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STATE OF WISCONSIN
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
LYNETTE M. DULEY-CULVER : LS0403181NHA
RESPONDENT. :

Division of Enforcement file 02 NHA 019

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Lynette M. Duley-Culver
591 4th St.
Fond Du Lac, WI 54935

Wisconsin Nursing Home Administrator Examining Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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. **Lynette M. Duley-Culver** ("Respondent"), date of birth 07/29/61, was first licensed as a Nursing Home Administrator in the State of Wisconsin, license # 65-3076, on 10/15/99. Respondent's most recent address is 591 4th St., Fond Du Lac, WI 54935
2. At all times relevant to the facts stated below, Respondent was the Nursing Home Administrator for Oshkosh Medical Rehabilitation Center (OMRC), in Oshkosh WI.
3. On or about August 15, 2002, a criminal complaint was filed in the State of Wisconsin Circuit Court in Fond Du Lac County, case # 2002CF000307. The facts in the criminal complaint state, in part; respondent "between February 1, 2002, and April 15, 2002, in the City of Fond Du Lac, Fond Du Lac County, Wisconsin, did obtain money, goods, services or anything else of value by representing without the consent of the cardholder that the person in the holder of a specified card or by representing that the person is the holder of a card and such card has not in fact been issued, contrary to sec. 943.41(5)(a) 1b Wis. Stats., a Class C Felony." A search warrant was authorized and executed on Respondent's home on "July 30, 2002, and during the search many items matching the Target receipts that were unlawfully charged were located including a thermos gas grill in the backyard, a 19" TV, StarWars puzzle, screwdrivers, baseball bats purchased on the company credit card while on vacation in Kentucky at the Louisville Slugger Company, a decorative flag, slip covers, a dog kennel, hot air brush, books, DVD player and DVD's, a crock pot, waste basket, pillows and cordless phone. Also located were a lawn mower and edger from Litz and Pfeil." A copy of the criminal complaint dated August 13, 2002, is attached as **Exhibit 1** and is incorporated herein by reference.
4. On or about March 27, 2003, a criminal complaint was filed in the State of Wisconsin Circuit Court in Winnebago County. The facts in the criminal complaint state, in part; Respondent had been using Oshkosh Medical and Rehabilitation Center credit cards for personal items and was also submitting forged and fraudulent expense accounts. A copy of the criminal complaint dated March 27, 2003, is attached as **Exhibit 2** and is incorporated herein by reference.

5. On or about January 29, 2003, Respondent was convicted in the State of Wisconsin Circuit Court Branch 3 in Fond Du Lac County, case # 2002CF000307, for violating Wis. Statute 943.41(5)(a)1b Fin.Trans. Card-Fraudulent Use (< = \$2500). Sentence, Probation sent withheld, 2 years, court costs \$200.00, Fine \$10.00, Restitution \$ 4,000.00, other \$5.00, and Mandatory Victim/Wit. Surcharge \$50.00. A copy of the case # 2002CF000307 Judgment Of Conviction Amended Sentence Withheld, Probation Ordered is attached as **Exhibit 3** and is incorporated herein by reference.

6. On or about August 1, 2003, Respondent was convicted in the State of Wisconsin Circuit Court Branch 2 in Winnebago County, case # 2003CF000127, for violating two counts of Wis. Statute 943.38(1)-Forgery. Sentence was Probation, sent withheld on the conviction and Respondent was placed on 5 years probation concurrent with any present probation. A copy of the case # 2003CF000127 Judgment Of Conviction Sentence Withheld, Probation Ordered is attached as **Exhibit 4** and is incorporated herein by reference.

CONCLUSIONS OF LAW

1. The Wisconsin Nursing Home Administrator Examining Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Wisconsin Nursing Home Administrator Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent **Lynette M. Duley-Culver** has violated:

a. Section NHA 5.02(1), and NHA 5.02(8) of the Wisconsin Administrative Code by having been convicted on January 29, 2003, and August 1, 2003, for violating Wis. Statute 943.41(5)(a)1b-Fin.Trans. Card-Fraudulent Use, and for violating two counts of Wis. Statute 943.38(1)-Forgery, the circumstances of which substantially relate to the practice of Nursing Home Administrator.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the **Voluntary Surrender** of the Nursing Home Administrator's License of Respondent **Lynette M. Duley-Culver** license #65-3076, is hereby accepted.

IT IS FURTHER ORDERED, that all rights and privileges hereto granted to Respondent **Lynette M. Duley-Culver** pursuant to Nursing Home Administrator's license # 65-3076 are forever terminated effective 11:59 P.M. on the date of this Order.

IT IS FURTHER ORDERED, that file 02 NHA 019 be, and hereby is, closed.

Dated this 18th day of March, 2004.

WISCONSIN NURSING HOME ADMINISTRATOR EXAMINING BOARD

Jerry Schallock
A member of the Board