The attached are Primary Source Documents of the Idaho Board of Nursing for:

TERESA WALLACE
N-15044

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
TERESA C. WALLACE,  
License No. N-15044,  
Respondent.  

Case No. BON 06-047  
FINDINGS OF FACT, 
CONCLUSIONS OF LAW, AND 
FINAL ORDER

INTRODUCTION AND PROCEDURAL HISTORY

On or about June 13, 2007, the Executive Director of the Idaho Board of Nursing ("Board") filed a formal administrative Complaint against Teresa C. Wallace ("Wallace"), a licensed registered nurse in Idaho. The Complaint charged Wallace with being convicted in Idaho Federal District Court of one (1) count of Conspiracy to Possess/Distribute Oxycontin and one (1) count of False Statement Relating to Health Care Matters, felonies under federal law. The Complaint alleged that this conviction violated Idaho Code § 54-1413(1)(c), (g), and (h) and various Board rules codified at IDAPA 23.01.01. The Complaint requests that Wallace's nursing license be suspended, revoked, or otherwise disciplined. The Complaint was mailed to Wallace at a federal prison facility located in Oklahoma City, Oklahoma.

On or about July 5, 2007, Wallace sent a five (5)-page letter to the Board's Executive Director in response to the Complaint. Wallace's letter is deemed to be her formal "Answer" to the Complaint and was considered as such. In her Answer, Wallace does not deny the charges made in the Complaint. In fact, Wallace indicates that she is incarcerated in a federal prison in Phoenix, Arizona, because of the felony conviction. Wallace's Answer indicates that the reason she committed the felony activity was to
obtain money for treatment of her diabetic husband. Wallace's Answer stresses her achievements in the nursing community and pleads for leniency by the Board in allowing her to retain her Idaho nursing license.

Pursuant to written notice, on October 25, 2007, the Board held a hearing on the allegations in the Complaint. Prior to the hearing, Wallace and the Board's enforcement legal counsel had entered into a stipulation regarding the procedure to follow at the hearing. In accordance with that stipulation, Wallace waived her right to appear before the Board (here, by telephonic means because of her incarceration) and admitted the factual allegations in the Complaint. The stipulation further provided that the only issue to be determined at the hearing was the appropriate discipline, if any. Finally, the stipulation allowed Wallace the opportunity (which she utilized) to submit additional written material to the Board for its consideration.

At the time and place set for hearing, the Board had before it the Complaint, the Answer, and the supplemental written material Wallace submitted pursuant to the stipulation (approximately fifty-four (54) pages). This supplemental material consists primarily of letters and documentation Wallace appears to have filed with the Federal Court during the sentencing phase of her criminal case. No testimony was presented and the matter was decided solely on the basis of the pleadings and written submissions of the parties.

At the conclusion of the hearing, the Board carefully reviewed and considered the materials and documents presented by the parties and orally voted to revoke Wallace's license. This written Order memorializes the Board's decision.
FINDINGS OF FACT

1. Wallace is currently licensed by the Board as a registered nurse under License No. N-15044. At all relevant times alleged in the Complaint, Wallace was so licensed.

2. Wallace pled guilty in Idaho Federal District Court (Case No. 06CR00185-001) of one (1) count of Conspiracy to Possess/Distribute Oxycontin (21 U.S.C. §§ 841(a)(1) and 846) and one (1) count of False Statement Relating to Health Care Matters (18 U.S.C. § 1035). Both counts were felonies.

3. On or about April 23, 2007, the Federal District Court entered a Judgment of Conviction against Wallace based upon her guilty plea. Among other things, the Judgment required Wallace to be imprisoned for one hundred eighty (180) months on count one of the Information and sixty (60) months on count two of the Information, the sentence to be served concurrently.

4. Wallace is currently incarcerated in a federal prison in Arizona.

5. Wallace does not contest her conviction or the charges made in the Complaint. Rather, Wallace asks for leniency from the Board claiming she did not personally use Oxycontin (a controlled substance) and only committed her criminal behavior to obtain money so that she could assist her husband to obtain proper treatment for his diabetes.

6. While not controlling, it is significant that Wallace used her position as a licensed nurse to commit her criminal activity.
CONCLUSIONS OF LAW

1. The Findings of Facts as stated above fall within the regulatory jurisdiction of the Board as set forth in title 54, chapter 14, Idaho Code.

2. The Board has the authority to revoke, suspend, or otherwise discipline a nursing license if the holder of the license has been convicted of a felony. Idaho Code § 54-1413(1)(c) and IDAPA 23.01.01.100.02.

3. Wallace's conviction of two (2) felonies subjects her to appropriate discipline by the Board under the above-referenced authority.

4. Wallace's felony convictions are sufficiently serious enough to warrant revocation of her nursing license.

FINAL ORDER

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, IT IS ORDERED that:

Respondent Teresa C. Wallace's RN License No. N-15044 IS HEREBY REVOKED for a period of ten (10) years.

DATED this 29th day of October, 2007

IDAHO STATE BOARD OF NURSING

SUSAN ODOM, PhD, RN
Chairman

NOTICE OF APPEAL RIGHTS

This is a final order of the Board. Any party may file a motion for reconsideration of this final Order within fourteen (14) days of the service date of this Order. The Board
will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code § 54-1413 and Board of Nursing Rule IDAPA 23.01.01.165, you may petition for reconsideration of this final Order of the Board upon the following grounds:

i. Newly discovered or newly available evidence relevant to the issues;

ii. Error in the proceeding or Board decision that would be grounds for reversal or judicial review of the order;

iii. Need for further consideration of the issues and the evidence in the public interest; or

iv. A showing that issues not considered ought to be examined in order to properly dispose of the matter.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final Order may appeal this final Order to district court by filing a petition in the district court of the county in which:

i. A hearing was held,

ii. The final agency action was taken,

iii. The party seeking review of the order resides, or

iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final Order, (b) of an order denying petition for reconsideration, or (c) the failure
within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November 2007, I caused to be served a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Final Order addressed as follows:

Teresa C. Wallace
#13716-081
37930 N. 45th Ave.
Phoenix, AZ 85086

Karl Klein
Deputy Attorney General
Office of the Attorney General
PO Box 83720
Boise, Idaho 83720-0010

X U.S. Mail, postage prepaid
X Certified U.S. Mail, return receipt
- Hand Delivery
- Overnight Mail
- Facsimile:
- Statehouse Mail

X U.S. Mail, postage prepaid
X Certified U.S. Mail, return receipt
- Hand Delivery
- Overnight Mail
- Facsimile:
X Statehouse Mail

Sandra Evans, MAEd, R.N.
Executive Director
Board of Nursing
BEFORE THE IDAHO STATE BOARD OF NURSING


Case No. BON 06-047 COMPLAINT

To: Teresa C. Wallace, #13716-081
FTC Oklahoma City
Federal Transfer Center
P.O. Box 898801
Oklahoma City, OK 73189

Complainant the Idaho State Board of Nursing (the “Board”) charges Respondent Teresa C. Wallace with violating the laws and rules governing the practice of nursing as follows:

FACTS

1. The Board regulates Idaho nursing practice under Idaho Code § 54-1404.

2. The Board has licensed Respondent to practice nursing under License No. N-15044.

3. On or about January 3, 2007, the U.S. Attorney’s Office filed an Amended Information charging Respondent with one count of Conspiracy to Possess/Distribute Oxycontin and two counts of False Statements Relating to Health Care Matters, felonies, in United States v. Wallace, United States District Court for the District of Idaho Case No. CR06-0185-E-BLW. A true and correct copy of the Amended Information is attached hereto as Exhibit A.

4. As detailed in Exhibit A, Respondent used prescription pads pre-signed by her employer to obtain OxyContin tablets for sale and distribution by submitting fraudulent prescriptions to pharmacies through a network of individuals. Respondent filled out prescriptions for individuals for OxyContin tablets on the pre-signed

COMPLAINT - 1
prescription pad without the consent or knowledge of her employer, and was paid for each prescription she wrote.

5. On or about April 23, 2007, a Judgment was entered against Respondent in Case No. CR06-0185-E-BLW based upon her plea of guilty to one count of Conspiracy to Possess/Distribute Oxycontin and one count of False Statements Relating to Health Care Matters as charged in the Amended Information. A true and correct copy of the Judgment is attached as Exhibit B.

CONTROLLING LAW

6. Respondent’s conduct as described above violates laws and rules governing Idaho nursing practice, including:

a. Idaho Code § 54-1413(1)(c) and Board Rule (IDAPA 23.01.01) 100.02 (conviction of a felony);

b. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Nurse Practice Act or rules and standards of conduct and practice adopted by the Board);

c. Idaho Code § 54-1413(1)(h) and Board Rule 100.09.b (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public); and

d. Board Rule 101.04.e (a nurse shall not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs).

REQUESTED RELIEF

WHEREFORE, Complainant requests that the Board provide the following relief:

1. That the Board conduct a hearing to allow the State and Respondent to present evidence on the Complaint’s allegations;

2. That after the hearing, the waiver of a hearing, or Respondent’s failure to file an Answer to the Complaint, the Board, or its designated hearing officer, shall issue

COMPLAINT - 2
findings of fact and conclusions of law finding the violations of law alleged herein;

3. That the Board determine whether Respondent’s license should be suspended, revoked or otherwise disciplined;

4. That Respondent be ordered to pay the Board’s expenses incurred in investigating and prosecuting this matter including without limitation attorney fees and costs; and

5. For such other and further relief as the Board deems just and proper.

DATED this 13TH day of JUNE, 2007.

IDAHO STATE BOARD OF NURSING

By

Sandra Evans, M.A.Ed., R.N.
Executive Director

________________________________________

NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Nursing a written Answer to the allegations contained herein within twenty-one (21) days after you are served with this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer and/or request a hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.
Copies of the Administrative Procedure Act and of the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library and at many county law libraries. The Idaho Administrative Procedure Act is available on the internet at:

http://www3.state.id.us/idstat/TOC/67052KTOC.html.

The Idaho Rules of Administrative Procedure are available on the internet at:


All original official documents must be filed with the Board at the following address:

Idaho State Board of Nursing  
280 N. Eighth Street, Suite 210  
P.O. Box 83720  
Boise, ID 83720-0061  
Telephone: (208) 334-3110  
Facsimile: (208) 334-3262

All original official documents must be received by the Board between the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays. The Board does permit the filing of facsimile copies of documents that do not exceed ten pages provided that the facsimile transmission is received during the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays and is legible in its entirety. It shall be the responsibility of the filing party to verify with the staff of the Board staff that any facsimile transmission is successfully received and legible in its entirety.

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon the prosecutor for the Board at the following address:

Karl T. Klein  
Deputy Attorney General  
Civil Litigation Division  
P.O. Box 83720  
Boise, ID 83720-0010
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13TH day of JUNE, 2007, I caused to be served a true and correct copy of the foregoing addressed as follows:

Teresa C. Wallace, #13716-081
FTC Oklahoma City
Federal Transfer Center
P.O. Box 898801
Oklahoma City, OK 73189

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Kipp L. Manwaring
Attorney at Law
381 Shoup Avenue, Suite 210
Idaho Falls, ID 83402

☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
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☐ Overnight Mail
☐ Facsimile:
☒ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
UNIVERSAL STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERESA WALLACE aka TERESA FATKIN and TYSON LANDON,

Defendants.

Case No. CR06-0185 E BLW

AMENDED INFORMATION

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

COUNT ONE

CONSPIRACY TO POSSESS/DISTRIBUTE OXYCONTIN

(21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846)

From on or about January 1, 2004, the exact date being unknown to the Grand Jury, and continuing to on or about June 20, 2006, both dates being approximate and inclusive, within the District of Idaho, the defendants herein, TERESA WALLACE aka TERESA FATKIN and TYSON LANDON, did knowingly and intentionally combine, conspire, confederate and agree with
each other and with other persons both known and unknown to the Grand Jury to possess with intent to distribute and distribute oxycodone hydrochloride by the brand name of OxyContin, a Schedule II controlled substance in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C) and 846.

ACTS IN FURTHERANCE OF THE CONSPIRACY

In furtherance of the criminal conspiracy and to effect the object thereof, in the District of Idaho and on or about the dates set forth below, the defendant and other associates and co-conspirators, both known and unknown to the Grand Jury, committed and caused to be committed acts in furtherance of the conspiracy, including, but not limited to, the following:

1. Beginning on or about January, 2004 and continuing through June 20, 2006, TERESA WALLACE had access to prescription pads pre-signed by her employer, a DEA registrant and medical doctor.

2. TERESA WALLACE, TYSON LANDON, and an unnamed co-conspirator agreed to obtain OxyContin for sale and distribution by submitting fraudulent prescriptions to pharmacies through a network of individuals.

3. TYSON LANDON recruited individuals to give him their names, dates of birth and other pertinent information. TYSON LANDON gave this information to TERESA WALLACE. TERESA WALLACE filled out a prescription for the individuals for OxyContin tablets on the pre-signed prescription pad without the consent or knowledge of her employer, the DEA registrant.

4. TERESA WALLACE gave the prescriptions to TYSON LANDON who went to the pharmacy with the individuals named on the prescriptions. The individuals named on the prescriptions filled the prescriptions and gave the pills to TYSON LANDON. In exchange,
TYSON LANDON gave the individuals cash or OxyContin pills.

5. TERESA WALLACE was paid for each prescription she wrote.

6. TYSON LANDON and other unnamed co-conspirators distributed the OxyContin pills obtained in the manner stated above in exchange for cash.

COUNT TWO

FALSE STATEMENTS RELATING TO HEALTH CARE MATTERS

(18 U.S.C. §1035)

On or about September 20, 2005, the defendant, TERESA WALLACE aka TERESA FATKIN, in connection with a matter involving a health care benefit program, Regence Blue Shield of Idaho, knowingly and willfully made a false writing, knowing the same to contain a materially false, fictitious and fraudulent statement, in connection with the delivery of and payment for health care benefits, to wit: the defendant wrote a prescription for Oxycontin on the prescription pad of a DEA registrant for T.M., knowing that T.M. would submit a claim for payment for the Oxycontin to a health care benefit program and also knowing that the prescription for T.M. was fraudulent and that the Oxycontin would be used for illegal distribution, in violation of Title 18 U.S.C. § 1035.

COUNT THREE

FALSE STATEMENTS RELATING TO HEALTH CARE MATTERS

(18 U.S.C. §1035)

On or about September 20, 2005, the defendant, TYSON LANDON, in connection with a matter involving a health care benefit program, Regence Blue Shield of Idaho, knowingly and willfully used a false writing, knowing the same to contain a materially false, fictitious and fraudulent statement, in connection with the delivery of and payment for health care benefits, to wit:
the defendant provided a prescription for Oxycontin, written on the prescription pad of a DEA registrant, for T.M. knowing that T.M. would submit a claim for payment for the Oxycontin to a health care benefit program and also knowing that the prescription for T.M. was fraudulent and that the Oxycontin would be used for illegal distribution, in violation of Title 18 U.S.C. § 1035.

DATED this 3rd day of January, 2007.

THOMAS E. MOSS
United States Attorney

MICHELLE R. MALLARD
Assistant United States Attorney
United States District Court

United States of America v. Teresa Combs Wallace

Judgment in a Criminal Case

Case Number: 4:06CR00185-001
USM Number: 13716-081

Kipp L. Manwaring
Defendant's Attorney

The Defendant:

X pleaded guilty to count(s) one and two of the superseding information.

☐ pleaded nolo contendere to count(s) ____________________________
   which was accepted by the court.

☐ was found guilty on count(s) ____________________________
   after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<table>
<thead>
<tr>
<th>Title &amp; Section</th>
<th>Nature of Offense</th>
<th>Offense Ended</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 § 841(a)(1) &amp; 846</td>
<td>Conspiracy to Possess/Distribute Oxycodone</td>
<td>06/20/2006</td>
<td>1</td>
</tr>
<tr>
<td>18 § 1035</td>
<td>False Statements Relating to Health Care Matters</td>
<td>09/20/2007</td>
<td>2</td>
</tr>
</tbody>
</table>

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) ____________________________

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

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

04/23/2007
Date of Imposition of Judgment

/ /
Signature of Judge

B. Lynn Winmill, United States District Judge
Name and Title of Judge

4/24/2007
Date

Exhibit 6
Page 1 of 6
IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 108 months, consisting of 108 months on count one, and a term of 60 months on count two, to be served concurrently.

Defendant shall submit to DNA collection while incarcerated by the Bureau of Prisons or, absent collection while imprisoned, then at the direction of the U.S. Probation Office upon release.

X The court makes the following recommendations to the Bureau of Prisons:
that the defendant be credited with all time served, and that the defendant be placed at the facility at FPC Phoenix Arizona.

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

☐ The defendant shall surrender to the United States Marshal for this district:
☐ at □ a.m. □ p.m. on ___________________________
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before 2 p.m. on ___________________________
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ___________________________ to ___________________________. with a certified copy of this judgment.

____________________________________________
UNITED STATES MARSHAL

By ________________________________
DEPUTY UNITED STATES MARSHAL
SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years, consisting of 5 years on count one, and a term of 3 years on count two, to be served concurrently.

Court finds that the defendant does not pose a high risk of future substance abuse such that mandatory drug testing is waived.

The defendant must report to the probation office in the district to which the defendant is released or allowed to re-enter within 72 hours of release from the custody of the Bureau of Prisons, or re-entry to the United States.

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

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment on supervised release and to periodic drug tests thereafter, not to exceed a maximum number of 3 per month.

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

X The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

X The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any 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 at least ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
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; and
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.
SPECIAL CONDITIONS OF SUPERVISION

1) Defendant shall not unlawfully possess controlled substances.

2) Defendant shall submit to a search of her person, place of residence, or automobile at the direction of the U.S. Probation Officer and submit to seizure of any contraband found therein.

3) Defendant shall participate in a program of mental health treatment, as directed by the Probation Officer, until such time as the Defendant is released from the program by the Probation Officer. The course of treatment may include medications. The defendant shall take all medications in a manner as prescribed by a physician. Cost of treatment shall be paid by both the Government and the Defendant in monthly payments as arranged by the Probation Officer.

4) Defendant shall not be employed in any capacity which would involve the handling or having access to controlled substances or prescription pads without the permission of the Probation Officer. Defendant shall not perform any unpaid or volunteer activities in this area during the term of supervised release without the permission of the Probation Officer.

Special conditions of supervised release shall supersede any standard condition that is inconsistent with the special conditions.
DEFENDANT: Teresa Combs Wallace
CASE NUMBER: 4:06CR00185-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Fine</th>
<th>Restitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS</td>
<td>$ 200.00</td>
<td>$ waivered</td>
</tr>
</tbody>
</table>

☐ The determination of restitution is deferred until ____________. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(f), all nonfederal victims must be paid before the United States is paid.

<table>
<thead>
<tr>
<th>Name of Payee</th>
<th>Total Loss*</th>
<th>Restitution Ordered</th>
<th>Priority or Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regence Blue Shield of Idaho</td>
<td></td>
<td>$5,779.52</td>
<td></td>
</tr>
<tr>
<td>Re: ID060012</td>
<td></td>
<td>1211 West Myrtle, Suite 110</td>
<td></td>
</tr>
<tr>
<td>Boise, ID 83701</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Great West</td>
<td></td>
<td>$529.46</td>
<td></td>
</tr>
<tr>
<td>Re: Joshua Ray fraudulent prescription 8/2/05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8525 East Orchard Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenwood Village, CO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>80111-5002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Cross of Idaho</td>
<td></td>
<td>$15,672.95</td>
<td></td>
</tr>
<tr>
<td>Re: Case 06-073'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P.O. Box 7408</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boise, ID 83707-1408</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTALS $ 2,1981.93

☐ Restitution amount ordered pursuant to plea agreement $ ____________________________

☒ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

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

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.
SCHEDULE OF PAYMENTS

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☐ Lump sum payment of $ ___________ due immediately, balance due
   ☐ not later than _______ C, D, E, or F below; or
   ☐ in accordance _______ C, D, E, or F below; or

B ☐ Payment to begin immediately (may be combined with C, D, or F below); or

C ☐ Payment in equal ___________ (e.g., weekly, monthly, quarterly) installments of $ ___________ over a period of ___________ (e.g., months or years), to commence _________ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in equal ___________ (e.g., weekly, monthly, quarterly) installments of $ ___________ over a period of ___________ (e.g., months or years), to commence _________ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _________ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or

F X Special instructions regarding the payment of criminal monetary penalties:
   $200 special assessment is due immediately. $21,981.93 restitution is due immediately. Payments to be made to Clerk of the Court, District of Idaho, 550 W. Port St., MSC 639, Boise, ID 83724. Clerk shall disburse restitution payments to the victim(s). Defendant shall immediately liquidate available (non-exempt pursuant to 18 U.S.C. § 3613) assets she holds, to include savings accounts, certificates of deposit, and Individual Retirement Accounts to satisfy payment in full of the financial obligations in this case.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

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

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Exhibit B

Cuyahoga County Bar Association

6/21/2023
CRIMINAL PROCEEDINGS - Sentencing (EVIDENTIARY)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge B. Lynn Winmill
Case No. CR06-185-E-BLM
Place: Pocatello, ID

Date: April 23, 2007
Deputy Clerk: LaDonna Garcia
Time: 4 hrs 10 min

UNITED STATES OF AMERICA vs Teresa Wallace
Probation Officer Lavetra Castles
Counsel for United States Defendant(s)
Michelle Mallard Kipp Manwaring

EXHIBITS: (X) plf: 1 & 2
(X) def:

WITNESSES: (X) plf: Tyson Russell Landon, Thomas Clemen
(X) def: Merrill Hanny, Anna Sessions,
Derrick Stephens, Frank McGovern,
Teresa Wallace

(X) Counsel made sentencing recommendations to the Court.
(X) Defendant’s remarks on her own behalf.
(X) Court ruled on defendant’s objections to presentence report. Presentence report and addendum adopted, except as modified here today. Objection to the four level enhancement for role in the offense is overruled. Court GRANTS government’s motion for 3rd point reduction for acceptance of responsibility.
(X) Court addressed 3553(a) factors and finds there are grounds to sentence below the guideline range.

SENTENCE: Defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 108 months, consisting of 108 months on count one, and 60 months on count 2, to be served concurrently. Court recommends that the defendant be credited with all time served, and that the defendant be placed in the facility (to be included in the judgement). Court finds that the defendant does not have the ability to pay a fine, therefore, fine is waived. §21,981.93 restitution is due immediately. Interest will be due on the restitution, unless paid in full 15 days from date of judgment. Defendant shall immediately liquidate available (non-exempt pursuant to 18 U.S.C. § 3613) assets she hold to include savings accounts, certificates of deposit, and
Individual Retirement Accounts to satisfy payment in full of the financial obligations in this case. $200 special assessment is due immediately. All payments to be made to Clerk of the Court, District of Idaho, 550 W. Fort St., MSC 039, Boise, ID 83724. Following term of imprisonment, defendant shall be placed on supervised release for a term of 5 years on count one, and a term of 3 years on count 2, to be served concurrently. Defendant shall submit to DNA collection. Court finds that the defendant does not pose a high risk of future substance abuse such that mandatory testing is waived. Defendant shall not possess firearms or other dangerous weapons. All standard conditions of supervision shall apply, plus the following special conditions:

1) shall not unlawfully possess controlled substances;

2) submit to a search of her person, place of residence, or automobile at the direction of the U.S. Probation Officer and submit to seizure of any contraband found therein;

3) shall participate in a program of mental health treatment, as directed by the Probation Officer, until such time as the Defendant is released from the program by the Probation Officer. The course of treatment may include medications. The Defendant shall take all medications in a manner as prescribed by a physician. Cost of treatment shall be paid by both the Government and the Defendant in monthly payments as arranged by the Probation Officer;

4) shall not be employed in any capacity which would involve the handling or having access to controlled substances or prescription pads without the permission of the Probation Officer. She shall not perform any unpaid or volunteer activities in this area during the term of supervised release without the permission of the Probation Officer.

(X) Defendant advised of penalties for violation of terms and conditions of supervised release.

(X) Right to appeal explained.

(X) Defendant remanded to the custody of the United States Marshals Service.

(X) Defense made oral motion for defendant to self report - Motion denied.

(X) Exhibit #2 returned to government. Exhibit #1 filed under seal.
CRIMINAL PROCEEDINGS - Arraignment/waiver/plea

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge B. Lynn Winmill
Case No. CR06-185-E-BLW
Place: Pocatello, ID
Time: 3:45 - 4:25

United States of America vs Teresa Wallace

Probation Officer No Appearance

Counsel for United States Michelle Mallard
Defendant(s) Kipp Manwaring

(X) Defendant sworn for examination by the Court.
(X) Court finds the defendant competent to enter plea.
(X) Superseding Information furnished to defendant(s). Reading waived.
(X) Right to indictment explained.
(X) Signed Waiver of Indictment; Waiver and Information Filed.

(X) Maximum Penalty: 20 years imprisonment on count 1; 5 years imprisonment on count 2; 3 years supervised release on each count; $1,000,000 fine on count 1; $250,000 fine on count 2; $100 Special assessment on each count.

(X) True name.
(X) Sentencing guidelines explained.
(X) Defendant's Constitutional Rights explained.
(X) Signed Plea Agreement previously filed with the Court.
(X) Defendants withdrew previous plea of NOT GUILTY, and entered a GUILTY plea to Counts 1 and 2 of the superseding information pursuant to the plea agreement. Court accepts plea and plea agreement taken UNDER ADVISEMENT pending review of the presentence report.

Sentencing set: April 23, 2007 at 9:00am in Pocatello.

(X) Court ordered a presentence investigation report.
Original report to Counsel: March 19, 2007
Notification of Objections: April 2, 2007
Final Report Due: April 16, 2007

(X) Defendant released pending sentencing. All pretrial release conditions shall remain in effect.
(X) Defendant advised of penalties for failure to appear for Sentencing.
Case No. CR 06-0185 E BLW

INDICTMENT

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
21 U.S.C. § 846

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERESA WALLACE aka TERESA FATKIN and TYSON LANDON,

Defendants.

The Grand Jury charges:

COUNT ONE

CONSPIRACY TO POSSESS/DISTRIBUTE OXYCONTIN
(21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846)

From on or about January 1, 2004, the exact date being unknown to the Grand Jury, and continuing to on or about June 20, 2006, both dates being approximate and inclusive, within the District of Idaho, the defendants herein, TERESA WALLACE aka TERESA FATKIN and TYSON LANDON, did knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons both known and unknown to the Grand Jury to possess with intent to distribute and distribute oxycodone hydrochloride by the brand name of OxyContin, a Schedule II controlled substance in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C) and 846.
ACTS IN FURTHERANCE OF THE CONSPIRACY

In furtherance of the criminal conspiracy and to effect the object thereof, in the District of Idaho and on or about the dates set forth below, the defendant and other associates and co-conspirators, both known and unknown to the Grand Jury, committed and caused to be committed acts in furtherance of the conspiracy, including, but not limited to, the following:

1. Beginning on or about January, 2004 and continuing through June 20, 2006, TERESA WALLACE had access to prescription pads pre-signed by her employer, a DEA registrant and medical doctor.

2. TERESA WALLACE, TYSON LANDON, and an unnamed co-conspirator agreed to obtain OxyContin for sale and distribution by submitting fraudulent prescriptions to pharmacies through a network of individuals.

3. TYSON LANDON recruited individuals to give him their names, dates of birth and other pertinent information. TYSON LANDON gave this information to TERESA WALLACE. TERESA WALLACE filled out a prescription for the individuals for OxyContin tablets on the pre-signed prescription pad without the consent or knowledge of her employer, the DEA registrant.

4. TERESA WALLACE gave the prescriptions to TYSON LANDON who went to the pharmacy with the individuals named on the prescriptions. The individuals named on the prescriptions filled the prescriptions and gave the pills to TYSON LANDON. In exchange, TYSON LANDON gave the individuals cash or OxyContin pills.

5. TERESA WALLACE was paid for each prescription she wrote.

6. TYSON LANDON and other unnamed co-conspirators distributed the OxyContin pills obtained in the manner stated above in exchange for cash.

DATED this 22nd day of August, 2006.

A TRUE BILL:

/s/ signed on back
FOREPERSON

THOMAS E. MOSS
United States Attorney

MICHIELLE R. MALLARD
Assistant United States Attorney
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com.

OFFICIAL USE

POSTAGE

Certified Fee

Return Receipt Fee

(Endorsement Required)

Restricted Delivery Fee

(Endorsement Required)

Postmark Here

6/13/07

Total Post

TERESA C WALLACE #13716-081
FCC OKLAHOMA CITY
FEDERAL TRANSFER CENTER
PO BOX 898801
OKLAHOMA CITY OK 73189

PS Form 3810, June 2002
See Reverse for Instructions

SENDER: COMPLETE

1. Article Addressed to:

TERESA C WALLACE #13716-081
FCC OKLAHOMA CITY
FEDERAL TRANSFER CENTER
PO BOX 898801
OKLAHOMA CITY OK 73189

DELIVERY

2. Article Number

(Transfer from service label)

7004 1350 0002 8308 7884

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes ☐ No
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: TERESA C. WALLACE,
License No. N-15044,
Respondent.

Case No. BON 06-047
CORRECTION OF CLERICAL ERROR IN FINDING OF FACT NO. 3

Finding of Fact No. 3 in the Board’s October 29, 2007 Order inadvertently transposed the digits of the prison sentence referred to in that finding from 108 months to 180 months. To address this clerical error, Finding of Fact No. 3 is hereby corrected, in relevant part, to read: “Among other things, the Judgment required Wallace to be imprisoned for one hundred-eight (108) months on count one of the Information and sixty (60) months on count two of the Information, the sentence to be served concurrently.”

DATED this 6th day of December 2007

IDAHO STATE BOARD OF NURSING

SUSAN ODOM, PhD, RN
Chairman

CORRECTION OF CLERICAL ERROR TO FINDING OF FACT NO. 3 - 1
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___ day of December 2007, I caused to be served a true and correct copy of the foregoing Correction of Clerical Error in Finding of Fact No. 3, addressed as follows:

Teresa C. Wallace
#13716-081
C/o Estrella Jail
2939 W Durango
Phoenix, AZ  85009

____ U.S. Mail, postage prepaid
____ Certified U.S. Mail, return receipt
____ Hand Delivery
____ Overnight Mail
____ Facsimile:
____ Statehouse Mail

Karl Klein
Deputy Attorney General
Office of the Attorney General
PO Box 83720
Boise, Idaho  83720-0010

____ U.S. Mail, postage prepaid
____ Certified U.S. Mail, return receipt
____ Hand Delivery
____ Overnight Mail
____ Facsimile:
____ Statehouse Mail

Sandra Evans, MAEd, R.N.
Executive Director
Board of Nursing

CORRECTION OF CLERICAL ERROR TO FINDING OF FACT NO. 3 - 2
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
TERESA C. WALLACE,  
License No. N-15044,  
Respondent.  

Case No. BON 06-047

STIPULATION; RE: HEARING PROCEDURE

The Board of Nursing, through the undersigned counsel, and Respondent Teresa C. Wallace hereby stipulate and agree as follows:

1. Respondent does not dispute the allegations in the Complaint in this matter. The only issue remaining for hearing, therefore, is what discipline, if any, should be imposed for the admitted violations.

2. Respondent currently is incarcerated in the Federal Correctional Institution in Phoenix, Arizona, and cannot appear in person at the Boise, Idaho hearing to testify on this issue.

3. Respondent waives her right to appear and present evidence at the hearing except as noted below.

4. Respondent desires to present her views to the Board through written materials. The parties agree, therefore, that Respondent may present written evidence such as letters of reference to address the issue of what discipline, if any, should be imposed. Such evidence shall not be considered at the hearing unless Respondent delivers it to the Board's staff by October 18, 2007. The parties agree that Respondent's July 5, 2007 letter to the Board's Executive Director in answer to the Complaint has already been delivered and is evidence that he Board may consider.

STIPULATED AND AGREED:

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By  
Karl T. Klein  
Deputy Attorney General  
Dated 9/24/07

Teresa C. Wallace  
Respondent  
Dated 9/19-07

STIPULATION; RE: HEARING PROCEDURE - 1
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of September, 2007, I caused to be served a true and correct copy of the foregoing addressed as follows:

Teresa C. Wallace, #13716-081
FCI Phoenix
Federal Correctional Institution
37930 N. 45th Avenue
Phoenix, AZ 85086

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Karl T. Klein
Deputy Attorney General
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:  
TERESA C. WALLACE,  
License No. N-15044,  
Respondent.  

Case No. BON 06-047  
NOTICE OF HEARING

To:  Teresa C. Wallace, #13716-081  
FCI Phoenix  
Federal Correctional Institution  
37910 N. 45th Avenue  
Phoenix, AZ 85086

Pursuant to the provisions of title 54, chapter 14, Idaho Code, and the duly promulgated rules of the Idaho State Board of Nursing, you are hereby notified and requested to appear before the Board on Thursday, October 25, 2007, at 3:00 p.m. (MST) at the Spring Hills Suites, 424 E. Parkecenter Boulevard, Selway Board Room, Boise, Idaho, and from time to time thereafter as may be required by the Board, on whether your license should be suspended, revoked or otherwise disciplined.

You are further notified that you may appear with or without the assistance of an attorney on the day, time and place specified in this Notice of Hearing and present testimony with respect to the above noted issues.

All persons requiring assistance pursuant to the Americans with Disabilities Act in order to participate in or understand the hearing must request such assistance ten (10) days in advance of the hearing by contacting the Board Office at the number or address listed below.

The hearing will be conducted pursuant to the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01. Copies of the
Administrative Procedure Act and the Idaho Rules of Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library.

All original official documents must be filed with the Idaho State Board of Nursing, 280 N. Eighth Street, Suite 210, Boise, ID 83720-0061; telephone (208) 334-3110; telefax (208) 334-3262 no later than October 15, 2007, at 5:00 p.m. A copy must be sent to:

Karl T. Klein  
Deputy Attorney General  
Civil Litigation Division  
P.O. Box 83720  
Boise, ID 83720-0010  
Fax: (208) 854-8073

DATED this 24TH day of SEPTEMBER, 2007.

IDAHO STATE BOARD OF NURSING

By Sandra Evans, M.A. Ed., R.N.  
Executive Director

NOTICE OF HEARING - 2
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24TH day of SEPTEMBER, 2007, I caused to be served a true and correct copy of the foregoing addressed as follows:

Teresa C. Wallace, #13716-081
FCI Phoenix
Federal Correctional Institution
37910 N. 45th Avenue
Phoenix, AZ 85086

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Karl T. Klein
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

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: TERESA C. WALLACE, License No. N-15044, Respondent. ) ) ) ) Case No. BON 06-047 NOTICE OF INTENT TO TAKE DEFAULT

On June 13, 2007, the Idaho State Board of Nursing ("Board") filed a Complaint against Respondent for violations of the Board's laws and rules. The Complaint was sent to Respondent at her address of record with the Federal Bureau of Prisons and advised Respondent that if she did not timely answer the Complaint or otherwise defend, default would be sought against her. Respondent has failed to answer or otherwise defend, and default is appropriate pursuant to Idaho Code § 67-5242.

THIS IS NOTICE OF THE INTENT TO TAKE DEFAULT AGAINST RESPONDENT AT THE NEXT REGULARLY SCHEDULED BOARD MEETING ON JULY 23, 2007. THIS IS TO FURTHER ADVISE RESPONDENT THE DEFAULT SOUGHT WILL BE INDEFINITE SUSPENSION OR REVOCATION OF LICENSE N-15044.

Respondent should contact the Board in writing via:

Chanel Johnson, MN, RN
Board Investigator
P.O. Box 83720
Boise, ID 83720-0061
Fax: (208) 334-3262

Respondent must also send a copy of any written contact to:

Karl T. Klein
Deputy Attorney General
Civil Litigation Division
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 854-8073

NOTICE OF INTENT TO TAKE DEFAULT - 1
DATED this 9th day of July, 2007.

IDAHO STATE BOARD OF NURSING

By Sandra Evans, M.A.Ed., R.N.
Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July, 2007, I caused to be served a true and correct copy of the foregoing addressed as follows:

Teresa C. Wallace, #13716-081
FCI Phoenix
Federal Correctional Institution
37910 N. 45th Avenue
Phoenix, AZ 85086

☒ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Kipp L. Manwaring
Attorney at Law
381 Shoup Avenue, Suite 210
Idaho Falls, ID 83402

☒ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

Karl T. Klein
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

Sandra Evans, M.A.Ed., R.N.
Executive Director
Board of Nursing

NOTICE OF INTENT TO TAKE DEFAULT - 2
TERESA WALLACE #13716-081
FCI PHOENIX
FEDERAL CORRECTIONAL INSTITUTION
37910 N 45TH AVENUE
PHOENIX AZ 85086
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA, 
Plaintiff,

v.

TERESA WALLACE, and
TYSON LANDON,

Defendants.

Case No. CR-06-185-E-BLW

ORDER CONTINUING
TRIAL AND TRIAL
READINESS
CONFERENCE

The Court has before it a unopposed motion to continue trial filed by
defendant Tyson Landon. (Docket No. 18). Defendant requests additional time so
that counsel can be able to thoroughly investigate matters to effectively prepare an
adequate defense at trial, and to have adequate time to prepare for trial. Defense
counsel requests a continuance, and the Court finds that a continuance until
January 2, 2007 in Pocatello, Idaho, would be reasonable given the complexities
of this case.

Under all these circumstances, the Court finds that a continuance is needed
to give defense counsel an opportunity to provide an effective defense. Thus, a
continuance is warranted under 18 U.S.C. § 3161(h)(8)(B)(iv), which authorizes a

Order - 1
finding of excludable time when the refusal to grant a continuance would "deny counsel for the defendant . . . the reasonable time necessary for effective preparation . . . ." Under these circumstances, the interests of justice in allowing the defense time for effective preparation outweighs the Defendant's and the public's interest in a speedy trial under 18 U.S.C. § 3161(h)(8)(A).

The statements of defense counsel establish that the trial should be reset on January 2, 2007 at 1:30 p.m. in Pocatello, Idaho. The Court finds that the period of time between the present trial date and the new trial date is excludable time under the Speedy Trial Act.

Under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), excludable time exists for "a reasonable period of delay when the defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted." Pursuant to this statutory provision, the Court finds that the excludable time found for the Defendant moving for a continuance also applies to all co-Defendants. Thus all Defendants will have trial moved to January 2, 2007 at 1:30 p.m. in the United States Courthouse in Pocatello, Idaho.

Order - 2
Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the Motion for Continuance (Docket No. 18) filed by Defendant be, and the same is hereby, GRANTED, and that the present trial date be VACATED, and that a new trial be set for \textbf{January 2, 2007 at 1:30 p.m.} in the United States Federal Courthouse in Pocatello, Idaho.

IT IS FURTHER ORDERED, that the period of time between the prior trial date and the new trial date be deemed EXCLUDABLE TIME under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), for all Defendants.

IT IS FURTHER ORDERED, that the Trial Readiness Conference shall be conducted by telephone on \textbf{December 20, 2006 at 4:00 p.m.} The Government shall place the call to (208) 334-9145 with all opposing counsel on the line.

IT IS FURTHER ORDERED, that all pretrial motions shall be filed on or before \textbf{December 1, 2006}.

DATED: November 2, 2006

\begin{center}
\textbf{B. LYNN WINMILL}  \\
Chief Judge  \\
United States District Court
\end{center}

Order - 3
Chanel: Here's a copy of the Grand Jury Indictment on Teresa Wallace. Her arraignment (where she will enter a plea) is scheduled for September 25 at 3 p.m. in Pocatello. (My guess is she will most likely plead not guilty and the case will proceed from there; it could be a number of months before a judgment is entered against her.) Let me know if you need anything else. Thanks! -Lori <<Indictment.pdf>>
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TERESA WALLACE aka TERESA FATKIN and TYSON LANDON,
Defendants.

Case No. CR 06-0185 E BLW

INDICTMENT

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)
21 U.S.C. § 846

The Grand Jury charges:

COUNT ONE

CONSPIRACY TO POSSESS/DISTRIBUTE OXYCONTIN
(21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846)

From on or about January 1, 2004, the exact date being unknown to the Grand Jury, and continuing to on or about June 20, 2006, both dates being approximate and inclusive, within the District of Idaho, the defendants herein, TERESA WALLACE aka TERESA FATKIN and TYSON LANDON, did knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons both known and unknown to the Grand Jury to possess with intent to distribute and distribute oxycodone hydrochloride by the brand name of OxyContin, a Schedule II controlled substance in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C) and 846.

INDICTMENT - 1
ACTS IN FURTHERANCE OF THE CONSPIRACY

In furtherance of the criminal conspiracy and to effect the object thereof, in the District of Idaho and on or about the dates set forth below, the defendant and other associates and co-conspirators, both known and unknown to the Grand Jury, committed and caused to be committed acts in furtherance of the conspiracy, including, but not limited to, the following:

1. Beginning on or about January, 2004 and continuing through June 20, 2006, TERESA WALLACE had access to prescription pads pre-signed by her employer, a DEA registrant and medical doctor.

2. TERESA WALLACE, TYSON LANDON, and an unnamed co-conspirator agreed to obtain OxyContin for sale and distribution by submitting fraudulent prescriptions to pharmacies through a network of individuals.

3. TYSON LANDON recruited individuals to give him their names, dates of birth and other pertinent information. TYSON LANDON gave this information to TERESA WALLACE. TERESA WALLACE filled out a prescription for the individuals for OxyContin tablets on the pre-signed prescription pad without the consent or knowledge of her employer, the DEA registrant.

4. TERESA WALLACE gave the prescriptions to TYSON LANDON who went to the pharmacy with the individuals named on the prescriptions. The individuals named on the prescriptions filled the prescriptions and gave the pills to TYSON LANDON. In exchange, TYSON LANDON gave the individuals cash or OxyContin pills.

5. TERESA WALLACE was paid for each prescription she wrote.

6. TYSON LANDON and other unnamed co-conspirators distributed the OxyContin pills obtained in the manner stated above in exchange for cash.

DATED this 22nd day of August, 2006.

A TRUE BILL:

/s/ signed on back
FOREPERSON

THOMAS E. MOSS
United States Attorney

MICHELLE R. MALLARD
Assistant United States Attorney