 19, 2003, regarding Kimberly Monk Mawyer, R.N., are true copies of the records received from the Circuit Court of the County of Amherst, Virginia.

Emily O. Wingfield

Date: 11/3/08

Emily O. Wingfield

VIRGINIA: IN THE CIRCUIT COURT OF AMHERST COUNTY

FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 009

Hearing Date: November 19, 2003
Judge: J. Michael Gamble

CONVICTION AND SENTENCING ORDER

COMMONWEALTH OF VIRGINIA

v. #CR03011847-00

KIMBERLY JANE MAWYER, DEFENDANT

This day came the defendant, who appeared in person with her court-appointed attorney, **James J. Angel**. The Commonwealth was represented by **Michael T. Garrett**.

Whereupon the defendant was arraigned as charged in the indictment, and after being advised by her counsel, pleaded "guilty" to the indictment, which plea was tendered by the defendant in person and the Court, having made inquiry and being of the opinion that the defendant fully understood the nature and effect of her plea and of the penalties that may be imposed upon her conviction, and of the waiver of trial by jury and of appeal, proceeded to try the case without the intervention of a jury as provided by law.

Having heard the evidence and the argument of counsel, the Court finds the defendant guilty of the following offense:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR03011847-00	Driving under influence, 4 th offense within 10 years (F)	02-20-03	18.2-266



Pursuant to Virginia Code Section 19.2-298.01, the Court states for the record that it has reviewed and considered the suitability of the applicable discretionary sentencing guidelines, and the worksheets prepared in accordance therewith, and that the worksheets are made a part of the record in this case. The defendant waived a pre-sentence report.

The Court then asked if the defendant wanted to say if there was any reason why sentence should not be imposed. Nothing having been offered, it is the judgment of this Court that the defendant is **SENTENCED** to: Commitment to the **Virginia Department of Corrections** for imprisonment for a term of **5 years**.

The Court **SUSPENDS 4 years of the 5-year sentence**, for a period of **3 years** upon the following conditions:

Good Behavior: That the defendant keep the peace and be of good behavior and violate none of the penal laws of this Commonwealth or any other jurisdiction for a period of **3 years** from the date of her release from confinement.

Supervised Probation: That the defendant is placed on probation under the supervision of a Probation Officer of this Court during her good behavior for **3 years** from the date of her release from confinement, and the defendant shall comply with the probation rules of this Court set forth below, and with all additional requirements set by the Probation Officer:

1. That she not consume any alcoholic beverages
2. That she not use or possess any illegal drug or contraband substance
3. That she participate in and complete drug/alcohol treatment or any other treatment as directed by the Probation Officer
4. That she submit to drug/alcohol screens as directed by the Probation Officer

Substance Abuse Screening: That the defendant shall complete any substance abuse screening, assessment, testing and treatment as directed by the Department of Corrections. The defendant may be subject to payment of any fees associated with substance abuse treatment or intervention as required by the treatment or intervention program on an ability to pay basis.

Costs: That the defendant shall pay court costs of \$_____. On motion of the defendant, and upon showing good cause, the Court ORDERS an extension of time for the payment of costs until the end of her probation as permitted by Virginia Code Section 19.2-358(C).

Operator's License: That the defendant's motor vehicle operator's license is **REVOKED**.

DNA: That the defendant submit to a DNA test.

Credit for Time Served: That unless otherwise receiving credit, the defendant shall be given credit for the time spent in custody awaiting trial. Work release is authorized if approved by the Sheriff.

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

It is further ORDERED that the defendant be released to report to the jail of this County on December 1st, 2003, at 7:00 o'clock p.m. to

commence serving her sentence and her bond shall continue for her appearance at such time and place.

DEFENDANT IDENTIFICATION:

[REDACTED]

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 5 YEARS

TOTAL SENTENCE SUSPENDED: 4 YEARS

TOTAL SENTENCE TO SERVE: 1 YEAR

Criminal ENTERED
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NOV 19 2003

A COPY,
Teste: *Roy C. Mayo III*, Clerk
ROY C. MAYO III
Clerk Circuit Court Amherst County, Va. ✓



COMMONWEALTH of VIRGINIA

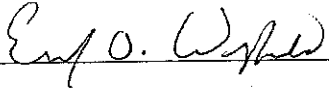
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Director

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CERTIFICATION OF DUPLICATE RECORDS

I, Emily O. Wingfield, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order dated July 16, 2003, regarding Kimberly Monk Mawyer, R.N., are true copies of the records received from the Circuit Court of the County of Amherst, Virginia.



Date: 11/3/08

Emily O. Wingfield

VIRGINIA: IN THE CIRCUIT COURT OF AMHERST COUNTY

FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 009

Hearing Date: July 16, 2003
Judge: J. Michael Gamble

CONVICTION AND SENTENCING ORDER

COMMONWEALTH OF VIRGINIA

v. #CR02011661-00

KIMBERLY JANE MAWYER, DEFENDANT

This day came the defendant, who appeared in person with her retained attorney, **Aubrey Rosser**. The Commonwealth was represented by **Michael T. Garrett**.

Whereupon, the defendant was arraigned as charged in the indictment, and after being advised by her counsel, pleaded "guilty" to the indictment, which plea was tendered by the defendant in person.

The Court having been advised by the defendant, her counsel, and the Attorney for the Commonwealth, that there has been a plea agreement in this case, and such agreement in writing having been presented to the Court, and now filed herein, and the evidence of the Attorney for the Commonwealth being stipulated (none being offered on behalf of the defendant), the Court accepts said agreement and the plea of guilty of the defendant and finds her guilty of the following offense:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR02011661-00	Drive under influence, 3 rd offense within 10 years (F)	08-17-02	18.2-266



Pursuant to Virginia Code Section 19.2-298.01, the Court states for the record that it has reviewed and considered the suitability of the applicable discretionary sentencing guidelines, and the worksheets prepared in accordance therewith, and that the worksheets are made a part of the record in this case. The defendant waived a pre-sentence report.

The Court then asked if the defendant wanted to say if there was any reason why sentence should not be imposed. Nothing having been offered, it is the judgment of this Court that the defendant is **SENTENCED** to: Commitment to the **Jail of this County** for imprisonment for a term of **12 months**.

The Court **SUSPENDS 11 months of the 12-month sentence**, for a period of **2 years** upon the following conditions:

Good Behavior: That the defendant keep the peace and be of good behavior and violate none of the penal laws of this Commonwealth or any other jurisdiction for a period of **2 years** from the date of her release from confinement.

Unsupervised Probation: That the defendant is placed on unsupervised probation during her good behavior for **2 years** from the date of her release from confinement.

Substance Abuse Screening: That the defendant shall complete any substance abuse screening, assessment, testing and treatment as directed by the Department of Corrections. The defendant may be subject to payment of any fees associated with substance abuse treatment or intervention as required by the treatment or intervention program on an ability to pay basis.

Costs: That the defendant shall pay court costs of \$_____. On motion of the defendant, and upon showing good cause, the Court ORDERS an extension of time for the payment of costs for a period of six months from the date of her release from confinement, as permitted by Virginia Code Section 19.2-358(C).

Operator's License: That the defendant's motor vehicle operator's license is **REVOKED**.

Credit for Time Served: That unless otherwise receiving credit, the defendant shall be given credit for the time spent in custody awaiting trial. Work release is authorized if granted by the Sheriff.

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

It is further ORDERED that the defendant be released to report to the jail of this County on August 29th, 2003, by 7:00 o'clock p.m. to commence serving her sentence and her bond shall continue for her appearance at such time and place.

DEFENDANT IDENTIFICATION:

[REDACTED] SEX: FEMALE

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 12 MONTHS

TOTAL SENTENCE SUSPENDED: 11 MONTHS

TOTAL SENTENCE TO SERVE: 1 MONTH

A COPY,

Teste: *Roy C. Mayo*, Clerk

ROY C. MAYO, II

Clerk Circuit Court Augusta County, Va.

Criminal

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JUL 16 2003