

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SUNDAY UWUBITI, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003783

Division of Legal Services and Compliance Case No. 14 NUR 303

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

Sunday Uwubiti, R.N.
10282 W. Fountain Ave., #1305
Milwaukee, WI 53224

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Wisconsin Board of Nursing (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Sunday Uwubiti, R.N., (dob September 25, 1952) is licensed in the State of Wisconsin as a professional nurse, having license number 129182-30, first issued on April 3, 1998 and current through February 29, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 10282 West Fountain Avenue, #1305, Milwaukee, Wisconsin 53224.

2. On June 13, 2014, Respondent was convicted of two (2) counts of assisting in the filing of false income tax returns, in violation of 26 U.S.C. § 7206(2), United States Eastern District of Wisconsin case number 14CR12.

3. The criminal complaint in the above referenced matter states:
 - a. From January 2010 through April 2011, Respondent, and others he employed and supervised, prepared and filed false and fraudulent federal income taxes for third party taxpayers.
 - b. Respondent, and others he employed and supervised, filed 99 false and fraudulent income tax returns. These returned sought more than \$448,000.00 in fraudulent federal income tax refunds.
 - c. Respondent filed claims for tax refunds that he knew the taxpayer was not entitled to.

4. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Sunday Uwubiti, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(1)¹ by violating, or aiding and abetting a violation of any law substantially related to the practice of professional nursing. A certified copy of a judgment of conviction is prima facie evidence of a violation.
3. As a result of the above conduct, Sunday Uwubiti, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Sunday Uwubiti, R.N., is REPRIMANDED.
3. The professional nursing license issued to Respondent Sunday Uwubiti, R.N., (license number 129182-30) and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:
 - a. Within ninety (90) days of his release from prison, Respondent shall at his own expense, successfully complete three (3) hours of education on the topic of ethics and professionalism offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

¹ All Wis. Admin. Code § N 7.04 refer to the code as it existed before August 1, 2014.

- b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The professional nursing license issued to Respondent Sunday Uwubiti, R.N., (license number 129182-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are further LIMITED as follows:

- a. Respondent must notify the Department Monitor of his release from prison within 24 hours of release. Respondent must including his current address, phone number and any other contact information with his notification of release to the Department Monitor.
- b. Respondent shall provide his nursing employers with a copy of this Order before engaging in any nursing employment.
- c. Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board.
- d. Pursuant to Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.
- e. After two (2) years of working at least half-time as a nurse, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

5. Within 120 days from the date of this Order, Sunday Uwubiti, R.N., shall pay COSTS of this matter in the amount of \$400.00.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services

P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 129182-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submit proof of completion of the education.

8. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:

Judy A. Meier DNP, APRN
A Member of the Board

3-12-15
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SUNDAY UWUBITI, R.N.,
RESPONDENT.

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STIPULATION

00037 03

Division of Legal Services and Compliance Case No. 14 NUR 303

Respondent Sunday Uwubiti, R.N., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent
is represented by Attorney Patrick J. Knight.

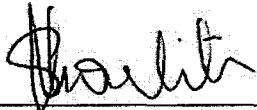
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of
the attached Final Decision and Order without further notice, pleading, appearance or consent of
the parties. Respondent waives 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

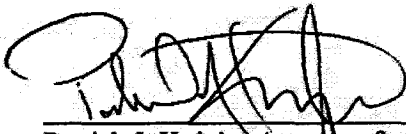
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Sunday Uwubiti, R.N., Respondent
10282 W. Fountain Ave., #1305
Milwaukee, WI 53224
License no. 129182-30

2/5/15
Date



Patrick J. Knight, Attorney for Respondent
Gimbel, Reilly, Guerin & Brown LLP
2 Plaza East, Suite 1170
330 East Kilbourn Ave.
Milwaukee, WI 53202-6616

2/11/15
Date



Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2/13/15
Date