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JUN 13 2013

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

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

Department of Health Professions

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

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TEL (804) 367- 4400
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June 12, 2013

Kimberly Carter Whitby
1205 Tanglewood Drive
South Hill, VA 23970

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-164311

DATE 6/12/13


Dear Ms. Whitby:

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 June 12, 2013. 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,


Arne W. Owens, Chief Deputy Director
Department of Health Professions

cc: Charles G. Butts, Jr., Esquire
Enclosures
Case # 150984

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: KIMBERLY CARTER WHITBY, R.N.
License No.: 0001-164311

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Arne W. Owens, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that Kimberly Carter Whitby, R.N., was convicted of felony charges in the Circuit Court for the County of Mecklenburg, Virginia, to wit:

1. One (1) Count of Breaking and Entering With Intent to Commit a Felony; and
2. One (1) Count of Grand Larceny.

A certified copy of the 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 Kimberly Carter Whitby, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, suspended.

Upon entry of this Order, the license of Kimberly Carter Whitby, R.N., will be recorded as suspended and no longer current.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

Kimberly Carter Whitby, R.N. – Mandatory Suspension



Arne W. Owens, Chief Deputy Director
Department of Health Professions

ENTERED: 6-12-2013



COMMONWEALTH of VIRGINIA

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

Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, Arne W. Owens, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Sentencing Order entered March 11, 2013, regarding Kimberly Carter Whitby, R.N., is a true copy of the records received from the Circuit Court for the County of Mecklenburg, Virginia.

A handwritten signature in cursive script that reads 'Arne W. Owens'.

Arne W. Owens

Date: 6-12-2013

SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT OF **MECKLENBURG COUNTY**
FEDERAL INFORMATION PROCESSING STANDARDS CODE: 117

Hearing Date: **FEBRUARY 27, 2013**

Judge: **LESLIE M. OSBORN**

COMMONWEALTH OF VIRGINIA

v.

KIMBERLY CARTER WHITBY, DEFENDANT

This case came before the Court for sentencing of the defendant, who appeared in person with her attorney, Charles G. Butts, Jr. The Commonwealth was represented by Nora J. Miller.

On **October 30, 2012** the defendant was found **guilty** of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR12-292-00	B & E W/INT TO COMMIT FELONY (F) VCC: BUR-2213F9	060110-062512	18.2-91
CR12-292-01	GRAND LARCENY (F) VCC: LAR-2359-F9	060110-062512	18.2-95

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 a part of the record in this case.

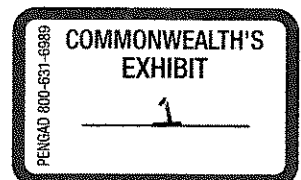
Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the **Virginia Department of Corrections** for the term of: **10 years on each of the convictions, for a total sentence of 20 years.**

The Court **SUSPENDS** all except **90 days on the (-00) conviction** of the said sentences, upon the following conditions:

Good behavior. The defendant shall be of good behavior for **20 years.**



CR12-292/WHITBY

Supervised probation. The defendant is placed on probation to commence upon her release from incarceration, under the supervision of a Probation Officer 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.

Costs. The defendant shall pay all court costs incurred by these convictions and shall begin making monthly payments of \$250.00 per month on 15th of each month beginning May 15, 2013.

The Court, upon hearing the evidence and argument of counsel determines that the restitution owed is **\$10,000.00**. The defendant shall make restitution to the Susan and Mike Michael in the amount of **\$7,500.00** and to Virginia Farm Bureau Mutual Insurance in the amount of **\$2,500.00**. The referenced restitution shall be docketed as a judgment and shall be paid through the Clerk's Office. The restitution (the Michaels shall be paid first and then the insurance company) shall be paid prior to court costs.

It is further ORDERED that the defendant shall have **no contact** with Susan and Mike Michael and **barred from their property**.

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

The defendant shall report to the jail on March 15, 2013 at 7:00 pm to commence serving her sentence.

Work-release is authorized.

MARCH 11, 2013
DATE

ENTER:

JUDGE

DEFENDANT IDENTIFICATION:

SSN: _____

DOB: 030574

Sex: FEMALE

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 20 YEARS

TOTAL SENTENCE SUSPENDED: 19 YEARS AND 9 MONTHS

TRUE COPY TESTE:

E. E. Coleman, Jr., Clerk

By: MJJ, Deputy Clerk

Circuit Court of Mecklenburg

State of Virginia

Costs Tax _____
A. App. _____ CA _____
DCR Court _____ GD Court _____
Pub. Def. _____ Jail _____
Prob. PCS _____ Other _____
DMV _____ VASAP _____
Mailed Hand Delivered Date: 3:13:13
JCC filed date: _____
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