IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 198293	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
Willie James Lavine	§	BOARD OF NURSING

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

ORDER OF THE BOARD

TO: Willie James Lavine
7222 Autumn Bluff Ln
Richmond, Texas 77469

During open meeting held in Austin, Texas, on Tuesday, June 14, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 198293, previously issued to Willie James Lavine, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 14th day of June, 2011.

TEXAS BOARD OF NURSING

BY: _____
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed March 31, 2011.

Re: Permanent Certificate Number 198293
Issued to Willie James Lavine
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Willie James Lavine
7222 Autumn Bluff Ln
Richmond, Texas 77469

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 198293, Issued to	§	
WILLIE JAMES LAVINE, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, WILLIE JAMES LAVINE, is a Vocational Nurse holding license number 198293, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 14, 2002, Respondent was arrested by the Constables Office, Houston, Texas, for FAIL TO IDENTITY FUGITIVE FROM JUSTICE (a Class B misdemeanor offense).

On or about September 16, 2002, Respondent entered a plea of Guilty to FAIL TO IDENTITY ONESELF TO A PEACE OFFICER (a Class B misdemeanor offense committed on September 14, 2002), in the County Criminal Court at Law No. 15 of Harris County, Texas, under Cause No. 1135161. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of nine (9) months. Additionally, Respondent was ordered to pay a fine. On or about July 21, 2003, Respondent was discharged from probation.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(effective September 1, 2001), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A), (effective September 1, 2001).

CHARGE II.

On or about August 19, 2003, Respondent was arrested by the Harris County Sheriff's Office, Houston, Texas for DRIVING WHILE LICENSE SUSPENDED (a Class B misdemeanor offense).

On or about August 29, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Class B misdemeanor offense), in the County Criminal Court at Law No. 10 of Harris County, Texas, under Cause No. 1189501. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of three (3) days, with two (2) days given as credit. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(effective September 1, 2001), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A), (effective December 1, 2002).

CHARGE III.

On or about October 4, 2004, Respondent submitted a Application by NCLEX-PN Examination for Licensed Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you ever been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

Respondent failed to disclose that on or about September 16, 2002, Respondent entered a plea of Guilty to FAIL TO IDENTITY ONESELF TO A PEACE OFFICER (a Class B misdemeanor offense committed on September 14, 2002), in the County Criminal Court at Law No. 15 of Harris County, Texas, under Cause No. 1135161. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of nine (9) months.

Respondent also failed to disclose that on or about August 29, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Class B misdemeanor offense committed on August 15, 2003), in the County Criminal Court at Law No. 10 of Harris County, Texas, under Cause No. 1189501.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10)(effective September 1, 2003), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13), (effective September 28, 2004).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 31st day of March, 2011.

TEXAS BOARD OF NURSING

R. Kyle Hensley

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Board Certified - Administrative Law
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D/2010.12.28