

STATE OF MAINE

ADMINISTRATIVE COURT
DOCKET NO. 98-263

STATE OF MAINE and MAINE)
 STATE BOARD OF NURSING,)
)
 Plaintiffs)
)
 v.)
)
 WILLIAM J. ANDERSON,)
)
 Defendant)

DECISION AND ORDER

Plaintiffs' motion for decision by default pursuant to M. Admin. C.R. 55 is *Allegations in complaint deemed to be admitted.*
 GRANTED. It is hereby ORDERED that defendant's nursing license, No. P006468, is
 revoked effective immediately.

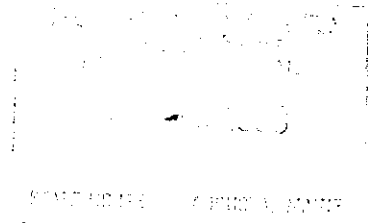
Dated: 12/2/98



 JUDGE, ADMINISTRATIVE COURT

NOTICE OF APPEAL RIGHTS

Judicial review of this decision may be had in the Superior Court by filing a
 notice to appeal within 30 days of entry of this decision in accordance with M.
 Admin. C.R. 73 and M.R. Civ.P. 76(D).



STATE OF MAINE

ADMINISTRATIVE COURT
DOCKET NO. 98-263

STATE OF MAINE and MAINE)
STATE BOARD OF NURSING,)
)
Plaintiffs)
)
v.)
)
WILLIAM J. ANDERSON,)
)
Defendant)

PLAINTIFFS' MOTION FOR
DECISION BY DEFAULT
PURSUANT TO M. Admin. C.R.
55(a)(1) WITH SUPPORTING
AFFIDAVIT

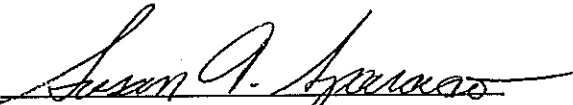
NOW COMES the plaintiffs State of Maine and Maine State Board of Nursing, through counsel and respectfully request and represent the following:

1. The above-captioned proceeding to revoke the nursing license of William J. Anderson was commenced by the filing of the Complaint with this Court in August, 1998.
2. Personal service of the summons and a copy of the Complaint was made on the defendant on October 19, 1998.
3. The 10-day period for the defendant to appear or answer under M.Admin.C.R. 12 has expired.
4. The defendant has not appeared or answered.
5. The defendant is not an infant or an incompetent person or a person in military service as defined in Article 1 of the "Soldiers and Sailors Civil Relief Act" of 1940. See Affidavit of Susan A. Sparaco attached hereto as Exhibit A.
6. The plaintiffs have attached as Exhibit B certified copies of the

Judgments entered against the defendant which are referenced in the Complaint in this matter.

WHEREFORE, the plaintiffs respectfully request that the Court hear this matter ex parte and take such evidence as may be necessary and enter a decision by default for the revocation of the nursing license of William J. Anderson.

Dated: Nov. 25, 1998


SUSAN A. SPARACO
Assistant Attorney General
6 State House Station
Augusta, ME 04333-0006
Telephone: (207) 626-8800

STATE OF MAINE

ADMINISTRATIVE COURT
DOCKET NO. 98-263

STATE OF MAINE and MAINE)
 STATE BOARD OF NURSING,)
)
 Plaintiffs)
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 v.)
)
 WILLIAM J. ANDERSON,)
)
 Defendant)

AFFIDAVIT OF
SUSAN A. SPARACO

I, Susan A. Sparaco, having first being duly sworn, hereby depose and say as follows:

1. My name is Susan A. Sparaco, and I am the attorney for the plaintiffs in the above-entitled proceeding.
2. The defendant is not an infant or an incompetent person.
3. The defendant is 46 years of age and resides in Maine. He is not in military service as defined in Article 1 of the "Soldiers and Sailors Civil Relief Act" of 1940.


Dated: Nov. 25, 1998

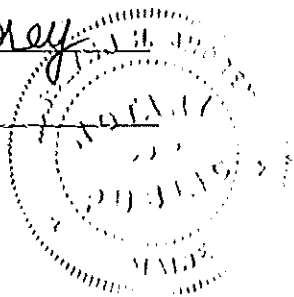


 SUSAN A. SPARACO

Personally appeared the above-named Susan A. Sparaco and made oath that the above-stated facts are true based upon her own knowledge.

November 25, 1998


 NOTARY PUBLIC
 Print Name: _____
 MARILYNN H. SHOREY
 Notary Public, Maine
 My Commission Expires June 22, 2000



STATE OF MAINE
 SUPERIOR COURT

DISTRICT COURT

JUDGMENT AND COMMITMENT

Docket No. CR97-605 County/Location Cumberland Date 7-2-97 DOB 3-5-52

State of Maine v. Defendant's Name William J. Anderson Residence 79 Anderson St Portland, ME

Offense(s) charged:
1 - Acquiring Drugs by Deception - Class C T17-A § 1108
2 - Forgery - Class D T17-A § 703
Plea(s): Guilty Nolo Not Guilty no Ct 1 Date of Violation(s): 2-20-97

Charged by:
 indictment
 information
 complaint

Offense(s) convicted:
1 - Acquiring Drugs by Deception - Class C T17-A § 1108

Convicted on:
 plea
 jury verdict
 court finding

IT IS ADJUDGED THAT THE DEFENDANT IS GUILTY OF THE OFFENSES AS SHOWN ABOVE AND CONVICTED.

IT IS ADJUDGED THAT THE DEFENDANT BE HEREBY COMMITTED TO THE SHERIFF OF THE WITHIN NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE WHO SHALL WITHOUT NEEDLESS DELAY REMOVE THE DEFENDANT TO:

The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of ~~2 years~~ 18 months

The County jail to be punished by imprisonment for a term of _____

This sentence to be served (consecutively to) (concurrently with) 97-939

Execution stayed to on or before: _____ at _____ (a.m.) (p.m.)

IT IS ORDERED THAT ALL (BUT) _____ OF THE SENTENCE (AS IT RELATES TO CONFINEMENT) (AS IT RELATES TO THE _____) BE SUSPENDED AND THE DEFENDANT BE COMMITTED TO THE CUSTODY AND CONTROL OF THE DIVISION OF PROBATION AND PAROLE FOR A TERM OF 2 yrs UPON CONDITIONS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN. SAID PROBATION TO COMMENCE (_____) (UPON COMPLETION OF THE UNSUSPENDED TERM OF IMPRISONMENT). THE DEFENDANT SHALL SERVE THE INITIAL PORTION OF THE FOREGOING SENTENCE AT _____

The final _____ month(s) of the unsuspended portion of the term of imprisonment is to be served with intensive supervision under conditions separately specified and incorporated herein.

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS A FINE, PLUS APPLICABLE SURCHARGES AND ASSESSMENTS FOR A TOTAL OF \$25.00 TO THE CLERK OF THE COURT. THE TOTAL AMOUNT DUE INCLUDES THE FOLLOWING:

- 10% SURCHARGE 12% SURCHARGE (Effective 7/4/96) (4 M.R.S.A. § 1057)
 - \$30.00 SURCHARGE \$125.00 SURCHARGE (29 M.R.S.A. § 1312-B(5), 29-A M.R.S.A. § 2411 (7))
 - \$10 ASSESSMENT(S) 1 \$25 ASSESSMENT(S) (5 M.R.S.A. § 3360-1)
- \$ _____ OF THE ASSESSMENT HAS BEEN PAID.

All but \$ _____ suspended.

Execution/payment stayed to pay in full by _____ or warrant to issue.

To pay \$ _____ per week / month beginning _____ or warrant to issue.

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS RESTITUTION, THROUGH THE (DIVISION OF PROBATION AND PAROLE) (DISTRICT ATTORNEY'S OFFICE) FOR THE BENEFIT OF _____.

_____, (17-A M.R.S.A. § 1152-2-A)
 Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED THAT THE DEFENDANT, HAVING BEEN CONVICTED AS A SEX OFFENDER, SATISFY ALL REQUIREMENTS IN THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT. (34-A M.R.S.A., §11103).

IT IS ORDERED PURSUANT TO APPLICABLE STATUTES, THAT THE DEFENDANT'S MOTOR VEHICLE OPERATOR'S LICENSE OR PERMIT TO OPERATE, RIGHT TO OPERATE A MOTOR VEHICLE AND RIGHT TO APPLY FOR AND OBTAIN A LICENSE AND/OR THE DEFENDANT'S RIGHT TO REGISTER A MOTOR VEHICLE IS SUSPENDED IN ACCORDANCE WITH NOTICE OF SUSPENSION INCORPORATED HEREIN.

IT IS ORDERED THAT THE DEFENDANT PERFORM _____ HOURS OF COMMUNITY SERVICE WORK WITHIN _____ (WEEKS) (MONTHS) FOR THE BENEFIT OF _____.

IT IS ORDERED THAT THE DEFENDANT PAY \$ _____ FOR EACH DAY SERVED IN THE COUNTY JAIL, TO THE TREASURER OF THE ABOVE NAMED COUNTY. (UP TO \$20./DAY) (17-A M.R.S.A. § 1341)

Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED THAT THE DEFENDANT SHALL PARTICIPATE IN ALCOHOL AND OTHER DRUG EDUCATION, EVALUATION AND TREATMENT PROGRAMS FOR MULTIPLE OFFENDERS ADMINISTERED BY THE OFFICE OF SUBSTANCE ABUSE. (29 M.R.S.A. § 1312-B (2)(D-1), 29-A M.R.S.A. § 2411 (5)(E))

IT IS ORDERED THAT THE DEFENDANT FORFEIT TO THE STATE THE FIREARM USED BY THE DEFENDANT DURING THE COMMISSION OF THE OFFENSE(S) SHOWN ABOVE. (17-A M.R.S.A. § 1158)

IT IS ORDERED THAT THE DEFENDANT BE UNCONDITIONALLY DISCHARGED. (17-A M.R.S.A. § 1201)

IT IS FURTHER ORDERED THAT THE CLERK DELIVER A CERTIFIED COPY OF THIS JUDGMENT AND COMMITMENT TO THE SHERIFF OF THE ABOVE NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE AND THAT THE COPY SERVE AS THE COMMITMENT OF THE DEFENDANT. REASONS FOR IMPOSING CONSECUTIVE SENTENCES ARE CONTAINED IN THE COURT RECORD OR IN ATTACHMENTS HERETO.

A TRUE COPY, ATTEST:

[Signature]
Clerk

[Signature]
Judge / Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT. I hereby acknowledge that the disclosure of my Social Security number on this form is mandatory under 36 M.R.S.A. § 5276-A. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money which I owe to the State of Maine will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund.

Social Security Number _____

Date: 7/2/97

Defendant Wiley J. Smith
Address 576 / P.O. Box 576
BAR MILLS, ME 04004

RETURN

By virtue of the within JUDGMENT AND COMMITMENT I have this day delivered the within-named Defendant to the _____

Date: _____

Deputy _____

By virtue of this warrant, the within-named Defendant has been removed to and received at the _____ on this day.

Date: _____

Authorized Officer/Supt., M.C.C./Warden M.S.P.

Docket No. CR97-939 County Cumberland Dr 7-2-97 DOB 3-5-52

State of Maine v. Defendant's Name William Anderson Residence 79 Anderson St Portland, ME

Offense(s) charged: Theft - Class B T17A3353

Charged by: [] indictment [x] information [] complaint

Plea(s): guilty

Offense(s) convicted: Theft - Class B T17A3353

Convicted on: [x] plea of guilty [] plea of nolo [] jury verdict [] court finding

IT IS ADJUDGED THAT THE DEFENDANT IS GUILTY OF THE OFFENSES AS SHOWN ABOVE AND CONVICTED.

[x] IT IS ADJUDGED THAT THE DEFENDANT BE HEREBY COMMITTED TO THE SHERIFF OF THE WITHIN NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE WHO SHALL WITHOUT NEEDLESS DELAY REMOVE THE DEFENDANT TO:

- [x] The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of 2 years
[] The County jail to be punished by imprisonment for a term of
[] This sentence to be served consecutive to
[] Execution stayed to on or before: at (a.m.) (p.m.)

[x] IT IS ORDERED THAT ALL (DEF) OF THE FOREGOING SENTENCE BE SUSPENDED AND THE DEFENDANT BE COMMITTED TO THE CUSTODY AND CONTROL OF THE DIVISION OF PROBATION AND PAROLE FOR A TERM OF 4 years UPON CONDITIONS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN. SAID PROBATION TO COMMENCE () (UPON COMPLETION OF THE UNSUSPENDED TERM OF IMPRISONMENT). THE DEFENDANT SHALL SERVE THE INITIAL PORTION OF THE FOREGOING SENTENCE AT

[] The final month(s) of the unsuspended portion of the term of imprisonment is to be served with intensive supervision under conditions separately specified and incorporated herein.

[] IT IS ORDERED PURSUANT TO APPLICABLE STATUTES, THAT THE DEFENDANT'S MOTOR VEHICLE OPERATOR'S LICENSE OR PERMIT TO OPERATE, RIGHT TO OPERATE A MOTOR VEHICLE AND RIGHT TO APPLY FOR AND OBTAIN A LICENSE IS SUSPENDED FOR A PERIOD OF

[] IT IS FURTHER ORDERED THAT THE DEFENDANT'S RIGHT TO REGISTER A MOTOR VEHICLE IS SUSPENDED AND THE REGISTRATION PLATES ISSUED TO THE DEFENDANT BY THE STATE ARE SUSPENDED. [] Suspension effective beginning at (a.m.) (p.m.) [] Suspension effective beginning after release from incarceration. (17-A MRSA §1103, sub-§ 6.)

- IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF _____ DOLLARS, AS A FINE, PLUS A 10% SURCHARGE, TO THE CLERK OF THE COURT. (4 M.R.S.A. § 1057)
- IT IS FURTHER ORDERED THAT THE DEFENDANT PAY AN ADDITIONAL: \$30.00 \$125.00 SURCHARGE TO THE CLERK OF THE COURT. (29 M.R.S.A. § 1312-B(5), 29-A M.R.S.A. § 2411 (7))
- IT IS FURTHER ORDERED THAT THE DEFENDANT PAY AN ASSESSMENT OF \$10.00 FOR EACH CLASS D AND E CONVICTION AND \$25.00 FOR EACH MURDER AND CLASS A, B, AND C CONVICTION FOR A TOTAL OF \$25.00 TO THE CLERK OF THE COURT FOR THE VICTIMS' COMPENSATION FUND. (5 M.R.S.A. § 3360-1) \$ _____ OF THE ASSESSMENT HAS BEEN PAID.
- All but _____ suspended.
- Execution/payment stayed to pay in full by _____ or warrant to issue.
- To pay \$ _____ per week / month beginning _____ or warrant to issue.

IT IS ORDERED THAT EXECUTION OF THE FOREGOING SENTENCE AS IT RELATES TO THE FINE BE SUSPENDED AND THE DEFENDANT BE COMMITTED TO THE CUSTODY AND CONTROL OF THE DIVISION OF PROBATION AND PAROLE FOR A TERM OF _____ UPON CONDITIONS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

IT IS ORDERED THAT THE DEFENDANT PERFORM _____ HOURS OF COMMUNITY SERVICE WORK WITHIN _____ (WEEKS) (MONTHS) FOR THE BENEFIT OF _____

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$15,613.75 DOLLARS AS RESTITUTION, THROUGH THE (DIVISION OF PROBATION AND PAROLE) (DISTRICT ATTORNEY'S OFFICE) FOR THE BENEFIT OF Gail Nowak or Key Bank. (17-A M.R.S.A. § 1152-2-A)

Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED THAT THE DEFENDANT PAY _____ FOR EACH DAY SERVED IN THE COUNTY JAIL, TO THE TREASURER OF THE ABOVE NAMED COUNTY. (17-A M.R.S.A. § 1341)

Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED THAT THE DEFENDANT SHALL PARTICIPATE IN ALCOHOL AND OTHER DRUG EDUCATION, EVALUATION AND TREATMENT PROGRAMS FOR MULTIPLE OFFENDERS ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES. (29 M.R.S.A. § 1312-B (2)(D-1), 29-A M.R.S.A. § 2411 (5)(E))

IT IS ORDERED THAT THE DEFENDANT FORFEIT TO THE STATE THE FIREARM USED BY THE DEFENDANT DURING THE COMMISSION OF THE OFFENSE(S) SHOWN ABOVE. (17-A M.R.S.A. § 1158)

IT IS ORDERED THAT THE DEFENDANT BE UNCONDITIONALLY DISCHARGED. (17-A M.R.S.A. § 1201)

IT IS FURTHER ORDERED THAT THE CLERK DELIVER A CERTIFIED COPY OF THIS JUDGMENT AND COMMITMENT TO THE SHERIFF OF THE ABOVE NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE AND THAT THE COPY SERVE AS THE COMMITMENT OF THE DEFENDANT. REASONS FOR IMPOSING CONSECUTIVE SENTENCES ARE CONTAINED IN THE COURT RECORD OR IN ATTACHMENTS HERETO

A TRUE COPY, ATTEST:

[Signature]
Clerk, Superior Court

[Signature]
Justice, Superior Court

I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT.

Dated: 7/2/97

[Signature]
Defendant

RETURN

By virtue of the within JUDGMENT AND COMMITMENT I have this day delivered the within-named Defendant to the _____

Dated: _____

Deputy Sheriff

By virtue of this warrant, the within-named Defendant has been removed to and received at the _____

_____ on this day.

Dated: _____

Authorize _____/Supt., M.C.C./Warden M.S.P.

STATE OF MAINE vs. William Anderson CONDITIONS OF PROBATION

Probation Term: 4 years

D.O.B.: 3-5-52

S.S. # _____

You have been convicted of Theft, Acquiring Drugs by Deception which (is)(are) Class B, C crime(s) and the court has placed you on probation and committed you to the custody and control of the Division of Probation for the term specified above and on conditions specified below.

THE CONDITIONS OF YOUR PROBATION ARE AS FOLLOWS: YOU SHALL

1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the probation officer forthwith and thereafter as the probation officer may direct, or if incarcerated, within 48 hours of release from custody.
3. answer all reasonable inquiries by the probation officer and permit the probation officer to visit you at reasonable times at your home or elsewhere.
4. notify the probation officer before changing address or employment.
5. remain within the jurisdiction of this state unless written permission is given by the probation officer for you to leave the state temporarily.
6. refrain from possession and use of any unlawful drugs w/out prescription
7. refrain from (excessive) (~~possession~~ or) use of intoxicating liquor.
8. identify yourself as a probationer to any law enforcement officer when arrested, detained or questioned and you shall notify your probation officer of the contact within 24 hours.
9. waive extradition to the State of Maine from any State of the United States, the District of Columbia, or any other place, to answer any charge of violating the terms of probation.
10. maintain employment and devote yourself to an approved employment/educational program.
11. pay to the Division of Probation a supervision fee (of \$ 10 per month).
12. pay to the Division of Probation an (electronic monitoring fee) (substance abuse fee) of \$ _____.
13. submit to random search and testing for (alcohol) (drugs) (firearms) (dangerous weapons) (upon reasonable suspicion of use or possession).
14. If this section is checked, or if you have been convicted of murder, or a Class A, B or C crime, or any other matter involving the use of a firearm, you are prohibited from owning, possessing or using firearms or dangerous weapons.
15. undergo (substance abuse) (psychological) (domestic violence) _____ counseling/treatment to the satisfaction of the probation officer; consent to the release of any counselling/treatment information to your Probation Officer, the District Attorney, and the Court; and you shall contribute to the cost thereof based on your financial ability as determined by the probation officer.
16. pay restitution (in the [maximum] amount of \$ 15,613.75) through the Division of Probation within _____ months (on a schedule to be determined and set by the probation officer) for the benefit of Crail Bank or Key Bank
17. pay \$ _____ as (fines) (surcharges) and/or (assessments) and (counsel fees in full) (counsel fees of \$ _____) within _____ months (on a schedule to be determined and set by the probation officer).
18. not operate or attempt to operate any motor vehicle (including ATV, motorboat or aircraft) (until properly licensed by the Secretary of State).
19. have no contact of any kind, with _____ and/or the family of said person(s).
20. not associate with any other person who is on probation or parole without written permission of the probation officer.
21. perform _____ hours of public service work within _____ months at the direction and to the satisfaction of your probation officer.
22. not be present in an establishment that serves liquor for on premises consumption after _____
23. Other: probation may terminate after 2yrs if restitution is paid

Your freedom from future arrest and punishment for the offense(s) of which you have been found guilty depends upon strict observance of the foregoing conditions of probation, or any additional conditions further imposed by this court during the term of your probation.

ORDERED: The foregoing conditions are made part of the judgment as if recited therein and shall be incorporated into the docket by reference.

Dated: 7/2/97

[Signature]
Judge Justice Presiding

I ACKNOWLEDGE RECEIPT OF THESE CONDITIONS AND ACCEPT THEM AS WRITTEN.

WITNESS: James Carr

PROBATIONER: William Anderson

A TRUE COPY, ATTEST: _____

Clerk