



STATE OF MAINE  
BOARD OF NURSING  
158 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0158

ANGUS S. KING, JR.  
GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.  
EXECUTIVE DIRECTOR

October 4, 2002

William A. Trunck  
323 Washington Road  
Waldoboro, ME 04572

**NOTICE OF HEARING**

Dear Mr. Trunck:

This is to notify you that the Maine State Board of Nursing suspended your registered professional nurse license October 3, 2002 pursuant to 5 M.R.S.A. Section 10004 on the basis that you pose a threat to the public welfare by forging prescriptions for controlled substances.

This is to notify you that the Maine State Board of Nursing ("the Board") will conduct a hearing under the authority of 32 M.R.S.A. Section 2105-A(1-A)(D) and 10 M.R.S.A. Section 8003(5) to determine whether grounds exist for the Board to take disciplinary action against your license to practice registered professional nursing. The hearing is scheduled for Wednesday, October 30, 2002 at 12:00 noon at the Board office at 24 Stone Street, in Augusta, Maine in the conference room.

The hearing will concern whether you have violated 32 M.R.S.A. Section 2105-A(2)(A), (2)(B), (2)(E), (2)(F) (2)(G) and (2)(H), and the Rules and Regulations of the Maine State Board of Nursing, Chapter 4 Disciplinary Action and Violations of Law, Section 1. A.(1), (2), (5), (6), (7) and (8) and Section 3.(A), (O), (P), (Q) and (S). A copy of Chapter 4 was provided to you on September 30, 2002. The specific issues to be decided are (1) whether you engaged in fraud or deceit in connection with service rendered within the scope of the license issued; (2) whether there is habitual substance abuse that has resulted or is foreseeably likely to result in your performing services in a manner that endangers the health and safety of your patients; (3) whether you are incompetent in the practice for which you are licensed; (4) whether you have violated a standard of professional behavior that has been established in the practice for which you are licensed; and (5) whether these actions, if substantiated, constitute fraud or deceit, habitual substance abuse, incompetence and/or unprofessional conduct. The factual allegations are contained in the information enclosed:

1. Information received September 27, 2002 from the Attorney General's office.

The hearing will be held in accordance with applicable provisions of the Maine Administrative Procedure Act, 5 M.R.S.A. Section 9051 and 9064. You have the right to be represented by an attorney. You may present evidence, call witnesses and present oral or written testimony and arguments to the Board. Applications for intervention pursuant to 5 M.R.S.A. Section 9054 will be accepted until the commencement of the hearing.



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME  
PHONE: (207) 287-1133

TDD: (207) 287-1151

FAX: (207) 287-1149

Failure to appear at the scheduled hearing may result in a disposition by default, and information obtained during the hearing may be used in subsequent legal proceedings. Violations of the above cited statutory and regulatory provisions may result in sanctions ranging from a letter of guidance or concern to suspension or revocation of your license.

If you have any questions concerning the conduct of the hearing, please do not hesitate to contact me.

Sincerely,

Myra A. Broadway, J.D., M.S., R.N.  
Executive Director

MAB:vlc

Enclosures

pc: James E. Smith, Esq., Presiding Officer and Counsel for the Board  
John H. Richards, Assistant Attorney General

**CERTIFIED MAIL RETURN RECEIPT REQUESTED 7001 2510 0004 6158 1784**

STATE OF MAINE

SUPERIOR COURT

DISTRICT COURT

JUDGMENT AND COMMITMENT

Docket No. <b>CR-02-205</b>	County/Location <b>Lincoln</b>	Date <b>3-18-03</b>	DOB <b>01/30/83</b>
--------------------------------	-----------------------------------	------------------------	------------------------

State of Maine v. Defendant's Name <b>WILLIAM A. TRUNCK</b>	Residence <b>Waldoboro, Maine</b>
--	--------------------------------------

Offense(s) charged:

- Acquiring Drugs by Deception T.17-A §1108(1), (4) (A) Class "D"
- Forgery T.17-A §703(1)(A) Class "D"

Plea(s):  Guilty  Nolo  Not Guilty 01:2 Date of Violation(s): **08/07/02**

Charged by:

indictment  
 information  
 complaint

Offense(s) convicted:

- Acquiring Drugs by Deception T.17-A §1108(1), (4) (A) Class "D"
- Forgery T.17-A §703(1)(A) Class "D"

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 \_\_\_\_\_

The County jail to be punished by imprisonment for a term of 90 days ea. Ct = ea  
Lincoln  
County Amendment

This sentence to be served (consecutively to) (concurrently with) \_\_\_\_\_

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

IT IS ORDERED THAT ALL ~~(BUT)~~ 01:2 OF THE SENTENCE (AS IT RELATES TO CONFINEMENT) ~~(AS IT RELATES TO THE \_\_\_\_\_)~~ BE SUSPENDED AND THE DEFENDANT BE PLACED ON A PERIOD OF PROBATION FOR A TERM OF \_\_\_\_\_ (YEARS) (MONTHS) 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, HAVING BEEN CONVICTED AS A  SEX OFFENDER or  SEXUALLY VIOLENT PREDATOR, SATISFY ALL REQUIREMENTS IN THE SEX OFFENDER REGISTRATION & NOTIFICATION ACT. (34-A MRSA Ch. 15) THE DEFENDANT MUST SUBMIT TO THE TAKING OF FINGERPRINTS AND A PHOTOGRAPH AS SPECIFIED IN THE NOTICE OF DUTY TO REGISTER.

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ \_\_\_\_\_ AS A FINE TO THE CLERK OF THE COURT, PLUS APPLICABLE SURCHARGES AND ASSESSMENTS OF:

10%  12% (Eff. 7/4/96)  14% (Eff. 9/18/99)  15% SURCHARGE (Eff. 08/01/02) (4 M.R.S.A. § 1057)

\$30.00  \$125.00 SURCHARGE (29-A M.R.S.A. §2411)  \$10. (7 M.R.S.A.)  10% (17 M.R.S.A.)

2 \$10 ASSESSMENT(S) plus  \$25 ASSESSMENT(S) totalling \$20.00 (5 M.R.S.A. § 3360-I)

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.

TOTAL DUE: \$ ~~20.00~~ WANTED (To be filled in by cashier).

STATE OF MAINE

COURT: Lincoln County, (Superior District)

Docket No. CR-02-205

CONDITIONS OF PROBATION

DEFENDANT WILLIAM A. TRUNCK D.O.B. 01/30/63 SSN [REDACTED] 9410

You have been convicted of Acquir Drugs by Deception "G" / Forgery "D" which (is a) (are) Class crime(s). You are placed on probation and committed to supervision by the Department of Corrections for the term of 1 (months) (years) subject to the conditions listed 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 immediately and thereafter as directed and within 48 hours of your release from jail.
3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
4. obtain permission from your probation officer before changing your address or employment.
5. not leave the State of Maine without written permission of your probation officer.
6. maintain employment and devote yourself to an approved employment or education program.
7. not possess or use any unlawful drugs and not possess or use alcohol (excessively).
8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason, and you shall notify your probation officer of that contact within 24 hours.
9. waive extradition back to the State of Maine from any place in the United States or elsewhere.
10. not own, possess or use any firearms or dangerous weapons if you have ever been convicted of murder, or a Class A, B or C crime, or any other crime involving the use of a firearm in Maine or elsewhere.
11. provide a DNA sample if directed by your probation officer and your offense is one listed in 25 MRSA § 1574(4).
12. pay to the Department of Corrections a supervision fee of \$ 10.00 per month.
13. pay to the Department of Corrections an (electronic monitoring fee) (substance testing fee) of \$
14. not own, possess or use any firearm or dangerous weapons.
15. submit to random search and testing for (alcohol) (drugs) (firearms) (dangerous weapons)
16. undergo (substance abuse) (psychological) (domestic abuse) (certified batterers' intervention program) (sexual abuse and sexual offender) (evaluation and) counseling / treatment as directed by your probation officer; consent to the release of all counseling and treatment records as requested by the court or your probation officer and contribute to the cost of any counseling / treatment based on your financial ability as determined by your probation officer.
17. undergo available medical and / or psychiatric treatment (as an out-patient) (as a voluntary in-patient), at or another similar facility approved by your probation officer.
18. pay restitution (in the [maximum] amount of \$ through the Department of Corrections within months (on a schedule to be determined and set by your probation officer) for the benefit of
19. pay (fines) (surcharges) and (assessments) in full and (counsel fees as ordered) to the clerk of this court no later than (date) on a schedule to be determined and set by your probation officer.
20. not operate or attempt to operate any motor vehicle (including ATV, snowmobile, motorboat, powerboat or aircraft) (until properly licensed by the Secretary of State).
21. have no contact of any kind with and the family of said person(s).
22. not associate with any other person who is on probation or parole without written permission of the probation officer.
23. perform hours of public service work within months as directed by the probation officer.
24. not be present in an establishment that serves liquor for on premises consumption after
25. satisfy all requirements in the Sex Offender Registration and Notification Act.
26. support your dependents and meet family responsibilities.
27. Other:

If you violate or fail to fulfill any of the above conditions you are subject to arrest and your probation may be revoked. If you are arrested for violation of probation you may not be eligible for bail and will be held in jail until a court hearing is completed. If your probation is revoked you may be sentenced to jail or prison to serve the rest of your sentence. ORDERED: All conditions of probation are incorporated into the judgment and docket by reference.

Date: 3/18/03

[Signature] Justice / Judge

I acknowledge receipt of these conditions and accept them as written.

Witness: [Signature] Probationer: [Signature] A True Copy, Attest: [Signature], Clerk

STATE OF MAINE  
LINCOLN, ss

SUPERIOR COURT  
LOCATION: Wiscasset  
DOCKET #: 2002-205

STATE OF MAINE

v.

**MOTION TO AMEND**

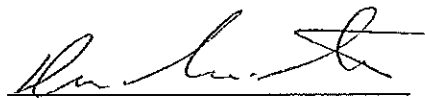
**WILLIAM A. TRUNCK**

The State of Maine moves to amend the Indictment as follows:

Strike Class C from count 1 and insert Class D.

Strike the last phrase from count 1: "which was in fact Oxycontin, a schedule W drug"

Dated: March 18, 2003



ATTORNEY FOR THE STATE

**ORDER**

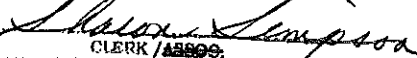
Motion (~~denied~~) (granted) Indictment amended as set forth above).

Dated: 3/18/03

  
Justice, Superior Court

copy: Howard F. O'Brien Esq

**A TRUE COPY**

ATTEST   
CLERK / ~~ASSOC.~~  
JUDICIAL DEPARTMENT SUPERIOR COURT

STATE OF MAINE  
LINCOLN, ss

SUPERIOR COURT  
DOCKET #: CR-02-205

STATE OF MAINE

v.

INDICTMENT  
(Inc: 02-107-AR)

RECEIVED  
DEPT. OF CORRECTIONS  
DEC 12 2002  
SULLY SUPERIOR COURT  
CLERK

WILLIAM A. TRUNCK  
DOB: 01/30/63  
SIN:  
323 Washington Rd.  
Waldoboro, ME 04572  
Ht:5' 10" Wt:145  
Gender: Male

COUNT 1: ACQUIRING DRUGS BY  
DECEPTION  
COUNT 2: FORGERY

THE GRAND JURY CHARGES:

COUNT 1:

17-A M.R.S.A. §1108(1),(4)(A)  
ACQUIRING DRUGS BY DECEPTION  
CLASS C  
Former Dkt #2002-775

On or about August 7, 2002, in Damariscotta, Lincoln County, Maine, WILLIAM A. TRUNCK, as a result of deception, did obtain or exercise control over what he knew or believed to be a scheduled drug, which was in fact Oxycontin, a schedule W drug.

COUNT 2:

17-A M.R.S.A. §703(1)(A)  
FORGERY  
CLASS D  
Former Dkt #2002-775

On or about August 7, 2002, in Damariscotta, Lincoln County, Maine, WILLIAM A. TRUNCK, with the intent to defraud or deceive another, did falsely make, complete, endorse or alter, or knowingly utter or possess, a medication prescription, a written instrument.

DATED: 11 December 2002

A TRUE BILL

*Deborah Zate*  
FOREMAN

OFFICER: James Reilly Off  
DEPT: Damariscotta PD

RECEIVED  
APR 17 2003  
MAINE STATE  
BOARD OF NURSING

A TRUE COPY  
*Sharon Simpson*  
CLERK / ASSEC.  
SULLY SUPERIOR COURT