

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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Before The  
State Of Wisconsin  
Board of Nursing

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In the Matter of the Disciplinary Proceedings Against  
SELENA L. WILLIAMS, L.P.N., Respondent

FINAL DECISION AND ORDER  
ORDER 0000772

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Division of Enforcement Case No. 10 NUR 236

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 24<sup>th</sup> day of March, 2011.

A handwritten signature in cursive script, appearing to read "Katherine Amini".

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Member  
Board of Nursing



Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS

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In the Matter of the Disciplinary Proceedings Against  
SELENA L. WILLIAMS, L.P.N., Respondent

PROPOSED DECISION AND ORDER  
DHA Case No. DRL-10-0066

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Division of Enforcement Case No. 10 NUR 236

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Selena Williams  
4575 North 46<sup>th</sup> Street  
Milwaukee, WI 53218

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

Department of Regulation and Licensing, Division of Enforcement, by

Attorney Jeanette Lytle  
Department of Regulation  
Division of Enforcement  
P. O. Box 8935  
Madison, WI 53708-8935

**PROCEDURAL HISTORY**

These proceedings were initiated when the Department of Regulation and Licensing, Division of Enforcement (the "Division") filed a formal Complaint against the Respondent, Selena Williams. The Division filed said Complaint with the Division of Hearings and Appeals on October 4, 2010. On the same date, the Division sent a copy of the Complaint and a Notice of Hearing to Respondent Williams at her most recent address on file with the Department of Regulation and Licensing; 4575 North 46<sup>th</sup> Street, Milwaukee, WI, 53218. The Notice of Hearing stated that Respondent Williams was required to file a written Answer to the Complaint within 20 days, failing which "[she would] be found to be in default and a default judgment [could] be entered against [her] on the basis of the Complaint and other evidence and the Wisconsin Board of Nursing [could] take disciplinary action against [her] and impose the costs of the investigation, prosecution and decision of this matter upon [her] without further notice or hearing."

The above documents were received at Respondent William's above-listed address.<sup>1</sup> To date, no Answer has been filed.

On October 25, 2010, the undersigned Administrative Law Judge (ALJ) of the Division of Hearings and Appeals issued a Notice of Telephone Prehearing Conference that set a telephone conference with Respondent Williams and Attorney Jeanette Lytle of the Division of Enforcement for November 10, 2010. This Notice instructed Respondent Williams to contact the undersigned ALJ to provide the telephone number for which she could be reached for the November 10, 2010, telephone conference, and was sent to the address on file for Respondent Williams, as provided above.

Respondent Williams did not contact the undersigned ALJ with a telephone number that she could be reached at for the November 10, 2010, telephone conference, and the telephone conference that was conducted on that date was without the respondent's participation.

At the November 10, 2010, conference, Attorney Lytle made a motion for default pursuant to Wis. Admin. Code § RL 2.14. The undersigned ALJ summarily accepted Attorney Lytle's default motion and issued a Notice of Default instructing Respondent Williams that she was in default, and that findings would be made and an Order entered on the basis of the Complaint and other evidence. The Notice of Default further ordered Attorney Lytle to provide the undersigned ALJ with the Division's written recommendations for discipline and the assessment of costs in this matter by December 1, 2010. It was mailed to Respondent Williams at the last address on record for her, 4575 North 46<sup>th</sup> Street, Milwaukee, WI 53218. Attorney Lytle provided the undersigned ALJ with the Division's written recommendations as to discipline and costs on or about November 29, 2010.

Respondent Williams has failed to respond to either the Notice of Default issued against her, or the written recommendations provided by Attorney Lytle on November 29, 2010.

### **FINDINGS OF FACT**

On the evidence presented, the undersigned ALJ makes the following findings of fact:

1. Selena Williams, L.P.N., Respondent, date of birth August 13, 1961, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the State of Wisconsin, pursuant to license number 31-303599, which was first granted February 7, 2002.
2. Respondent Williams' most recent address on file with the Wisconsin Board of Nursing is 4575 N. 46<sup>th</sup> Street, Milwaukee, WI, 53218.

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<sup>1</sup> Respondent Williams additionally received an Order for Summary Suspension on or about October 14, 2010.

3. In June of 2010, Respondent Williams' employer ran a criminal background check, and discovered multiple criminal offenses relating to prostitution and illegal drugs under the name Selena Lacrickett Hollman, date of birth August 13, 1961.

4. Selena L. Williams was listed as a known alias of Selena Lacrickett Hollman.

5. The criminal background check contained a photograph of Selena Lacrickett Hollman, which the employer's Director of Nursing recognized to be the woman she knew as Selena L. Williams.

6. Respondent Williams had not reported these convictions to the Board of Nursing as required.

7. Respondent Williams' employer checked the Department of Regulation and Licensing website, and discovered that Selena Patricia Hollman (date of birth August 13, 1961) held a nursing license (#31-28760), which was suspended in 1995.

8. Selena Patricia Hollman is another known alias of Selena Lacrickett Hollman.

9. In 2002, when Respondent Williams applied for a new LPN license in the State of Wisconsin (through endorsement by Minnesota), Respondent Williams did not disclose that she held an LPN license under another name, that was suspended for practice concerns.

10. As set out in the Procedural History above, a Complaint and Notice of Hearing were sent to Respondent Williams at her most recent address on file with the Department of Regulation and Licensing/Wisconsin Board of Nursing on October 4, 2010.

11. On or about October 25, 2010, the undersigned ALJ sent a Notice of Telephone Prehearing Conference for November 10, 2010, to Respondent Williams at the above-listed address.

12. Respondent Williams did not appear at this hearing, and the Division made a motion for default which was summarily accepted by the undersigned ALJ.

13. On or about November 10, 2010, the undersigned ALJ sent a Notice of Default to Respondent Williams at her last known address.

14. Respondent Williams has not responded to this Notice, or otherwise to the Complaint against her.

#### **CONCLUSIONS OF LAW**

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. §§ 441.07 and 441.50(3)(b).

2. Wis. Stat. § 440.03(1) provides that the department (of Regulation and Licensing) may promulgate rules defining uniform procedures to be used by the department... and all examining boards and affiliated credentialing boards attached to the department or an examining board, for... conducting [disciplinary] hearings. These rules are codified in Wis. Admin. Code ch. RL.

3. Wisconsin Administrative Code § RL 2.08(1) provides, in relevant part, that “[t]he complaint, notice of hearing, all orders and other papers required to be served on a respondent may be served by mailing a copy of the paper to the respondent at the last known address of the respondent” and that “[s]ervice by mail is complete upon mailing.” Because the Complaint and Notice of Hearing, Notice of Telephone Prehearing Conference, and Notice of Default were mailed to Respondent Williams at her last known address, she was duly served with these papers pursuant to Wis. Admin. Code § RL 2.08.

4. As the licensee, it was Respondent Williams’ responsibility to keep her address on record with the Department of Regulation and Licensing current. Wis. Stat. § 440.11(1).

5. Respondent Williams has defaulted in this proceeding pursuant Wis. Admin. Code § RL 2.14 by failing to file and serve an Answer to the Complaint as required by Wis. Admin. Code § RL 2.09.

6. Allegations in a complaint are deemed admitted when not denied in an answer. Wis. Admin. Code § RL 2.09. Respondent Williams has admitted to the allegations of the Complaint by default by not filing an Answer.

7. Pursuant to Wis. Stat. § 441.07(1)(d), the Board of Nursing has authority to “revoke, limit, suspend or deny renewal of a license of a registered nurse” if the board finds that the registered nurse has engaged in “Misconduct or unprofessional conduct.”

8. Wis. Admin. Code § N 704 defines “misconduct or unprofessional conduct” as “any practice or behavior which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public.”

9. Wis. Admin. Code § N 704(1) further defines “misconduct or unprofessional conduct” to include: “Violating, or aiding and abetting a violation of any law substantially related to the practice of professional or practical nursing.”

10. Wis. Admin. Code § N 704(2) further defines “misconduct or unprofessional conduct” to include: “Administering, supplying or obtaining any drug other than in the course of legitimate practice or as otherwise prohibited by law.”

11. Respondent Williams' conduct, as described in Findings of Fact ¶¶ 3-5, constitutes a violation of Wis. Admin. Code §§ N 7.04(1) and (2), and subjects the respondent to discipline pursuant to Wis. Stat. § 441.07(d).

12. Pursuant to Wis. Admin. Code § RL 4.09(2): "A holder of any of the credentials set forth in s. RL 4.07 who is convicted of a felony or misdemeanor in this state or elsewhere shall notify the department in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction. Notice shall be made by mail and shall be proven by showing proof of the date of mailing the notice. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the practice of the credential holder."

13. Respondent Williams' conduct, as described in Findings of Fact ¶ 6, constitutes a violation of Wis. Admin. Code § RL 4.09, and subjects the respondent to discipline pursuant to Wis. Stat. § 441.07(d).

14. Pursuant to Wis. Stat. § 441.07(1)(a), the Board of Nursing has authority to "revoke, limit, suspend or deny renewal of a license of a registered nurse" if the board finds that the registered nurse has engaged in "Fraud in the procuring or renewal of the certificate or license."

15. The Respondent's conduct, as described in Findings of Fact ¶¶ 7-9, constitutes misconduct or unprofessional conduct contrary to Wis. Stat. § 441.07(1)(a), thus subjecting her to further discipline.

## DISCUSSION

### Violations of Wisconsin Statute and Administrative Code

By failing to provide an Answer to the Complaint filed against her, Respondent Williams has admitted that all allegations contained within the Complaint are true. Wis. Admin. Code § 2.09. As such, it is undisputed that Respondent Williams: (1) had multiple criminal offenses relating to prostitution and illegal drugs; (2) did not report these criminal convictions to the Board of Nursing, as required; and (3) when she applied for a new LPN license in the State of Wisconsin in 2002, did not disclose that she already held an LPN license under another alias that was suspended. Such conduct clearly violates Wis. Admin. Code §§ N. 7.04(1), N 7.04(2) and RL 4.09 (*see supra*), and constitutes fraud. Respondent Williams is thus subject to discipline pursuant to Wis. Stat. § 441.07(1)(a) and (d). The only question that remains is what kind of discipline is appropriate.

### Appropriate Discipline

The Division requests that Respondent Williams' license to practice nursing be revoked. In support of this recommendation, it argues that:

The criminal convictions of Ms. Hollman/Williams, and her failure to report them, warrant significant discipline by themselves. In addition, though, Wis. Stat. § 441.07(a) provides for discipline for fraud in the procurement of a credential. Ms. Hollman/Williams committed fraud when she applied for a license under the name Selena Williams. Applications for nurse licensure include an affidavit which states, in part" "I declare that I am the person referred to on this application..." The Respondent signed that affidavit, suggesting that she was Selena Williams, when in fact her name was Selena Hollman."<sup>2</sup>

(Written Recommendations for Discipline and the Imposition of Costs, filed November 29, 2010).

The Division goes on to compare the instant case, (and Respondent's fraudulent practice), to *In the Disciplinary Proceedings against Terry Wolf, R.N.*, in which the respondent (Wolf) stipulated to having her license revoked after she was found to have worked some seven (7) months the suspension of her license for continued drug use.

According to the Division, Respondent Williams' conduct was even more "severe" than Wolf's, because, unlike Wolf, she additionally committed fraud in order to work after her suspension.

The undersigned ALJ agrees with the Division's logic, and finds that Williams' conduct warrants the revocation of her license. Indeed, it is doubtful that the Board of Nursing would have granted Respondent Williams L.P.N. licensure if she had been forthcoming about her criminal convictions and suspended license.

The purpose of discipline is to (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Respondent Williams' conduct in (1) concealing multiple criminal offenses relating to prostitution and illegal drugs from the Board of Nursing, and (2) fraudulently applying for L.P.N. licensure under an alias, when her L.P.N. license had already been suspended evinces that she has not yet been rehabilitated, and that she is still very much a danger to the public. Her inability to participate in these proceedings only strengthens that concern. The relief requested by the Division is thus appropriate and even necessary to protect the public from future instances of misconduct by the respondent.

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<sup>2</sup> That the surname Williams was not a legitimate surname for the respondent is not clear from the Complaint. However, as the respondent has provided no argument to contradict this argument, it will be accepted as truth.



### Costs

The Division requests that Respondent Williams be ordered to pay the full costs of its investigation and of these proceedings.

In *In the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz* (LS 0802183 CHI), the Chiropractic Examining Board found that:

The ALJ's recommendation and the ... Board's decision as to whether the full costs of the proceeding should be assessed against the credential holder..., is based on the consideration of several factors, including:

- 1) The number of counts charged, contested, and proven;
- 2) The nature and seriousness of the misconduct;
- 3) The level of discipline sought by the parties
- 4) The respondents cooperation with the disciplinary process;
- 5) Prior discipline, if any;
- 6) The fact that the Department of Regulation and Licensing is a "program revenue" agency, whose operating costs are funded by the revenue received from licenses, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct;
- 7) Any other relevant circumstances.

The respondent, by nature of her being in default has not presented any evidence regarding any of the above factors that would mitigate the imposition of the full costs of this proceeding. To the contrary, her conduct is of a serious nature. The factual allegations were deemed admitted and proven and there is no argument to apportion any counts that were unproven (being none), or that certain factual findings were investigated and litigated that were unnecessary. Given the fact that the Department of Regulation and Licensing is a "program revenue," agency, whose operating costs are funded by the revenue received for licensees, fairness here dictates imposing the costs of disciplining the respondent upon the respondent and not fellow members of the chiropractic profession who have not engaged in such conduct."

For many of the same reasons as cited in the *Buenzli-Fritz* decision, Respondent Williams should be assessed the full amount of recoverable costs. Her alleged conduct is of a serious nature, there is no argument that certain factual findings were investigated and litigated unnecessarily, and given the program revenue nature of the Department of Regulation and Licensing, fairness again dictates imposing the costs of disciplining Respondent Williams on Respondent Williams, and not fellow members of the nursing profession who have not engaged in such conduct. Payment of

assessed costs will be necessary before the respondent's license can be reinstated pursuant to Wis. Stat. § 441.07(2). If the Board assesses costs against the respondent, these amount of costs will be determined pursuant Wis. Admin. Code § RL 2.18.

**ORDER**

For the reasons set forth above, IT IS ORDERED that the license of the Respondent Selena Williams, L.P.N. to practice nursing in the State of Wisconsin be and is hereby **REVOKED**.

IT IS FURTHER ORDERED that Respondent Williams' privilege to practice nursing in Wisconsin pursuant to the Multi-State Nurse Licensure Compact be and is hereby **REVOKED**.

Pursuant to Wis. Stat. 441.07(2), the board in its discretion may reinstate a revoked license no earlier than one year following revocation, upon receipt of an application for reinstatement.

IT IS FURTHER ORDERED that Respondent Williams shall pay all recoverable costs in this matter in an amount to be established pursuant to Wis. Admin. Code § RL 2.18. After the amount is established payment shall be made by certified check or money order payable to the Wisconsin Department of Regulation and Licensing and sent to:

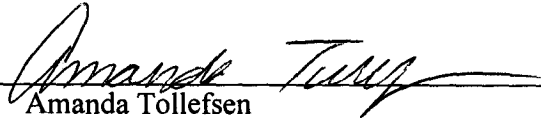
**Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone: (608) 267-3817  
Fax: (608) 266-2264**

IT IS FURTHER ORDERED that the above-captioned matter be and hereby is closed as to Respondent Selena Williams.

Dated at Madison, Wisconsin on January 4, 2011.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705  
Telephone: (608) 266-7709  
FAX: (608) 264-9885

By: \_\_\_\_\_

  
Amanda Tollefsen  
Administrative Law Judge