

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF A PETITION FOR AN	:	
ADMINISTRATIVE INJUNCTION INVOLVING	:	
	:	LS0608037UNL
JACQUELYN KENNEDY,	:	
RESPONDENT.	:	

FINAL DECISION AND SPECIAL ORDER OF INJUNCTION
[WIS. STAT. § SEC. 440.21(2)]

[Division of Enforcement Case No. 05 UNL 109]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Jacquelyn Kennedy
7705 W. Lincoln Avenue #3
Milwaukee WI 53219-1800

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Jacquelyn Kennedy, Respondent, date of birth November 18, 1967, has never been licensed as a registered nurse (R.N.) in the state of Wisconsin, pursuant to Chapter 441 of the Wisconsin Statutes and has never been licensed as a registered nurse in any other State.

2. Respondent's address is 7705 W. Lincoln Avenue #3, Milwaukee, WI 53219-1800.

3. From October 2004 to April 2005, Respondent worked in an R.N. position as an allergy nurse, at Central Otologic Clinic (Clinic) in Oconomowoc, Wisconsin. In that position, Respondent represented herself to her employer, co-employees and the public as a registered nurse and practiced professional nursing.

4. When first employed by the Clinic, Respondent was not required to provide evidence that she was a licensed nurse, but was required to do so in early 2005. Respondent was then working with Ms. A, a licensed R.N. who had the same last name as Respondent. Without Ms. A's permission, Respondent obtained a copy of Ms. A's R.N. license and created an altered copy which contained Respondent's name and address. Respondent provided a copy of this altered and false license to her employer to meet the employer's requirement.

5. From March 21, 2005 until her resignation on September 8, 2005, Respondent was employed as a registered

nurse by Aseracare Home Health in West Allis, Wisconsin. On her application for employment, Respondent represented herself as an R.N. by fraudulently using some of Ms. A's personal information including Ms. A's R.N. license information. In that position, Respondent represented herself to her employer, co-employees and the public as a registered nurse and practiced professional nursing.

6. On September 22, 2005, Respondent applied for an R.N. position at Woodland Health Care Center in Brookfield, Wisconsin. Respondent completed her application for employment using Ms. A's name and represented that Respondent was a licensed R.N. Respondent was not offered the position.

7. On October 4, 2005, Respondent applied for and obtained an R.N. position at Mercy Residential & Rehabilitation Center in Milwaukee, Wisconsin. Respondent presented a copy of the altered R.N. license bearing Ms. A's license number and used Ms. A's name, address and date of birth on her employment application. As a result of numerous discrepancies that arose during a background check, Respondent's employment was terminated after five days. While in that position, Respondent represented herself to her employer, co-employees and the public as a registered nurse and practiced professional nursing.

8. On October 24, 2005, Respondent was employed as an R.N. by Shoreview Pediatrics in Milwaukee, Wisconsin and worked as a Physician's Pediatric Nurse. Prior to being hired, Respondent presented a resume which identified herself as an R.N. In that position, Respondent represented herself to her employer, co-employees and the public as a registered nurse and practiced professional nursing.

9. Wis. Stat. § 441.06(4) provides that no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter, pursuant to Wis. Stat. § 440.21(1) and (2) and is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
2. Respondent, Jacquelyn Kennedy, has represented herself to the public as a licensed registered nurse in Wisconsin, in violation of Wis. Stat. § 441.06(4).
3. Respondent, Jacquelyn Kennedy, has engaged in the unlicensed practice of professional nursing in Wisconsin, in violation of Wis. Stat. § 441.06(4).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Jacquelyn Kennedy, is prohibited from representing herself as a licensed nurse and is prohibited from practicing as a registered professional nurse without a license in the state of Wisconsin.

IT IS FURTHER ORDERED that Respondent, Jacquelyn Kennedy, be, and hereby is, notified that any person who violates a special order such as this, issued under Wis. Stat. § 440.21 may be required to forfeit not more than \$10,000.00 for each offense and that each day of continued violation constitutes a separate offense.

Department of Regulation and Licensing

By: Celia M. Jackson
Secretary

8/3/06
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF A PETITION FOR AN	:	
ADMINISTRATIVE INJUNCTION INVOLVING:	:	
	:	STIPULATION
JACQUELYN KENNEDY,	:	LS _____ UNL
RESPONDENT.	:	

[Division of Enforcement Case No. 05 UNL 109]

It is hereby stipulated and agreed, by and between Jacquelyn Kennedy, Respondent; and John R. Zwieg, attorney for the Petitioner, Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. The Wisconsin Department of Regulation and Licensing, Division of Enforcement, has an open investigative file pending regarding Respondent (05 UNL 109) which contains allegations that Respondent, who has never been licensed as a registered nurse in the state of Wisconsin, represented herself as a registered nurse and engaged in the practice of professional nursing in the state of Wisconsin.
2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Respondent neither admits nor denies the allegations. Respondent agrees that there is evidence to support the findings and conclusion in the attached Final Decision and Special Order of Injunction and further agrees to its issuance by the Department of Regulation and Licensing. The parties to the Stipulation consent to the entry of the attached Final Decision and Special Order of Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all right to any appeal of the Department's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the content of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney for the Division of Enforcement may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

Jacquelyn Kennedy
Respondent
7705 W. Lincoln Avenue #3
Milwaukee WI 53219-1800

Date

John R. Zwieg
Attorney for Petitioner
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date