

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

ROBERT R. ROBINSON, R.N. :
RESPONDENT. :

FINAL DECISION
AND ORDER

ORDER 0001735

The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

Robert R. Robinson
3847 South Iowa Avenue
Milwaukee, WI 53207

Board of Nursing
P.O. Box 8936
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8936
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with Robert R. Robinson, R.N. as the respondent.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin Board of Nursing.

The parties in this matter agree to the terms and conditions of the attached stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. Robert R. Robinson is licensed by the Wisconsin Board of Nursing as a registered nurse (license #60507; issued August 30, 1974). His current address is 3847 South Iowa Avenue, Milwaukee, Wisconsin 53207.
2. Mr. Robinson's license as a registered nurse was granted, based in part upon Mr. Robinson's application for license, dated July 8, 1974.
3. Question #12 on the application reads: "Have you ever been arrested for or convicted of a criminal offense, excluding minor traffic violations? . . . If yes, describe, giving dates." In response to that question, Robinson answered "No". A copy of the application form is attached to this order.
4. In fact, on February 24, 1965 Respondent was convicted, upon his plea of guilty, of one count of First Degree Grand Larceny in the Chemung County Court in the city of Elmira, New York. As a result of that conviction Mr. Robinson was sentenced to not less than 2½ years and not more than 5 years at the New York State Department of Corrections at Attica, New York; the execution of that sentence was suspended, and Mr. Robinson was placed on probation.
5. On November 1, 1983 Tom Redman, an investigator for the Wisconsin Department of Regulation and Licensing Division of Enforcement, inquired in a telephone conversation with Mr. Robinson whether he had ever been convicted of a felony in New York State. Mr. Robinson stated to investigator Redman that he had never been convicted of a felony in New York State.
6. On June 19, 1984 the deposition of Mr. Robinson was taken at 2100 Marine Plaza, Milwaukee, Wisconsin by Division of Enforcement attorney Jack Zwieg acting on behalf of the Nursing Home Administrators Examining Board. A copy of that deposition (29 pages in length) is attached to this Order. The deposition contains Mr. Robinson's explanation as to why he completed the application form in the manner in which he did.
7. Mr. Robinson's conviction was never expunged, nor was Mr. Robinson ever pardoned by the State of New York. Mr. Robinson's conviction has been and remains a final conviction on the criminal charge described above.
8. Attorney Rinde represented Mr. Robinson in the New York criminal matter. Mr. Rinde indicates that he has no independent recollection of the case and that his records of the case were lost in a flood. Mr. Rinde further indicated that there was and is no way of expunging Mr. Robinson's criminal record in New York except by application to the Governor of New York for a pardon.
9. Respondent is not currently practicing as a nurse in Wisconsin.

CONCLUSIONS OF LAW

By falsely representing on his application for licensure that he had never been arrested for or convicted of a criminal offense other than minor traffic violations, Mr. Robinson is subject to disciplinary action against his license pursuant to Wis. Stats. sec. 441.07(1)(a).

Therefore, it is hereby ORDERED:

The license of Robert R. Robinson to practice as a registered nurse in the state of Wisconsin is suspended for a period of 60 days, commencing on October 7, 1985.

BOARD OF NURSING

By: 

A Member of the Board

11-19-85
Date

SMG:1mp
109-193

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF
THE LICENSE OF

ROBERT R. ROBINSON, R.N.,
RESPONDENT.


STIPULATION

It is hereby stipulated between Robert R. Robinson, R.N., personally and by his attorney Robert J. Berdan; and Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

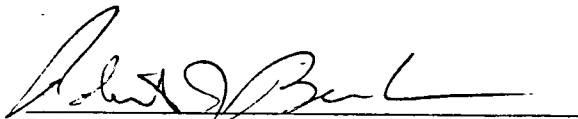
1. This stipulation is entered into as a result of the pending investigation of Mr. Robinson's licensure by the Division of Enforcement (case file #83 NURSE 20). Mr. Robinson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Robinson understands that by signing this stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to a proposed decision and to present briefs or oral arguments to the officials who are to enter the final decision; the right to petition for re-hearing; and all other applicable rights afforded to Mr. Robinson under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Mr. Robinson agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.
4. If the terms of the stipulation are not acceptable to the Board, the parties shall not be bound by the contents of the stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.
5. If the board accepts the terms of the stipulation, the parties to the stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.
6. Attached to this stipulation is the license card of Mr. Robinson. If the board does not accept this stipulation, the license of Mr. Robinson shall be returned to him with the notice of the board's decision not to accept the stipulation. If the board accepts the stipulation, Mr. Robinson's license shall be returned to him at the conclusion of his suspension.

7. The parties agree that Mr. Robinson's conviction record would not constitute a bar to licensure as a registered nurse in the State of Wisconsin.


8. The Division of Enforcement joins Mr. Robinson in recommending the Board of Nursing adopt the stipulation and issue the attached Final Decision and Order.


Robert R. Robinson, R.N.

10/12/85
Date


Robert J. Berdan
Attorney for Mr. Robinson

10/10/85
Date


Steven M. Gloe
Attorney, Division of Enforcement

10/23/85
Date

SMG:1mp
266-188

1 BEFORE THE STATE OF WISCONSIN
2 NURSING HOME ADMINISTRATOR EXAMINING BOARD
3 -----

4 IN THE MATTER OF THE
5 DISCIPLINARY PROCEEDINGS
6 AGAINST

7 ROBERT R. ROBINSON, N.H.A.,

8 Respondent.
9 -----

10 Examination of ROBERT R. ROBINSON, the above-
11 named Respondent, otherwise than as a witness upon the trial,
12 taken at the instance of the adverse party; to wit, the
13 Complainant, under and pursuant to the provisions of Chapter
14 804.05 of the Wisconsin Statutes and the acts amendatory
15 thereof and supplementary thereto, pursuant to service of
16 notice, before DONNA GULCZYNSKI, a Notary Public in and for
17 the State of Wisconsin, at 2100 Marine Plaza, Milwaukee,
18 Wisconsin, on the 19th day of June, 1984, commencing at
19 10:00 o'clock in the forenoon, reported by Donna Gulczynski
20 of Milwaukee Reporters Associated.

21 A P P E A R A N C E S

22 JOHN R. ZWEIG, P. O. Box 8936, Madison,
23 Wisconsin, 53708, appeared on behalf of the Division of
24 Enforcement.

25 WHYTE & HIRSCHBOECK, S.C., By LAWRENCE A.
 TOWERS, 2100 Marine Plaza, Milwaukee, Wisconsin, 53202,

appeared on behalf of the Respondent.

I N D E X

WITNESS

EXAMINATION

PAGE

ROBERT R. ROBINSON

BY MR. ZWEIG

3

BY MR. TOWERS

22

BY MR. ZWEIG

25

E X H I B I T S

COMPLAINANT'S

MARKED

EXHIBIT NO. 1

4

P R O C E E D I N G S

ROBERT R. ROBINSON, called for examination by the Complainant, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. ZWEIG:

Q Mr. Robinson, my name is John Zweig. I am an attorney with the Wisconsin Department of Regulation and Licensing, Division of Enforcement. I am the prosecuting attorney in the matter of the disciplinary proceedings against Robert R. Robinson, N.H.A., and these disciplinary proceedings are before the Wisconsin Nursing Home Administrator Examining Board. The deposition we are taking here today of you may be used in part in the proceedings currently scheduled against you. I am going to be asking you a series of questions, and when you answer the questions, you will have to answer orally. The court reporter can't take down the nod of your head or the wave of your hand. If you are answering using any document or paper, if it has been marked as an exhibit, please refer to the exhibit number so that, once again, the record is clear. If you are unclear as to what I am asking you at any point, please just say so, and I will attempt to rephrase my question. Now, if your attorney,

1 Mr. Towers, objects to any question I ask, please
2 don't answer the question until he directs you to do
3 so, if he does. Now, do you understand all of that?

4 A Yes, I do.

5 Q Okay. What is your name, please?

6 A Robert R. Robinson.

7 Q And, Mr. Robinson, you are currently licensed as a
8 nursing home administrator in the State of Wisconsin?

9 A Yes, I am.

10) (Complainant's Exhibit No. 1 marked for
11 identification.)

12 Q I am going to show you what's been marked as Exhibit
13 No. 1. Would you please take a look at Exhibit No. 1
14 and tell me whether you can identify that document?

15 A Yes, I can.

16 Q What is it, sir?

17 A It's a copy of the nursing home administrator's license
18 application.

19 Q And is that in fact a copy of the application that you
20 completed?

21 A Yes.

22 Q And what is the date of that application?

23 A August 10, 1974.

24 Q And following your submitting that application to the
25 Board, you were licensed as a nursing home administrator?

1 A Yes, I was.

2 Q That was October 29, 1974 that you were licensed?

3 A Yes.

4 Q Can you tell me briefly, Mr. Robinson, your work history
5 since the time that you were licensed?

6 A At that time I was working for Monterey Life Systems
7 as the then--at the time as Director of Nursing for
8 Monterey-Superior Nursing Home.

9 Q And that's in Superior, Wisconsin?

10 A Superior, Wisconsin.

11 Q How long did you continue in that role?

12 A Approximately two years, while I went from the director
13 to the administrator.

14 Q At the same facility?

15 A Yes.

16 Q So in approximately 1976 you changed facilities?

17 A Yes.

18 Q And where did you go then?

19 A I went to North Shore Health Center in Brown Deer,
20 Wisconsin.

21 Q And were you the administrator of that facility?

22 A I was.

23 Q Did you also have an ownership interest in that
24 facility?

25 A No.

1 Q How long did you stay at that position?

2 A Approximately two years. A year-and-a-half to two years.

3 Q And where were you then employed?

4 A At that time I entered into a lease-purchase agreement
5 with another party to take over the Southernaire Health
6 Center.

7 Q And where is that located?

8 A St. Francis. 1915 East Tripoli Avenue, St. Francis,
9 Wisconsin.

10 Q And did you then become the administrator in that
11 facility as well?

12 A I became the administrator, yes.

13 Q And have you been there ever since?

14 A Yes. Almost seven years.

15 Q So since the time you were licensed, your principal
16 occupation has been administrator of nursing homes;
17 is that correct?

18 A That's correct.

19 Q Now, if you will look at Exhibit No. 1, Mr. Robinson,
20 and if you will look at question number two on the
21 first page, will you read that question for us, please?

22 A Number two is yes or no, "I have been arrested for or
23 convicted of an offense other than minor traffic
24 violations, including armed forces court martial.

25 If yes, state facts completely and concisely for

each case. State date, name, nature of offense, name and locality of court, and disposition of each matter."

Q And how did you answer that question?

A "No."

Q Was that a true answer?

A At the time I believed it was a true answer.

Q All right. Now you have qualified your answer a bit here. What do you mean that at that time you believed it to be true?

A Well, it was my understanding the criminal offense that I had back in New York, that once I had made restitution and put in the probationary time that the court had imposed, that because of the nature of my employment prior to that crime, that the record would be wiped clean.

Q What do you mean that the record would be wiped clean?

A That there would be no reference made; that it would be buried.

Q And you also said that this understanding had something to do with your prior employment; did you not?

A Yes, I did.

Q And what do you mean by that?

A I was a police officer for eight years.

Q So I guess I don't see the connection between your being a police officer and your belief that the matter would

1 be wiped off the record. Can you clarify that a little?

2 A Yes. I agreed to resign my position on the police
3 department rather than to go through litigation, and
4 additionally, to make my compensation to the injured
5 party and return of their properties, and I agreed to
6 serve two years probation in order to have a clean
7 record. It was my intention at that point in time to
8 go back into police work.

9 Q Did anyone advise you that you would have a clean record?

10 A Yes.

11 Q Who advised you of that?

12 A My attorney at that time.

13 Q And that was out in New York State?

14 A Yes.

15 Q Do you recall his name?

16 A No, I don't.

17 Q Was it your understanding that you would be pardoned
18 after making the restitution?

19 A It would just be wiped off, wiped clean.

20 MR. TOWERS: If I can interject something
21 here.

22 MR. ZWEIG: Sure.

23 MR. TOWERS: I checked on his criminal
24 record. I found out about it just shortly--I think
25 when Mr. Redman called or something is the first time

1 I ever knew about it. But I called out there and
2 found the name of the attorney. Mr. Robinson did not
3 remember. And I talked to the attorney. All his
4 records were lost in some either personal or community-
5 wide flood as I recall. He had absolutely no
6 recollection of this case, which you might imagine
7 when somebody does criminal work, they're not going
8 to remember something 20 years ago.

9
10 I asked him about the law in New York
11 in terms of what I think is called expungence. I'm
12 not a criminal lawyer, but I believe it's called
13 expungence. But it's his understanding that you had
14 to have a pardon from the govenor or something; that
15 New York would not have a type of law that would
16 permit expungence.

17 I am not well-versed in criminal law,
18 but it very well may be that under these circumstances,
19 something less than formal might be worked out--I don't
20 know--in a small community.

21 It also might be that Bob misunderstood
22 things. I will develop it with you later, but Bob
23 does misunderstand things sometimes. And when I do some
24 questioning, you will note his chronology is vague and
25 things like that. So while I believe he is telling
the truth, it appears that New York law does not

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21 things. I will develop it with you later, but Bob
22 does misunderstand things sometimes. And when I do some
23 questioning, you will note his chronology is vague and
24 things like that. So while I believe he is telling
25 the truth, it appears that New York law does not

1 contemplate expungence laws like some states permit;
2 after a certain number of years or under certain
3 circumstances, you can have it expunged.

4 MR. ZWEIG: Okay.

5 Q Well, Mr. Robinson, you never received any document
6 from the State of New York or the court system telling
7 you that the record had been wiped clean; did you?

8 A No, I didn't.

9 Q Is it your belief at this point that your conviction
10 still stands on the record?

11 A Since Mr. Towers has done some investigative work, yes.

12 MR. TOWERS: And an interjection again.
13 We went through the F.B.I. files, and I understand
14 you can't get it that way, and you can't get it
15 through a new District Attorney who ran it through
16 their computer. And he couldn't get it that way,
17 either. But you can just call the court and get it,
18 and so two out of three ways that we tried to get it,
19 we couldn't get it.

20 MR. ZWEIG: Okay.

21 Q Now, for my clarification, Mr. Robinson, you said that
22 rather than litigate all this, you resigned your
23 position from the police department and entered a
24 plea of guilty; is that correct?

25 A That's correct.

1 Q So the only litigation that was involved was the
2 criminal case? There was no litigation regarding
3 your being forced to terminate your position with the
4 police department?

5 A No. It was part of a deal that I would plead to a
6 lesser charge of breaking and entering rather than some--
7 I can't remember what degree of burglary.

8 Q Okay. Wasn't the conviction for grand larceny?

9 A I don't remember.

10 MR. TOWERS: I checked it, and it's grand
11 larceny. It looked like he pled to the greater offense
12 and pled to it as guilty. That's my information, and
13 I got a copy of it as well, so it's--

14 MR. ZWEIG:

15 Q So when you completed the application, it was your
16 belief that there was no conviction of record?

17 A That's correct.

18 Q And knowing that it was not of record, you felt no
19 need to disclose it on the application?

20 A Yes.

21 Q Now, is that because you felt that it could not be
22 checked, or was it because you felt that there was no
23 conviction?

24 A Well, I knew I pled, but from what I was informed at
25 the time, I didn't believe that there was any record

1 of it.

2 Q Well, I'm not sure that that answers my question.

3 Perhaps I didn't ask it very clearly. Did you answer
4 no to that question on the application because you
5 thought that it could not be checked out?

6 A No.

7 Q Then you answered no because you thought that there was
8 no standing conviction; is that correct?

9 A That's correct.

10 Q Now, at this point you do not have any letter or
11 document from your attorney in New York advising
12 you that the conviction would not be of record; do you?

13 A No, I don't.

14 Q Do you have any correspondence remaining from that
15 attorney?

16 A No. I don't even recall who it was.

17 MR. TOWERS: I probably have the name of
18 the attorney in a memo to the file, but like I say,
19 he has absolutely no recollection of it--and did
20 confirm--I didn't want to research it myself, and he
21 was a criminal attorney--and he confirmed that there's--
22 the only way you can get an expungence of the record is
23 through the govenor as I recall.

24 MR. ZWEIG: Okay.

25 Q Well, Mr. Robinson, going back to the conviction of

1 guilt that was based upon some act on your part, what was
2 it that you had done that you were convicted of?

3 A Specifically, another man and I had been out drinking,
4 and we had removed the tins from the back door of a
5 business establishment, a gun shop. Both of us were
6 ex-marines and avid hunters, and I was easily led.
7 The other guy was a little older than I am. In fact,
8 he worked for the glass company that installed the
9 doors for the company, and he knew that the place
10 wasn't alarmed or anything, and he knew exactly how
11 to take the door off the hinges, I guess. And we
12 had taken some firearms, some rifles, and put the
13 door back on the building and left the building.
14 And subsequently we were questioned about it, and I
15 admitted what I had done and returned the property
16 and paid a fine.

17 Q Okay. You said that the other fellow was older than
18 you. You were 30 years old, approximately, at the
19 time; weren't you?

20 A Approximately 27 or 28.

21 Q At that time you were a police officer in the City of
22 Elmira, New York?

23 A That's correct.

24 Q Did this take place within the city?

25 A No.

1 Q In the same county, however?

2 A Yes.

3 Q How did it come about that you were questioned about
4 this?

5 A I don't know.

6 Q Were the firearms returned to the owner?

7 A Yes.

8 MR. TOWERS: These were huntingrifles; right?

9 THE WITNESS: Yes, they were.

10 MR. ZWEIG: Off the record for a minute.

11 (Discussion off the record.)

12 MR. ZWEIG: Back on the record.

13 Q Now, as a result of your plea of guilty to this
14 charge, you were sentenced to two-and-a-half, not less
15 than two-and-a-half years and not more than five years
16 at Attica; is that correct?

17 A I don't know.

18 Q However, any sentence that was imposed was suspended,
19 and you were to make restitution and were placed on
20 probation; is that correct?

21 A That is correct.

22 Q And do you recall how long the probation period was,
23 Mr. Robinson?

24 A I believe it was two years.

25 Q And you successfully completed that probation period?

1 A Yes.

2 Q Now, I noticed on your application that you were also
3 licensed as a Registered Nurse in the State of New York.

4 A Yes.

5 Q Your nursing training came after the time of your
6 conviction; didn't it?

7 A Yes.

8 Q Do you recall whether there was any question asked on
9 that particular application to become a Registered
10 Nurse in New York State regarding convictions?

11 A No, I don't. I do recall being fingerprinted for
12 both exams, but I don't recall the question being
13 asked.

14 Q By fingerprinted, you are referring to for identification
15 purposes; is that correct?

16 A I don't know.

17 Q You are also a Registered Nurse here in Wisconsin; are
18 you not?

19 A Yes, I am.

20 Q Do you recall how you answered the question on the
21 application there regarding convictions?

22 A No, I don't.

23 Q Would you have completed that application at roughly
24 the same time period as the nursing home administrator
25 application?

1 A I believe so. It would have been in the same year.

2 MR. TOWERS: Off the record a second.

3 MR. ZWEIG: Sure.

4 (Discussion off the record.)

5 Q Now, Mr. Robinson, do you recall having a conversation
6 on approximately November 1st, 1983 with Tom Redman,
7 an investigator for my department?

8 A I recall a conversation with somebody identifying himself
9 on the phone as someone from your department, yes.

10 Q And was that in approximately November of 1983?

11 A Yes.

12 Q And that person inquired of you whether you had ever
13 been convicted of a crime in New York State; did he not?

14 A Yes, he did, but I was involved in some litigation at
15 the time, and I really didn't know who I was talking to on
16 the phone, and I called Mr. Towers immediately after that
17 phone call.

18 Q So during that telephone call, you did, however, deny
19 having been convicted; did you not?

20 A Yes, I did.

21 Q You also denied having ever been a police officer in
22 Elmira, New York?

23 A Yes, I did.

24 Q And your reason for denying that was what?

25 A That we were involved in some very nasty litigation at

1 the time, and I really didn't know who I was speaking
2 to on the phone, and I didn't feel that I had to give
3 any more ammunition to the opposing side.

4 Q And you did not contact our department to verify that
5 that person was a representative of our department?

6 A No, I didn't. I contacted my attorney, and he said to
7 just leave it alone.

8 MR. TOWERS: That is true, I did advise
9 him that; the reason being I had my hands full with
10 his litigation, and I guess I could have confirmed it.
11 I felt we would deal with it afterwards. We were
12 dealing with, like he said, a very nasty litigation.

13 MR. ZWEIG:

14 Q So on advice of counsel, you did not pursue verifying
15 that that was someone from our department; is that
16 correct?

17 A That's correct.

18 Q Now, in April of this year, you were involved in this
19 litigation that's been referred to a few times here in
20 the deposition, and you were asked some questions under
21 oath there regarding whether you had pled guilty to a
22 criminal charge in New York, or whether you had been
23 convicted of a criminal charge in New York.

24 Mr. Robinsin, do you remember what the questions were
25 that you were asked in that proceeding?

1 A Exactly what the questions were, I can't say, but I
2 did state that I had been arrested and convicted in
3 the State of New York at that trial.

4 Q Now, you just said that you had been arrested and
5 convicted. Now, let's take them one at a time. Did
6 you at some point during that trial admit that you had
7 been arrested in New York?

8 A Yes.

9 Q Did you in that proceeding also admit that you had pled
10 guilty to a charge in New York?

11 A Yes, I did.

12 Q And then did you admit that you had been convicted of a
13 criminal offense in New York?

14 A Yes, I did. I qualified it.

15 Q And how did you qualify it?

16 A That it did happen in the State of New York as stated,
17 and I was not allowed to go on further. The judge let
18 me answer it, but he said that it wasn't material to
19 the case and it's not to be allowed.

20 Q All right. Now, in April of this year then, you admitted
21 to having been convicted of a crime in New York State.
22 What happened between 1974, when you completed your
23 application, and that day in April of 1984 that changed
24 your view of your having been convicted?

25 A Mr. Towers indicated to me that it indeed in fact was

1 still on the record in New York.

2 Q So your attorney had checked that out for you?

3 A Yes.

4 Q Well, Mr. Robinson, other than your statement that your
5 attorney in New York State 20 years ago told you that
6 if you served your probation, that the conviction would
7 be wiped off the record, do you have--what else do you
8 have to cause you to believe that?

9 A Nothing in my possession.

10 Q Did anyone else ever tell you anything similar to that?

11 A I don't remember.

12 MR. TOWERS: I wanted to wait until he got
13 his answers out, but I'm sure you want to know the
14 answers as well as just knowing what he understands;
15 and the fact that I checked, I think, is some indication.
16 I wouldn't have done that to find out if there was a
17 record if I wasn't told by Bob myself that he understood
18 that was the case, and so my actions at least corroborated
19 that belief.

20 MR. ZWEIG: Okay.

21 Q Have you been arrested for anything since you were
22 arrested back in 1964 in New York State?

23 A No.

24 Q Now, is it your belief, Mr. Robinson, that if we were
25 to check any kind of applications you have completed

1 since that time, the time that you completed your
2 probation in New York State, that you would have
3 answered no to any question regarding having been
4 convicted of a crime?

5 A I believe so. I cannot state that for a fact. I don't
6 remember.

7 MR. TOWERS: Another interjection. If you
8 will note-- maybe you haven't seen it, but a loan
9 application that was-- There was a question, and he
10 actually checked it or X'd it or whatever as yes, and
11 then was advised by the banker that it was 20 years ago,
12 and it was not material. And you can see it was whited
13 out and changed to no. And so whether he's been
14 consistent or not on that indicates to me is that he's
15 not been totally consistent all the time.

16 MR. ZWEIG: That was a Small Business
17 Administration loan?

18 MR. TOWERS: That's right. And so there
19 may be inconsistencies; I don't know.

20 MR. ZWEIG:

21 Q Let me ask you about that, Mr. Robinson. Do you recall
22 the document that your attorney is referring to?

23 A Yes, I do.

24 Q Do you recall approximately when that was completed?

25 A Four years ago.

1 Q Do you recall the circumstances surrounding it being
2 completed? That is, why the answer had been changed
3 on the form?

4 A Yes. I went to the banker after getting these volumes
5 and volumes of paper from the S.B.A., and I sat down
6 with the banker, and we went through essentially what
7 we've gone through. And I was filling out the papers,
8 and I marked it "yes", and he said, this doesn't have
9 a damn thing to do with what you're doing or what you're
10 involved with, and it's 20 years ago.

11 Q Why did you mark it "yes"?

12 A I don't know. I was sitting there in front of him going
13 through it and trying to answer the questions, and I
14 spoke to him about it and--

15 Q So you were actually completing the form in his
16 presence, and you were discussing with him the answers
17 you were giving?

18 A Yes.

19 Q During the other litigation you were involved in in
20 April of this year, were you asked in that litigation
21 any questions about your application as a nursing home
22 administrator?

23 A Yes, I was.

24 Q You were?

25 A As an administrator?

1 Q Yes, your application for a license as a nursing home
2 administrator.

3 A I don't recall whether there was any.

4 MR. TOWERS: I don't think so. There might
5 have been. I don't think so.

6 MR. ZWEIG: Can we go off the record a
7 minute?

8 (Discussion off the record.)

9 Q Mr. Robinson, is there anything else you feel that I
10 should know? Or, more specifically, that the Nursing
11 Home Administrator Examining Board should know regarding
12 either the conviction itself or why you answered as you
13 did on the application?

14 A No, I don't believe so.

15 EXAMINATION

16 BY MR. TOWERS:

17 Q Could I ask you to just develop in kind of a narrative
18 fashion two things: First of all, the circumstances--
19 your circumstances for the year or two right after the
20 conviction. Could you talk about that for a minute?

21 A Yes. As a small town, midstate New York, police
22 officer, I immediately lost all my friends, my wife,
23 my children, my home; no job. I worked at the lowest
24 job possible; I was digging in sewers. My father had
25 a massive coronary and died 21 days later, and a visiting

1 nurse took care of him, and I ran into just fantastic,
2 wonderful people; the health care people taking care of
3 him. And it wasn't too long after my dad died, and I
4 was injured. My left leg was crushed in an accident.
5 I ended up in the hospital for six months myself. And,
6 again, I had fantastic people taking care of me. And
7 when I got out of the hospital, I had no job. I was a
8 comp case. I was a guy that was serving probation,
9 I couldn't get a job. I was a comp case, so I couldn't
10 even go to work for construction anymore.

11 Q I'm sorry. MR. ZWEIG: I'm sorry. You were a comp case?
12 Workmen's Compensation?

13 THE WITNESS: That's right.

14 A So I left the state, and I went to Texas. I worked
15 down there on a construction project, and 90 percent
16 of the people working with me or I was working for I
17 couldn't even understand because I didn't speak Spanish.
18 I was going with a gal that worked at a hospital there,
19 and again I found just fantastic people. They were the
20 ones that for two weeks fed me while I was trying to get
21 enough money to eat, and then I decided that I would
22 go into health care, and I went back to New York State.
23 I went to work for my uncle as an apprentice barber,
24 and I made application to nursing schools throughout
25 New York State until I found one that I could qualify

1 for. I got my Barber's license so that I could
2 support myself while I went to college and became
3 licensed and went to work as a nurse in emergency
4 rooms, because that's where I felt my calling was,
5 to work with people who were suffering trauma because
6 of the traumas that I have gone through and in intensive
7 care units, and then I went on to work as a private
8 nurse, because I felt that people weren't just being
9 taken care of on floors the way they should be. I worked
10 privately to rehabilitate people to get them back to
11 their families, and I ended up being approached by a
12 nursing home chain in New York to go to work as their
13 Director of Nursing.

14 MR. TOWERS: This, obviously, kind of gets
15 into chronology. I don't think we need to go any
16 further. I developed his entire work history. I don't
17 know if it gets all that relevant after here.

18 Q The only other thing I wanted to ask you-- we didn't
19 even talk about this, but I happen to know it-- but
20 it's a leading question, and that is, you have hired
21 people with convictions yourself?

22 A Yes, I have.

23 Q Okay.

24 A I have hired them even though I knew they had records,
25 and I put them in positions of trust and worked with

1 them because I felt that each one of us falls, and
2 each one of us has to be able to find their own way
3 back out. I tried, and I thought I had succeeded.
4 I fought for the rights of people and for the betterment
5 of people all the time that I have been in nursing and
6 as an administrator, and I took on a large corporation
7 and the mayor of a city and a state senator in New York
8 State because I wanted to fight for people and their
9 rights to live to the fullest and for the betterment
10 of people.

11 MR. TOWERS: Do you have any questions?
12 He can develop those. He did with me. I couldn't shut
13 him up, though.

14 MR. ZWEIG: I have a few questions about the
15 present.

16 EXAMINATION

17 BY MR. ZWEIG:

18 Q You are the only licensed administrator at your facility;
19 is that correct?

20 A That's correct. My wife took her administrator's
21 examination yesterday for the second time.

22 Q Do you know when she is supposed to hear about the
23 results?

24 A Within the next 30 days, I believe.

25 Q How many beds does your facility have?

1 A It's a 34-bed facility; 21 occupied.

2 Q It's an intermediate care?

3 A Yes, it is.

4 Q And you are the sole owner; or you and your wife?

5 A My wife and I are joint owners. It's not in a
6 financial position to be able to hire and sustain
7 someone on the outside.

8 Q As an administrator?

9 A That's correct.

10 Q Well, I have a question for you, and it's not one that
11 I usually ask, but what do you think would be an
12 appropriate thing for the Nursing Home Administrator
13 Examining Board to do about this?

14 A Well, I could see them probably imposing some kind of
15 a fine. I can see them imposing some kind of public
16 work.

17 MR. TOWERS: I think his question is not
18 what you can see them doing, but what you think is
19 appropriate under the circumstances. I don't want to
20 see you have a fine because you can't afford it anymore.

21 MR. ZWEIG:

22 Q The Board has no power to fine you. That's outside
23 their jurisdiction.

24 MR. TOWERS: The question is what you
25 think is appropriate, rather than what you could

1 contemplate them doing or suspect they would do or
2 whatever.

3 THE WITNESS:

4 A I really don't know what would be appropriate for the
5 Board.

6 MR. ZWEIG:

7 Q If you honestly believe, Mr. Robinson, that because
8 the crime here took place 20 years ago, but you signed
9 this application in a manner you did 10 years ago; and
10 if you really believe that nothing should happen to
11 you because of this, you can certainly answer that if
12 that's what you believe.

13 A That's the way I believe it. And I filled out the
14 application as to what I was led to believe from my
15 conversations with my attorney and the deal that was
16 made prior to me going in to court and making the
17 admission of guilt, and that's the way I filled out
18 forms.

19 Q Okay. I have nothing else to ask.

20 MR. TOWERS: I don't, either.

21 MR. ZWEIG: Thank you.

22 (Proceedings ended at 10:50 in the forenoon.)

23 * * *

1 STATE OF WISCONSIN)
2) SS:
MILWAUKEE COUNTY)

3 I, DONNA GULCZYNSKI, a Notary Public in
4 and for the State of Wisconsin, do certify that ROBERT R.
5 ROBINSON was by me duly sworn to testify the truth, the
6 whole truth, and nothing but the truth, and that the above
7 deposition was reported by me and reduced to typewriting
8 under my direction.

9 I further certify that said deposition was
10 taken at 2100 Marine Plaza, Milwaukee, Wisconsin, on the
11 19th day of June, 1984, beginning at 10:00 o'clock in the
12 forenoon, and reported by Donna Gulczynski of Milwaukee
13 Reporters Associated.

14 I further certify that John R. Zweig,
15 Division of Enforcement, P.O. Box 8936, Madison, Wisconsin,
16 53708, appeared on behalf of the Complainant, and that
17 Lawrence A. Towers, 2100 Marine Plaza, Milwaukee, Wisconsin,
18 53202, appeared on behalf of the Respondent.

19 I further certify that I have no interest
20 in said matter as an attorney or otherwise and am not
21 related to the parties interested herein.

22 I further certify that the foregoing
23 proceedings, consisting of pages 3 through 27, inclusive,
24 is a full and complete transcript of my Stenographic notes
25 taken in the foregoing proceedings.

1 In witness whereof, I have hereunto set
2 my hand and affixed my seal of office at Milwaukee,
3 Wisconsin, this 28th day of June, 1984.
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12 Donna Gulczynski
13 Donna Gulczynski
14 Notary Public in
15 and for the
16 State of Wisconsin
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My Commission Expires: 12/28/86.

APPLICATION FOR LICENSE AS
NURSING HOME ADMINISTRATOR
Chapter 45, Wisconsin Statutes
JHA-1 (8/73)

State of Wisconsin
Department of Regulation & Licensing
NURSING HOME ADMINISTRATOR EXAMINING BOARD
201 E. Washington Avenue
Madison, Wisconsin 53702

Answer all items fully and accurately, using an attached sheet if necessary. (If no answer, write in none or not applicable.)

ATTACHMENTS REQUIRED: Check for \$50 payable to Treasurer, State of Wisconsin

Transcript of college credits and/or evidence of completion of courses in nursing home
or health care administration.

Ensure the physician's statement and character reference forms have been given to the proper individuals for submission to this office.

FEE \$50

<input checked="" type="checkbox"/> MR. Name (Last, First, Middle) <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <u>ROBINSON, Robert, Russell</u>		2- Date of Application <u>AUGUST 10, 1974</u>	
3- Street Address of Residence <u>3012 EAST 5TH STREET</u>		4- Social Security Number <u>113-24-8440</u>	
5- City - County - State - Zip Code <u>SUPERIOR DOUGLAS WISCONSIN 54880</u>		6- Business Telephone Area Code: <u>715</u> Number: <u>392-5144</u>	
7- If married woman, give maiden name	8- Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	9- Place of Birth <u>ELMIRA, NY</u>	10- Date of Birth <u>5-1-34</u>

1- ☒ Yes ☐ No I am currently licensed as a Nursing Home Administrator in another state. If yes, complete item 31 on reverse side.

2- ☐ Yes ☒ No I have been arrested for or convicted of an offense other than minor traffic violations, including armed forces court martial. If yes, state facts completely and concisely for each case. State date, name, nature of offense, name and locality of court, and disposition of each matter.

3- ☐ Yes ☒ No I have had a professional or occupational license denied, revoked or suspended. If yes, specify where and when and explain.

4- ☒ Yes ☐ No I am currently licensed in another field, if yes, specify:
Registered Nurse - N.Y.S. #214536 - Master Barber - N.Y.S.

EDUCATION AND TRAINING

5- Circle the Highest Grade Completed 1 2 3 4 5 6 7 8 9 10 11 <u>12</u>												16- Name and Location of High School <u>Elmira Free Academy, Elmira, NY</u>		17- Year Completed <u>June 1950</u>		<input checked="" type="checkbox"/> Graduated <input type="checkbox"/> Cert. of Equiv.					
18- Circle highest year of college or university completed 1 <u>2</u> 3 4 5 6 7 8												19- Name and Location <u>Rockland Comm College, Suffern, NY</u>		20- Dates Attended From <u>Sept. 66</u> To <u>June 68</u>		21- Credits Earned <u>47.5</u>		22- Major Field and Remarks <u>Nursing & Psychology</u>		23- Degrees Conferred and Year <u>NAS 1963</u>	

24- Describe any education or training you have had which is not covered above related to operation of nursing homes or in the health care field. Specify dates attended and recognition earned. Attach evidence of completion of courses in nursing home or health care administration.

Date application received <u>8/13/74</u>		Date Payment Received <u>8/15/74</u>		Amount <u>\$50.00</u>		License Granted <input type="checkbox"/> Reg. <input type="checkbox"/> Recip.	
Application <u>10/24/74</u>		Fee <u>41</u>		By <u>DAS</u>		Date <u>10/24/74</u>	

STATE OF WISCONSIN BOARD OF NURSING
EXAMINING COUNCIL ON REGISTERED NURSES
110 North Henry Street
MADISON, WISCONSIN 53703

STATE OF WISCONSIN
DEPT. OF REG. & LICENSING
DIVISION OF NURSES
201 E. WASHINGTON AVE.
MADISON, WIS. 53702

APPLICATION FOR NURSE REGISTRATION WITHOUT EXAMINATION

I herein apply for registration as a professional nurse, without examination, and enclose the statutory registration fee of thirty dollars.

Print Name Clearly

1. Name: ~~Miss~~ Robert Russell Robinson SOCIAL SECURITY NUMBER
(Mr. (First) (Middle) (Last) 113-24-8440

Maiden name, if married.....

Remainder to be filled out in your own handwriting and with ink.

2. Address: Present 1612 13th St Suffern N.Y. 10980
(Street) (City) (State)

Permanent 5 Cherry Ct. Bailleten Spa, NY 12020
(Street) (City) (State)

3. Birth: Date MAY 1 1934 Place Elmira NY Chemung
(Month) (Day) (Year) (City) (State) (Country)

4. Are you a United States Citizen? Yes (Yes-No) If not, have you applied? (Yes-No)

5. Education: High school: Number of years attended 4 Diploma Date of Diploma June 1952

College } Number of years attended 2 Degree AAS in Nursing Date of Diploma June 1968
or } or }
University } Number of credits toward degree Year of last credit

6. School of Nursing: Name Rackland Comm. College City Suffern State NY

Date of entrance Sept 1966 Date nursing program completed June 1968
(Month) (Day) (Year) (Month) (Day) (Year)

Affiliations: Name of hospital or agency Service for which affiliated

Length months. Was any part of your nursing program taken in college? Yes Months 2 yrs

Name and address of college Rackland Comm. College, Suffern, NY

Was any time spent in another school prior to entering school from which you graduated? No How much?

Name and address of school Was credit allowed? How much?

7. Experience since Graduation: Medical Nursing: Yes Surgical Nursing: Yes Nursing of Children:

Obstetrical Nursing: Nursing in Psychiatry: Other (please specify) Gynecology 3 yrs

8. Graduate Clinical Courses: Name and address of hospital THA-C College, THA-C, NY

Title of course Nursing Home Administration Length of course 2 yrs Year taken 1963

9. Registration: State NY By examination Yes Waiver Date of original certificate

or license 8 31 (?) 69 Certificate number 214536 Are you currently registered in

some one state? Yes Name of state New York If not, are you on the inactive list in a state? Name

of state Has your certificate of registration or license ever been revoked? No

(OVER)

10. Have you practiced professional nursing in Wisconsin prior to the date of filing this application? Yes..... No. ☒

If so give the exact dates.....

Place of employment Montezuma Superior Nursing I.O.N., Superior, Wisc.

11. List name and address of employers during the last ten years Please alert employers we will be writing for an evaluation.

Name	Address	Dates
1. <u>Saratoga Hosp. Inc.</u>	<u>211 W. Church St. Saratoga Sp, NY 12866</u>	<u>Aug. 73 - Jan. 74</u>
2. <u>Highgate Manor of Cortland</u>	<u>Cortland, NY 13045</u>	<u>July 72 - April 73</u>
3. <u>Nurses Registry</u>	<u>E. Water St. Syracuse, NY</u>	<u>April 70 - July 72</u>
4. <u>Comm. General Hospital</u>	<u>Broad Rd. Syracuse, NY 13215</u>	<u>July 68 - April 70</u>

12. Have you ever been convicted of a criminal offense, excluding minor traffic violations? Yes..... No. ☒ If yes, describe.

giving dates.....

13. Signed Statement: I, Robert R. Robinson under the penalties for fraudulent writings, Section 943.39 Wis. Stats., say that I am the person who is referred to on this application, that the statements and representations made hereon are in my handwriting and are strictly true in every respect.

July 8/74
(Date)

Robert R. Robinson
(Applicant's signature)

