

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
CHARLENE J. KAVANAGH, R.N., : LS 0509062 NUR  
RESPONDENT. :

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[Division of Enforcement Case #'s 02 NUR196]

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

Charlene J. Kavanagh, R.N.  
206 Ozark Trail  
Madison, WI 53705

Wisconsin Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

This matter was commenced by filing and service on September 6, 2005. The parties have agreed to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. 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. Charlene J. Kavanagh, R.N., Respondent, date of birth December 22, 1946, is licensed by the Wisconsin Board of Nursing as a registered nurse in the state of Wisconsin pursuant to license number 59356, which was first granted January 24, 1974.
2. Respondent's last address reported to the Department of Regulation and Licensing is 206 Ozark Trail, Madison, WI 53705.
3. The parties have stipulated to the dismissal of this matter without costs to either party.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07(1).
2. The Wisconsin Board of Nursing has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that this matter is dismissed without costs to either party.

Board of Nursing

By: Marilyn Kaufmann  
A Member of the Board

3/1/07  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
CHARLENE J. KAVANAGH, R.N.,	:	<u>LS 0509062 NUR</u>
RESPONDENT.	:	

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[Division of Enforcement Case # 02 NUR 196]

It is hereby stipulated between Charlene J. Kavanagh, Ph.D., Respondent; Bruce J. Rosen of Pellino, Rosen, Mowris & Kirkhuff, S.C., attorneys for Respondent; and John R. Zwiieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent's licensure. Respondent consents to the resolution of this matter by stipulation and without a hearing.
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 and the right to petition for rehearing.
3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. 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. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents 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 Board, the parties agree not to contend that the Board 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 or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Charlene J. Kavanagh, R.N.  
Respondent

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Date

206 Ozark Trail  
Madison, WI 53705

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Bruce J. Rosen  
Pellino, Rosen, Mowris & Kirkhuff, S.C.  
Attorneys for Respondent  
131 W. Wilson Street, Suite 1201  
Madison, WI 53703

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Date

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

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Date