

IN THE MATTER OF PERMANENT §
REGISTERED NURSE LICENSE §
NUMBER 727223 ISSUED TO §
BRENDA RUKEZO §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia R. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Brenda Rukezo
1505 Grande Blvd. #1015
Tyler, TX 75703

During open meeting held in Austin, Texas, on **February 11, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 727223, previously issued to BRENDA RUKEZO, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 11th day of February, 2014.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 18, 2013.

Re: Permanent Registered Nurse License Number 727223
Issued to BRENDA RUKZO
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Brenda Rukezo
1505 Grande Blvd. #1015
Tyler, TX 75703

Via USPS First Class Mail

Brenda (Rukezo) Cunningham
500 Gayle Ave, Apt. 212
Modesto, CA 95350

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent
Registered Nurse License
Number 727223 Issued to
BRENDA RUKEZO, Respondent

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BRENDA RUKEZO, is a Registered Nurse holding License Number 727223, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 31, 2010, Respondent was issued a Notice of Suspension by the Missouri State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Missouri was Suspended. A copy of the Notice of Suspension issued by the Missouri State Board of Nursing, dated March 31, 2010, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about February 1, 2013, Respondent was issued a Final Order of Discipline by the New Jersey State Board of Nursing wherein Respondent's license to practice professional nursing in the State of New Jersey was Suspended. A copy of the Final Order of Discipline, Findings of Fact and Conclusions of Law issued by the New Jersey State Board of Nursing, dated February 1, 2013, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

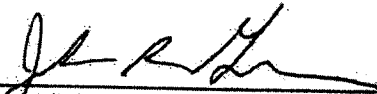
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Notice of Suspension issued by the Missouri State Board of Nursing, dated March 31, 2010 and Final Order of Discipline issued by the New Jersey State Board of Nursing, dated February 1, 2013.

Filed this 18 day of October, 2013.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Notice of Suspension issued by the Missouri State Board of Nursing, dated March 31, 2010 and Final Order of Discipline issued by the New Jersey State Board of Nursing, dated February 1, 2013.

D/2012.06.19

Jeremiah W. (Jay) Nixon
Governor
State of Missouri



Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

STATE BOARD OF NURSING
P. O. Box 656, Jefferson City, MO 65102-0656
800-735-2966 TTY Relay Missouri 800-735-2466 Voice Relay Missouri

Web Site: <http://pr.mo.gov/nursing.asp>

Lori Scheidt
Executive Director
Telephone: 573-751-0681

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
March 31, 2010

Certified Article Number

7160 3903 9845 5944 3079

SENDER'S RECORD

Brenda Cunningham
282 Seven Trails Dr
Ballwin, MO 63011

Dear Brenda Cunningham:

The Missouri Department of Revenue has notified this agency that, despite multiple notices of imminent suspension, you are still not in compliance with section 324.010 RSMo, which requires the suspension of the professional license of individuals who have failed to file state tax returns and/or pay their state tax liabilities.

Your license was suspended on March 31, 2010.

The continued practice of nursing with a suspended license could subject you to criminal and administrative penalties. You must not practice nursing until after you receive a letter of compliance from the Department of Revenue and receive clearance from this Board to resume practice. You are still subject to the statutes and rules regulating the nursing profession.

The first step to reinstate your license is to obtain a letter of tax compliance from the Department of Revenue. You can reach the Department of Revenue at (573)751-7200. The next step is to fax the letter of tax compliance to our office at (573)751-0075. After we receive the letter of tax compliance, we will clear the suspension and send you a letter to that effect.

Sincerely,

Lori Scheidt
Lori Scheidt
Executive Director

RN 2006010920

Missouri Revised Statutes

Chapter 324 Occupations and Professions General Provisions Section 324.010

August 28, 2010

No delinquent taxes, condition for renewal of certain professional licenses.

324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, sections 214.270 to 214.516, sections 256.010 to 256.453, section 375.014, sections 436.005 to 436.071, and chapter 317 and chapters 324 to 346 shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

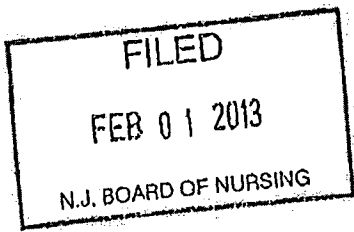
(L. 2003 H.B. 600 § 2, A.L. 2004 H.B. 978)

(2006) Section authorizing revocation of a professional license for failure to pay state taxes or file state tax returns does not violate equal protection, is not unconstitutionally vague, and was not unconstitutionally applied retroactively. *Crum v. Missouri Director of Revenue*, 455 F.Supp.2d 978 (W.D.Mo.).

© Copyright



Missouri General Assembly



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

BRENDA CUNNINGHAM, R.N.
License # NR 12683600

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered nurse in the State of New Jersey, whose nursing license expired on May 31, 2012.
2. On or about March 31, 2010, respondent's nursing license was suspended in the State of Missouri based upon her failure to file state tax returns and/or pay state tax liabilities in violation of Missouri law.
3. On or about May 18, 2010, respondent renewed her New Jersey nursing license on-line, and falsely indicated that no action had been taken against her professional license in any other jurisdiction.

4. Pursuant to N.J.A.C. 13:37-5.9, respondent is required to immediately report actions taken against her nursing license in other jurisdictions to the Board immediately. Respondent did not report the Missouri suspension to the Board.

CONCLUSIONS OF LAW

1. The suspension of respondent's Missouri license subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(g).

2. Respondent's failure to notify the Board of the Missouri suspension, and the misrepresentation on respondent's renewal application, subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(b) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 25, 2012, provisionally suspending respondent's nursing license, and provisionally imposing a \$250.00 civil penalty. A copy of the Provisional Order was forwarded to respondent at her address of record by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that both the certified and regular mailings of the order were returned, marked "attempted, not known," "unable to forward." The Board considered this matter and determined that service had been effected, inasmuch as the mailings of

the Provisional Order had been sent to respondent's address of record with the Board. The Board further determined that inasmuch as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, further proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this *1st* day of *February*, *2013*, *2012, etc*

ORDERED that:

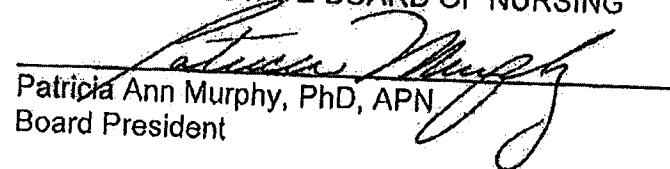
1. Respondent's New Jersey nursing license is hereby suspended.

Respondent may not seek reinstatement of her license until her Missouri nursing license has been reinstated.

2. A \$250.00 civil penalty is hereby imposed for the violation of N.J.S.A. 45:1-21(b) and (h).

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President