

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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IN THE MATTER OF THE LICENSE OF	~	
<b>BRITTNI JO PETRY</b>	~	
A/K/A/ <b>BRITTNI JO COE</b>	~	<b>DEFAULT ORDER</b>
TO PRACTICE AS A	~	Case No. DOPL -2011-19
<b>REGISTERED NURSE</b>	~	
IN THE STATE OF UTAH	~	

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**BY THE DIVISION:**

The attached Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order is hereby adopted by the Director of the Division of Occupational and Professional Licensing of the State of Utah. Respondent's license to practice as a registered nurse thus revoked, effective the date of this Order.

IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

Dated this 10 day of March 2011.

  
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Mark B. Steinagel  
Director  
Division of Occupational and  
Professional Licensing

Pursuant to Subsection 63G-4-209(2), Respondent may seek to set aside the above stated Default Order by filing such a request with the Division consistent with the procedures outlines in the Utah Rules of Civil Procedure.

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IN THE MATTER OF THE LICENSE OF <b>BRITTNI JO PETRY</b> A/K/A/ <b>BRITTNI JO COE</b> TO PRACTICE AS A <b>REGISTERED NURSE</b> IN THE STATE OF UTAH	~ ~ ~ ~ ~ ~	<b>NOTICE OF ENTRY OF DEFAULT FINDINGS OF FACT CONCLUSIONS OF LAW AND RECOMMENDED ORDER</b>  Case No. DOPL-2011-19
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**BY THE ADMINISTRATIVE LAW JUDGE:**

This adjudicative proceeding was initiated pursuant to the issuance of a January 24, 2011 notice of agency action. The notice recites Respondent was required to file a response within thirty (30) days of the mailing date of the notice.

The January 24, 2011 notice was sent to Respondent's last known address of [REDACTED] Logan, Utah 84341 by both certified and first class mail. Postal authorities returned the proof of service of the certified mailing to the Division on January 25, 2011. The first class mailing has not been returned to the Division and this record does not reflect whether that mailing was received.

Respondent did not submit a response in this proceeding. The Division thus filed a February 28, 2011 motion to enter Respondent's default. §63G-4-209(1)(c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response. Given Respondent's failure to have filed any response, the Division requested the Court to enter Respondent's default.

The Division has duly attempted to notify Respondent of this proceeding by providing notice to an address reasonably calculated to inform Respondent of this licensure action. Absent any response filed to the January 24, 2011 Verified Petition, the Court concludes a proper basis exists to enter Respondent's default and her default was thus entered.

After the entry of a default order, §63G-4-209(4)(a) provides the presiding officer shall conduct further proceedings as necessary to complete the adjudicative proceeding without the participation of the party in default. §63G-4-209(4)(a) also provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party.

Based on the proffer made by the Division, the Court adopts the allegations set forth in Paragraphs 3 through 32 of the January 24, 2011 Verified Petition as its Findings of Fact. The Court also adopts Paragraphs 33 through 57 of the legal argument in that Petition as its Findings of Fact and Conclusions of Law.

Thus, the Court finds and concludes Respondent has engaged in unlawful conduct violative of §58-1-501(1)(a)(ii)a). Respondent also engaged in unprofessional conduct violative of §58-1-501(2)(a), (c), (e) and (h). She also engaged in both unlawful and unprofessional conduct violative of the Utah Controlled Substances Act.

Respondent violated the Order governing her license and she has been convicted

of a crime reasonably related to her ability of safely and competently practice as a nurse. Respondent's offense also involves moral turpitude.. Due to her conduct involving the use of intoxicants, drugs, narcotics or similar chemicals, Respondent's ability to safely engage in the practice of nursing is or reasonably could be considered to be impaired.

Respondent has also illegally used or possessed a controlled substance and she has obtained a prescription and/or a controlled substance through misrepresentation and/or fraud. She has also practiced or attempted to practice nursing through false, misleading, deceptive or fraudulent conduct..

Thus, the Court readily finds and concludes a proper factual and legal basis exists to enter disciplinary action on Respondent's license. Absent any matters offered in defense or mitigation, the Court concludes the following action is warranted:

### **RECOMMENDED ORDER**

WHEREFORE, IT IS ORDERED Respondent's license to practice as a registered nurse in this state shall be revoked, effective the date this Recommended Order may be adopted.

I hereby certify the foregoing **NOTICE OF ENTRY OF DEFAULT, FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER** were submitted to Mark B. Steinagel, Director of the Division of Occupational and Professional Licensing, on the 27th day of March 2011 for his review and action.

  
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J. Steven Eklund  
Administrative Law Judge  
Department of Commerce