ORIGINAL

BEFORE THE BOARD OF EXAMINERS OF

RESIDENTIAL CARE FACILITY ADMINISTRATORS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. RCA-2005-2
CAROL J. WILLIAMS,	)	
License No. RCA-94,	)	**STIPULATION AND**
	)	**CONSENT ORDER**
Respondent.	)	
	)	

RCA\Williams\P4338lsa

WHEREAS, information having been received by the Idaho State Board of Examiners of Residential Care Facility Administrators (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Carol J. Williams (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of residential care facility administrators in the State of Idaho in accordance with title 54, chapter 42, Idaho Code.

2. Respondent Carol J. Williams is a licensee of the Idaho State Board of Examiners of Residential Care Facility Administrators and holds License No. RCA-94 to practice as a residential care facility administrator in the State of Idaho. Respondent's license expired on September 9, 2004, and Respondent's license was canceled as of September 10, 2004. Respondent has not renewed her license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

3. At all times relevant hereto, Respondent was the administrator of the Emmett Manor Residential Care facility in Emmett, Idaho.

4. On or about June 12, 1996, Respondent executed a Fiduciary Agreement for the Department of Veterans Affairs ("V.A.") to serve as the legal custodian for John Heinzel, a resident at Emmett Manor Residential Care, in which Respondent agreed to accept in trust and use for Mr. Heinzel's benefit the disability benefits payable from the V.A. to Mr. Heinzel.

5. In approximately July 1998 Respondent advised the V.A. that Mr. Heinzel was moving to Chicago to live with his brother and agreed to forward Mr. Heinzel's V.A. disability benefits to Mr. Heinzel's brother. From approximately December 1998 to June 1999, Respondent made occasional payments to Mr. Heinzel's brother but failed to forward approximately $8,823.27 of the V.A. disability benefits she received in trust for Mr. Heinzel.

6. In approximately May 1999 Respondent was unable to provide an accounting for Mr. Heinzel's disability benefit payments when requested by the V.A.

7. On or about November 3, 2003, Respondent was convicted of Fraudulent Acceptance of Payments in violation of 38 U.S.C. § 6102 in United States v. Williams, U.S. District Court for the District of Idaho Case No. CR03-153S-MHW. A true and correct copy of the Judgment is attached hereto as Exhibit 1.

8. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of residential care facility administrators, specifically Idaho Code § 54-4213(1)(b) and (c), IDAPA 24.19.01.650.03, and ACHCA Codes of Ethics I, II and III. Violations of these laws, rules and Codes of Ethics would further constitute grounds for disciplinary action against Respondent's license to practice as a residential care facility administrator in the State of Idaho.

9. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to

the discipline against her license as set forth in Section C below.

B.

I, Carol J. Williams, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice as a residential care facility administrator in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of residential care facility administrators in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Any and all renewal rights possessed by Respondent to License No. RCA-94 pursuant to Idaho Code § 67-2614 are hereby immediately REVOKED for a period of five (5) years from the date of cancellation of Respondent's license, and Respondent shall not re-apply for licensure during the 5-year revocation period.

2. After the 5-year revocation period, Respondent may re-apply for licensure under the following conditions:

a. Respondent shall meet all the requirements of a new applicant as set forth in the Board's laws and rules.

b. Respondent shall pay to the Board an administrative fine in the amount of One Thousand and No/100 Dollars ($1,000.00).

c. Respondent shall pay investigative costs and attorney fees in the amount of Five Hundred and No/100 Dollars ($500.00).

d. Respondent shall appear before the Board to address the charges and conviction in Case No. CR03-153S-MHW. Pursuant to Board Rule 700, the Board may also require Respondent to submit to any other review as well as require Respondent to sit for a special examination at the Board's discretion.

3. Any application for licensure at the conclusion of the 5-year revocation period must be accompanied by written proof of compliance with the terms of this Stipulation. The Board retains discretion to grant licensure and/or impose probation, or to deny licensure and impose a further period of revocation.

4. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

5. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-4213. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation

and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, title 9, chapter 3, Idaho Code.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I cannot afford legal counsel

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 17 day of December, 2004.

Carol J. Williams
Carol J. Williams
Respondent

I concur in this stipulation and order.

DATED this 21st day of DECEMBER, 2004.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Kenneth F. Stringfield
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-4205, the foregoing is adopted as the decision of the Board of Examiners of Residential Care Facility Administrators in this matter and shall be effective on the 10th day of March, 2005. **IT IS SO ORDERED.**

IDAHO STATE BOARD OF
EXAMINERS OF RESIDENTIAL
CARE FACILITY ADMINISTRATORS

By Verlene D. Kaiser
~~Ione Springer~~, Chair
VERLENE D. KAISER, ACTING CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March, 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Carol J. Williams P.O. Box 612 Emmett, ID 83617	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Kenneth F. Stringfield Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☒ Statehouse Mail

Rayola Jacobsen
Rayola Jacobsen, Chief
Bureau of Occupational Licenses

AO 245I (3/90) Judgment in a Criminal Case for a Petty Offense
Sheet 1

UNITED STATES DISTRICT COURT

District of Idaho

UNITED STATES OF AMERICA
V.
CAROL JEAN WILLIAMS

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: CR03-153S-MHW

Thomas Monaghan
Defendant's Attorney

THE DEFENDANT:

THE DEFENDANT pleaded X guilty ☐ nolo contendere to count(s) One

☐ **THE DEFENDANT** was found guilty on count(s) _____

☐ **THE DEFENDANT** was found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

Title & Section	Nature of Offense	Date Concluded	Count Number(s)
38 USC § 6102	Fraudulent Acceptance of Payments	June, 1999	One

RECEIVED
DEC 23 2003
FACILITY STANDARDS

The defendant is sentenced as provided in pages 2 through 5 of this judgment.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. 7237
Defendant's Date of 1944
Defendant's USM No.: 12058-023
Defendant's Residence Address:
Emmett, Idaho

Defendant's Mailing Address:

November 3, 2003
Date of Imposition of Judgment

Signature of Judicial Officer

MIKEL H. WILLIAMS, US Magistrate Judge
Name and Title of Judicial Officer

November 5, 2003
Date

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) Carol J. Williams
Defendant — Date 11/18/03

U.S. Probation Officer/Designated Witness — Date 11/18/03

Exhibit 1
Page 1 of 5

DEFENDANT: Carol J. Williams
CASE NUMBER: CR03-153S-MHW

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on on Sheet 5, Part B.

	Assessment	Fine	*Restitution (Complete Sheet 4)
Totals:	$ 25.00	$	$ 8,823.27

☐ If applicable, restitution amount ordered pursuant to plea agreement . . . . . $ _____

FINE

The above fine includes costs of incarceration and/or supervision in the amount of $ _____

The defendant shall pay interest on any fine more than $2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options below may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☐ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived.

☐ The interest requirement is modified as follows:

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

A X $25.00 special assessment is due and payable immediately

B X $ 4,000 of the restitution immediately, balance due (in accordance with C, D, or E); or

C ☐ not later than _____ ; or

D ☐ in installments to commence _____ days after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or

E X in monthly (*e.g., equal, weekly, monthly, quarterly*) installments of $ 200.00 over the period of probation . This amount will be reviewed regularly by the probation officer and modified depending on dfts ability to pay. _____ year(s) to commence _____ days after the date of this judgment.

The defendant will be credited for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.

DEFENDANT: Carol J. Williams
CASE NUMBER: CR03-153S-MHW

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of _____.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender as follows:

PROBATION

The defendant is hereby placed on probation for a term of two years.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

X The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☐ The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Carol J. Williams
CASE NUMBER: CR03-153S-MHW

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall be subject to six months of home detention with electronic monitoring. At the conclusion of three months of electronic monitoring the probation officer may move this court to have the electronic monitoring removed.

The defendant shall provide the probation officer with access to any requested financial information

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.

The defendant shall submit to search of her person, place of residence or automobile at the direction of the probation officer and submit to seizure of any contraband found therein.

The defendant shall comply with the requirements set forth by the Bureau of Occupational Licenses.

The defendant shall pay any special assessment immediately and restitution that is imposed by this judgment to the Clerk of the US District Court, 550 W. Fort St., MSC 039, Boise, ID 83724. Restitution in the amount of $8,823.27 is due and shall be paid at the rate of $200 per month following an immediate payment of $4,000. This payment schedule will be regularly reviewed by the court with the assistance of the probation officer and may be modified depending upon the defendant's ability to pay.

DEFENDANT: Carol J. Williams
CASE NUMBER: CR03-153S-MHW

RESTITUTION

☐ The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case will be entered after such determination.

X The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

Name of Payee	Amount of Restitution Ordered	Priority Order or Percentage of Payment
Mr. John Heinzel (through his brother Ronald Heinzel)	$8,823.27	One

Total: $ 8,823.27

Exhibit 1
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