

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
August 14, 2007

This report is written to describe E&D Committee actions and trends. There were nine (9) Eligibility Requests, thirteen (13) Eligibility Agreed Orders, three (3) Reinstatement Agreed Orders, thirty-seven (37) Disciplinary Agreed Orders, twenty-five (25) Default Revocation Orders, one (1) Default Suspension Order, three (3) Motions for Rehearing, and one (1) ALJ Proposal for Decision.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS: (9)

Approved without Stipulations (2):

1. Male Applicant charged July 7, 1995 w/misdemeanor offense of Resist/Obstruct Officer w/o Violence, entered plea of nolo contendere and sentenced to six (6) months probation. Charged Dec. 31, 1996 w/misdemeanor offense of Driving Under the Influence, entered a plea of nolo contendere/sentenced to one (1) year probation. Charged March 14, 2005 w/misdemeanor Driving Under the Influence, entered plea of nolo contendere and sentenced to one (1) year probation to run current with previous probation. Charged March 14, 2005 w/misdemeanor Refusal-Breath/Urine/Blood Test, entered nolo contendere plea and sentenced to one (1) year probation to run concurrent with previous probation. Arrested Oct. 2, 1990 for misdemeanor Driving Under the Influence; no disposition available.

2. Male Petitioner arrested Sept. 14, 1980 for misdemeanor Driving While Intoxicated and Driving without a License. Convicted March 9, 1982 of the reduced charge of Public Intoxication/assessed fine of \$100. Arrested Nov. 27, 1980 for misdemeanor Assault, Disorderly Conduct and Public Intoxication. Entered a plea of guilty and assessed fines of \$300. Arrested for misdemeanor Disorderly Conduct and Public Intoxication on Dec. 8, 1980; convicted and assessed fine of \$100 on March 9, 1982. Charged April 13, 1988 w/misdemeanor Possession of Marijuana; entered a plea of guilty and was assessed a fine of \$100 and sentenced to three (3) months probation. Arrested for misdemeanor Public Intoxication Oct. 26, 1991 and was released after time served. Charged w/misdemeanor Driving While Intoxicated; entered plea of guilty and sentenced to two (2) years probation and assessed fine of \$600 and court costs of \$187. Charged April 12, 1993 with misdemeanor Possession of Marijuana; pled guilty and sentenced to six (6) months probation and a fine of \$200/court costs of \$132. Charged April 12, 1993 w/misdemeanor offense of Driving While Intoxicated; entered a plea of guilty and was sentenced to twenty (20) days confinement w/sentence probated to two (2) years probation. Charged April 13, 1994 with Aggravated Assault on a Police Officer; entered plea of guilty and sentenced to ten (10) years probation. Charged with Taking a Weapon from Police Officer on April 13, 1994;

entered a plea of guilty and was sentenced to ten (10) years probation. Forensic evaluation indicates Petitioner has no current conditions that would be expected to preclude him from being able to be in accordance with the Board's rules.

Approved with Stipulations (5):

1. Female Petitioner charged March 9, 2001 w/misdemeanor Assault; entered plea of guilty and sentenced to four (4) days confinement; failed to disclose this offense on her application for licensure. Charged March 10, 2003 w/third degree felony offense of Possession of Marijuana and entered a plea of guilty; proceedings were deferred w/o adjudication of guilty and placed on two (2) years probation; discharged from probation July 15, 2002. Indicted on Oct. 17, 2000 for felony Hindering Apprehension; dismissed March 30, 2001 "in the interest of justice." Forensic evaluator believes Petitioner needs extensive psychotherapy for at least six (6) months.
2. Male Petitioner charged w/state jail felony offense of Possession of a Controlled Substance; entered nolo contendere plea and proceedings were deferred w/o adjudication of guilt. Petitioner was placed on two (2) years probation; discharged from probation April 28, 2005. Forensic evaluator stated that in his professional opinion, Petitioner could behave in accordance with the Board's rules, but only if he remains abstinent of drugs and alcohol; recommends monitoring through TPAPN and NA meetings.
3. Female Petitioner charged with state jail felony offense of Forgery-Possession of a Check with Intent to Pass; plead guilty and proceedings were deferred w/o adjudication of guilt; placed on two (2) years community supervision. Probation revoked on August 31, 1999 and was sentenced to nine (9) months confinement in the State Jail Division of TX Department of Criminal Justice; sentence expired May 26, 2000. Forensic evaluator thinks Petitioner could be fit for licensure, but only under a stipulated license, including 1-2 years monitoring, drug screens, abstinence and counseling.
4. Female Petitioner seen by forensic evaluator. Allegations of mistreatment and neglect were made against Petitioner on Nov. 6, 2001; Petitioner failed to dispute allegations and has a permanent abuse record against her CNA license. Forensic evaluator feels that Petitioner is hiding something regarding the allegations of Nov. 6, 2001 and believes the Board should refrain from licensing Petitioner.
5. Male Petitioner arrested for felony offense of Injury-Child/Elderly/Disabled Person on Feb. 21, 2006. Charged w/reduced misdemeanor offense of Assault Causing Bodily Injury to Family Member; entered a plea of guilty and proceedings were deferred w/o adjudication of guilt; placed on twelve (12) months community supervision. Granted two(2) years deferred sentence for the misdemeanor offense of Theft on April 27, 1994. It is the evaluator's opinion that it is not probable that Petitioner will be able to consistently behave in accordance with the rules of the Board.

Continued (2):

1. Female Petitioner charged April 20, 2004 w/misdemeanor Failure to Identify, Open Container in a Vehicle, and Minor in Possession of Alcohol/assessed fine of \$390. Charged Feb. 4, 2004 w/misdemeanor offenses of Issuance of a Bad Check, Failure to Identify a Fugitive from Justice, and Criminal Mischief/assessed a fine of \$692. Charged Feb. 19, 2005 w/misdemeanor Criminal Mischief and Failure to Identify a Fugitive from Justice; sentenced to twenty (20) days confinement/assessed fine of \$316 and one (1) day confinement and a fine of \$316 for the offense of Failure to Identify a Fugitive from Justice. Charged April 2, 2005 w/misdemeanor offenses of Criminal Mischief and Failure to Identify a Fugitive from Justice. Sentenced to twenty (20) days confinement and assessed a fine of \$316 for Criminal Mischief offense; one (1) day confinement and fine of \$66 for Failure to Identify a fugitive from Justice. Charged July 13, 2006 w/misdemeanor Theft of Property; assessed fine of \$50.
2. Female Petitioner charged Jan. 21, 1997 w/misdemeanor Theft by Check and sentenced to one (1) year probation. Charged Nov. 12, 1996 w/misdemeanor Theft by Check; pled guilty and sentenced to one (1) year probation. Charged Feb. 17, 1999 w/misdemeanor Theft by Check; entered nolo contendere plea and assessed fine of \$100. Charged Jan. 26, 2000 with misdemeanor Theft by Check; entered plea of guilty and sentenced to forty-five (45) days confinement probated to one (1) year probation. Issued judgment revoking probation on June 7, 2001 sentencing her to forty-five (45) days confinement. Charged Feb. 4, 2000 w/misdemeanor Theft by Check; entered no contest plea and sentenced to fifty (50) days confinement. Charged May 7, 2001 w/misdemeanor Failure to Identify; pled guilty and sentenced to one hundred twenty (120) days confinement/probated to eighteen (18) months. Judgment revoking probation issued on May 16, 2003 and sentenced to thirty-one (31) days confinement. Charged w/misdemeanor Theft by Check on May 18, 2001, entered plea of no contest, and sentenced to fifty (50) days confinement. Charged w/misdemeanor Theft by Check on May 31, 2001 and sentenced to one hundred eight (180) days confinement. Charged July 24, 2001 w/misdemeanor Theft; entered plea of guilty and sentenced to sixty (60) days confinement which was probated to one (1) year probation. Charged Dec. 16, 2002 w/misdemeanor Theft by Check; entered no contest plea and sentenced to one hundred eight (180) days confinement. Charged May 13, 2003 with 2nd degree felony Man/Del a Controlled Substance; entered plea of guilty and proceedings were deferred w/o adjudication of guilt; placed on ten (10) years probation; discharged from probation May 4, 2006.

ELIGIBILITY AGREED ORDERS (13): Approved

REINSTATEMENT AGREED ORDERS (3) Approved

DISCIPLINARY AGREED ORDERS (37): Approved

DEFAULT REVOCATION ORDERS (25): Approved

MOTIONS FOR REHEARING (3): Two (2) Approved, One (1) Denied

ALJ PROPOSAL FOR DECISION (1): Approved.

DEFAULT SUSPENSION ORDER (1): Approved.

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
September 11, 2007

This report is written to describe E&D Committee actions and trends. There were five (5) Eligibility Requests, twelve (12) Eligibility Agreed Orders, five (5) Reinstatement Agreed Orders, thirty-seven (37) Disciplinary Agreed Orders, twenty-seven (27) Default Revocation Orders, and one (1) ALJ Proposal for Decision.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS: (5)

Approved with Stipulations (2):

1. Female Petitioner charged on October 29, 1992 w/felony offense of Credit Card Abuse, entered guilty plea and proceedings were deferred without adjudication of guilt; was placed on ten (10) years of probation; discharged from probation May 12, 2006. Forensic evaluator recommends Petitioner receive a monitored license for one (1) to two (2) years.
2. Male Petitioner charged Dec. 14, 1995 w/3rd degree Felony Unlawful Possession of a Prohibited Substance-Methamphetamine; entered guilty plea and proceedings were deferred w/o adjudication of guilt; placed on three (3) years probation; granted Judgment Adjudicating Guilt for violating his probation and was sentenced to two (2) years confinement. Charged Sept. 29, 1998 with class B misdemeanor Possession of Marijuana; entered a plea of guilty and was sentenced to one hundred sixty (160) days confinement which was probated to twenty four (24) months community supervision; discharged from community supervision Sept. 29, 2000. Charged with class B misdemeanor of Driving While License Suspended/Invalid; entered a plea of nolo contendere and was sentenced to one hundred twenty (120) days confinement which was probated to twelve (12) months community supervision. Issued a Judgment Revoking Community Supervision on April 16, 2002 sentencing him to sixty (60) days confinement. Charged Nov. 16, 2000 w/class B misdemeanor offense of Driving While License Suspended; entered plea of nolo contendere and sentenced to one hundred twenty days (120) confinement and was probated to twelve (12) months community supervision; issued a Judgment Revoking Community Supervision and sentencing him to sixty (60) days confinement to run concurrent w/ previous case. Charged Oct. 24, 2001 w/misdemeanor Driving While License Suspended; entered plea of nolo contendere and was sentenced to ten (10) days confinement. Charged April 16, 2002 w/class A misdemeanor Assault; entered a plea of nolo contendere and was sentenced to ninety (90) days confinement.

Denied (2):

1. Male Petitioner convicted of misdemeanor offense of Criminal Mischief on March 29, 1989 and sentenced to six (6) months probation. Charged March 30, 2000 w/misdemeanor Public Intoxication; entered nolo contendere plea and assessed fine of \$337 w/payment suspended for ninety (90) days. Arrested March 1, 2001 for 2nd degree felony Aggravated Assault-

Bodily Injury-Deadly Weapon and Aggravated Assault-Threat-Deadly Weapon; entered guilty plea on May 1, 2001 and placed on Pre-Trial Supervision for twelve (12) months; satisfactorily completed Pre-Trial Diversion Program and was dismissed May 31, 2002. Charged Nov. 3, 2004 w/misdemeanor Assault with Bodily Injury; entered guilty plea and proceedings were deferred w/o adjudication of guilt; placed on two (2) years probation; discharged from probation and dismissed on Nov. 14, 2006. Forensic evaluator strongly recommends the Board consider a prolonged period of monitoring to ensure Petitioner remains completely abstinent from alcohol. Evaluator recommends Petitioner participate in intensive psychotherapy, anger management, and outpatient mental health treatment.

2. Female Petitioner charged April 27, 2004 w/State Jail Felony Possession of a Controlled Substance-Methamphetamine; entered guilty plea and proceedings were deferred w/o adjudication of guilt and placed on three (3) years supervision. Convicted June 29, 2006 w/misdemeanor Public Intoxication and sentenced to one hundred eighty (180) days probation. Forensic evaluator states he does not believe Petitioner can conform to Board Rules without significant treatment for drug and alcohol abuse/dependence.

Continued (1):

1. Female Petitioner charged June 1, 1998 w/state jail Felony Credit Card Abuse; entered a guilty plea and proceedings were deferred without adjudication of guilt and was placed on four (4) years probation; discharged from probation June 3, 2002. Charged August 3, 1999 w/state Felony Forgery of a Financial Instrument; entered plea of guilty and was sentenced to three (3) years probation; discharged from probation August 20, 2002. Charged Nov. 8, 2005 with class A Misdemeanor Theft of Property; entered plea of nolo contendere and proceedings were deferred without adjudication of guilt and was placed on six (6) years probation; discharged from probation May 8, 2006. Arrested March 22, 1998 for class B misdemeanor Criminal Mischief; charge was dismissed by complaining witness. Arrested April 11, 1998 for class B misdemeanor Theft of Property; charge was dismissed Dec. 2, 1999. Arrested Nov. 25, 2001 for class B misdemeanor of Criminal Mischief; ordered to attend an anger management class; charge dismissed by complaining witness on April 19, 2004. Arrested Dec. 26, 2001 for class B misdemeanor Criminal Mischief; charge dismissed by complaining witness on June 6, 2002. Arrested March 18, 2004 for class A misdemeanor offense of Resisting Arrest; rejected by Prosecutor without Pre-Trial Diversion.

ELIGIBILITY AGREED ORDERS (12): Approved

REINSTATEMENT AGREED ORDERS (5) Approved

DISCIPLINARY AGREED ORDERS (37): Approved

DEFAULT REVOCATION ORDERS (27): Approved

ALJ PROPOSAL FOR DECISION (1): Approved.