BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse License Number 70332	§	AGREED
issued to RICHARD G. RAMIREZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, entered the SUSPENSION of Vocational Nurse License Number 70332, issued to RICHARD G. RAMIREZ, hereinafter referred to as Respondent. This action was taken in accordance with chapters 231 and 232, Texas Family Code.

On July 13, 2012, Respondent's license to practice vocational nursing was ordered Suspended by the Attorney General of the State of Texas. A copy of the July 13, 2012, Order is attached and incorporated herein. NOW, THEREFORE, IT IS ORDERED that the Suspension of License Number 70332, heretofore issued to RICHARD G. RAMIREZ, to practice vocational nursing in the State of Texas, is entered by the Executive Director on behalf of the Texas Board of Nursing. Said Suspension SHALL be in effect until such time that the Attorney General of the State of Texas notifies the Board that the Suspension of Respondent's vocational license to practice in this state has been lifted. In connection with this action, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. Upon the Suspension being lifted, RESPONDENT SHALL satisfy all then existing requirements for relicensure, if any.

Entered this 16th day of July, 2012.

Katherine A. Thomas

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

BOARD OF NURSING STATE OF TEXAS 70332

TEXAS BOARD OF NURSING

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

Executive Director of the Board

FILED

2012 JUN-12 AM 8:00

OFFICE OF THE
ATTORNEY GENERAL-CSD
COORDINATOR

CONFIDENTIAL
Pursuant to Texas Family Code
§ 231.108 and 42 USCA § 654(26)

SOAH DOCKET NO. 302-12-5663.CS
OAG DOCKET NO. 10-202-4519863831

ATTORNEY GENERAL OF TEXAS, **Petitioner**	§	**BEFORE THE STATE OFFICE**
V.	§	**OF**
RICHARD RAMIREZ, **Respondent**	§	**ADMINISTRATIVE HEARINGS**

DECISION AND ORDER

Petitioner, the Office of the Attorney General of Texas, seeks to revoke an Order Staying Suspension of License based on the alleged failure of Respondent to pay child support in accordance with a repayment plan. Respondent is not in compliance with the terms of the repayment plan. Consequently, the motion to revoke is granted, the stay is revoked, and Respondent's Driver's license is suspended.

I. FINDINGS OF FACT

1. **RICHARD RAMIREZ**, Respondent, is the holder of the following licenses:

Type of License	License#	Licensing Authority
Driver's License	00140682	Texas Department of Public Safety
Nurse's License	00070332	Texas Board of Nursing

2. On November 3, 2011, an Order Granting Motion to Stay Suspension of License (Order) was issued in OAG Docket No. 10-202-4519863831 by the Title IV-D Agency for the State of Texas. The Order suspended the license listed in Finding of Fact No. 1, stayed the suspension, and established a repayment plan.

3. The Order informed Respondent that as a condition of the stay, Respondent was required to comply with the repayment plan and any modification of child support obligations by a court of competent jurisdiction.

4. On April 5, 2012, the Office of the Attorney General, Petitioner, filed a Motion to Revoke Order Suspending License And Staying Suspension (Motion), seeking revocation of the Order and suspension of Respondent's license.

5. Not less than ten days' notice of the hearing on the Motion was sent to the parties at their addresses of record informing them of the time, place, and nature of the hearing; the legal

authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.

6. This matter was called for hearing on May 21, 2012, by Administrative Law Judge (ALJ) Stephen J. Pacey. Petitioner appeared and announced ready. Respondent appeared pro se.

7. **RICHARD RAMIREZ** has failed to comply with the terms of the repayment plan as follows:

a.	Current support due since November 1, 2011:	$1,435.00
b.	Paid since November 1, 2011	$ 90.00
c.	Amount out of compliance since April 4, 2011:	$1,345.44.

II. CONCLUSIONS OF LAW

1. The Office of the Attorney General for the State of Texas (Petitioner), as a Title IV-D agency under Title IV, Part D, of the federal Social Security Act of 1935, as amended, 42 USCA § 651 *et seq.*, has jurisdiction to bring a motion to revoke an order staying suspension of a license pursuant to TEX. FAM. CODE ANN. (Code) chs. 231 and 232. Jurisdiction to hear the petition in this matter resides with the State Office of Administrative Hearings (SOAH) pursuant to the Interagency Cooperation Act, TEX. GOV'T CODE ANN. § 771.001 *et seq.*, and in accordance with and pursuant to authority granted to SOAH by TEX. GOV'T CODE ANN. § 2003.024 and to Petitioner pursuant to Code § 231.002(a)(2) and (c).

2. Petitioner has proven all of the elements necessary for entry of an order revoking the stay of the order suspending Respondent's licenses. CODE § 232.012.

3. The stay of the order suspending Respondent's licenses should be revoked, and Respondent's licenses should be suspended. CODE § 232.012(d).

DECISION

Based on the foregoing findings of fact and conclusions of law, and pursuant to CODE § 232.012, **IT IS ORDERED** that the Order Granting Motion to Stay Suspension of License, dated November 3, 2011, is revoked, and the **Driver's** license, number **00140682**, issued by the **Texas Department of Public Safety** and **Nurse** license, number **00070332,** issued by the **Texas Board of Nursing** to **RICHARD RAMIREZ** be, and the same are hereby, suspended.

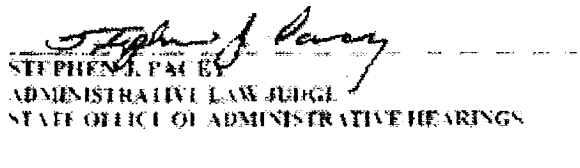
IT IS ORDERED that the notice of said suspension shall be given to the issuers of the licenses.

RICHARD RAMIREZ is ordered not to engage in any activity covered by the licenses that have been suspended pursuant to these proceedings. The licenses may not be reissued, reinstated, or otherwise renewed authorizing the same or similar activity until an appropriate order vacating or staying

the suspension is issued by the licensing authority.

An individual who continues to engage in the business, occupation, profession, or other licensed activity after the implementation of the order suspending the license by the licensing authority is liable for the same civil and criminal penalties provided for engaging in the licensed activity without a license or while a license is suspended that apply to any other license holder of that licensing authority.

SIGNED June 13, 2012.



STEPHEN J. PACEY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE TO THE PARTIES

PURSUANT TO TEX. GOV'T CODE ANN. §§ 2001.142 AND 2001-144 - 2001.146, YOU ARE GIVEN NOTICE THAT THIS DECISION WILL BECOME A FINAL ORDER DISPOSING OF THE PETITION TO SUSPEND LICENSE UNLESS A REQUEST FOR REHEARING IS TIMELY FILED. A MOTION FOR REHEARING MUST BE FILED BY A PARTY NOT LATER THAN THE 20TH DAY AFTER THE DATE ON WHICH THE PARTY IS NOTIFIED BY FIRST CLASS MAIL OF THIS DECISION. A PARTY IS PRESUMED TO HAVE BEEN NOTIFIED ON THE THIRD DAY AFTER THE DATE ON WHICH THIS DECISION WAS MAILED.

IF YOU FILE A MOTION FOR REHEARING AND IT IS DENIED BY THE ADMINISTRATIVE LAW JUDGE IN A WRITTEN ORDER, YOU MAY FILE AN APPEAL IN A TRAVIS COUNTY DISTRICT COURT WITHIN 30 DAYS OF THE DATE THE ORDER DENYING THE REHEARING IS SIGNED . IF YOU DO NOT FILE A MOTION FOR REHEARING WITHIN 20 DAYS OF THE DATE OF YOU RECEIVED THIS NOTICE, THIS DECISION WILL BECOME FINAL AND YOU WILL LOSE YOUR RIGHT TO APPEAL TO DISTRICT COURT.
IN THE EVENT THE PARTIES MUTUALLY AGREE TO THE ENTRY OF A CONSENT ORDER BEFORE THE PERIOD FOR FILING A MOTION FOR REHEARING EXPIRES, THE ADMINISTRATIVE LAW JUDGE MAY SUBSTITUTE THE CONSENT ORDER FOR THIS DECISION.

IF YOU DO NOT RECEIVE A DECISION EITHER GRANTING OR DENYING THE MOTION FOR REHEARING WITHIN 45 DAYS OF BEING NOTIFIED OF THE DECISION, THE MOTION FOR REHEARING WILL HAVE BEEN OVERRULED BY OPERATION OF LAW, AND YOU MAY FILE AN APPEAL WITHIN 30 DAYS OF THAT DATE. THE ADMINISTRATIVE LAW JUDGE MAY, BY WRITTEN ORDER, EXTEND THE PERIOD OF TIME FOR FILING A MOTION FOR REHEARING AND REPLIES, AND TAKING AGENCY ACTION, EXCEPT THAT AN EXTENSION MAY NOT EXCEED 90 DAYS FROM THE DATE THE FINAL DECISION OR ORDER IS SIGNED.

IF YOUR LICENSE HAS BEEN SUSPENDED AS A RESULT OF THESE PROCEEDINGS AND NO MOTION FOR REHEARING HAS BEEN FILED, THIS DECISION WILL BE MAILED TO THE APPROPRIATE LICENSING AGENCY REQUESTING THE SUSPENSION OF YOUR LICENSE. YOU MAY REQUEST REINSTATEMENT OF YOUR LICENSE BY PAYING THE FULL AMOUNT OF THE ARREARAGE OR ESTABLISHING A SATISFACTORY PAYMENT RECORD AND ENTERING INTO A REPAYMENT AGREEMENT THROUGH YOUR LOCAL CHILD SUPPORT OFFICE. A SATISFACTORY PAYMENT RECORD MAY BE ESTABLISHED BY MAKING CONSISTENT PAYMENTS IN ACCORDANCE WITH YOUR MOST RECENT COURT ORDER, INCLUDING PAYMENTS AGAINST THE ARREARAGE, OR BY MAKING A SUBSTANTIAL LUMP-SUM PAYMENT SATISFACTORY TO THE OFFICE OF THE ATTORNEY GENERAL.

IT IS YOUR RESPONSIBILITY TO NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OR THE LOCAL CHILD SUPPORT OFFICE IF YOU HAVE PAID THE FULL AMOUNT OF THE ARREARAGE OR FEEL THAT YOU HAVE ESTABLISHED A SATISFACTORY PAYMENT RECORD. ONCE THESE CONDITIONS HAVE BEEN MET, EITHER YOU OR THE OFFICE OF THE ATTORNEY GENERAL MAY PETITION TO VACATE OR STAY THE SUSPENSION OF YOUR LICENSE.