

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

IN THE MATTER OF THE LICENSE OF
BARBARA C. LOCKE
TO PRACTICE AS A
REGISTERED NURSE
IN THE STATE OF UTAH

DEFAULT ORDER
CASE NO. DOPL-2011-333

BY THE DIVISION:

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

Dated this 6 day of December 2011



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 outlined in the Utah Rules of Civil Procedure.

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**NOTICE OF ENTRY OF DEFAULT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND RECOMMENDED ORDER
CASE NO: DOPL-2011-333**

APPEARANCES:

L Mitchell Jones for the Division of Occupational and Professional Licensing

No appearance by or on behalf of Respondent

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of an October 4, 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 notice also recites a November 14, 2011 prehearing conference would be conducted by the Court with the parties and a December 7, 2011 hearing would be conducted before the Board of Nursing.

The October 4, 2011 notice was sent by certified and regular mail on that date to Respondent's last known address of _____ Salt Lake City, UT 84109. The certified mailing was received at that address on October 5, 2011. The first class mailing was not returned to the Division. Respondent has not filed a response in this proceeding. The Court twice attempted to contact Respondent by telephone on November 14, 2011 to

conduct the scheduled prehearing teleconference. However, the Court not directly contact Respondent at that time nor leave a message for Respondent.

The Division filed a November 14, 2011 motion to enter Respondent's default. Given Respondent's failure to file a response and her failure to participate in the November 14, 2011 prehearing teleconference, the Division seeks the revocation of Respondent's license and any residual rights pertaining to that license. The Division also requests that the December 7, 2011 hearing be canceled.

Utah Code Ann. §63G-4-209(1)(b) and (c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to attend a properly scheduled hearing after receiving proper notice or fails to file a response. Proper notice was provided to Respondent of this licensure proceeding, the November 14, 2011 prehearing teleconference and the December 7, 2011 hearing. Based on Respondent's failure to have filed a response and participate in the prehearing conference, the Court concludes a proper basis exists to enter Respondent's default and it is so 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.

FINDINGS OF FACT

1 Respondent became licensed as a registered nurse to a March 29, 1979 Order. The Court adopts the allegations set forth in Paragraphs 4 through 18 of the October 3, 2011 Verified Petition as its Findings of Fact. The Court also adopts Paragraphs 19 through 35 as its Findings of Fact and Conclusions of Law.

CONCLUSIONS OF LAW

Respondent has engaged in unprofessional conduct as defined by Utah Code Ann 58-1-501(2)(a), (c) and (h). She has also engaged in unlawful conduct as defined by §58-1-501(1)(e). Absent any matters offered in defense or mitigation, the Court thus submits the following Recommended Order to the Division for its review and action:

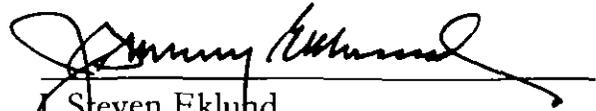
RECOMMENDED ORDER

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.

IT IS FURTHER ORDERED that the December 7, 2011 hearing is canceled, given the entry of Respondent's default in this proceeding.

I hereby certify the foregoing **NOTICE OF ENTRY OF DEFAULT, FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER** was submitted to Mark B. Steinagel, Director of the Division of Occupational and Professional Licensing,

on the 5th day of December 2011 for his review and action



Steven Eklund
Administrative Law Judge
Department of Commerce