

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 184152  
ISSUED TO  
RODRIGUES TREVINO PERRY

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia P. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Rodrigues Trevino Perry  
2577 Americas Cup Circle East  
Atlantic Beach, FL 32233

Rodrigues Trevino Perry  
1131 Mount Edon Church Road  
Hopkins, SC 29061

During open meeting held in Austin, Texas, on February 8, 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 184152, previously issued to RODRIGUES TREVINO PERRY, 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 8th day of February, 2011.



TEXAS BOARD OF NURSING

BY:

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

Re: Permanent Certificate Number 184152  
Issued to RODRIGUES TREVINO PERRY  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of February, 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):

Rodrigues Trevino Perry  
2577 Americas Cup Circle East  
Atlantic Beach, FL 32233

Rodrigues Trevino Perry  
1131 Mount Edon Church Road  
Hopkins, SC 29061



BY:

*Katherine A. Thomas*

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

In the Matter of Permanent License  
Number 184512, Issued to  
RODRIGUEZ TREVINO PERRY, Respondent

§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RODRIGUEZ TREVINO PERRY, is a Vocational Nurse holding license number 184152, which is in Delinquent 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 July 24, 2002, Respondent entered a plea of Guilty and was convicted of CONSPIRACY TO COMMIT BANK FRAUD (a Federal offense committed as a continuous course of action from 1998 through 1999), in the United States District Court, Middle District of Florida, Jacksonville Division, under Cause No.3:02-cr-66-J-12TJC. As a result of the conviction, Respondent was sentenced to participate in the Home Detention program for a period of four (4) months, and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay restitution in the amount of \$13,677.00. Respondent was released from probation July 23, 2006.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3) & (10), Texas Occupations Code (effective September 1, 1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29) (effective September 1999 through January 31, 2004).

#### CHARGE II.

On or about August 7, 2007, Respondent entered a plea of nolo contendere to Count 2: MAKING THREATS (a misdemeanor offense committed on May 12, 2007) in the County Court of Duval County, Florida, Cause No. 2007 MM 022128. 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 six (6) months. Additionally, Respondent was ordered to pay a fine and court costs. On November 28, 2007, Respondent was arrested for violation of probation, and sentenced to confinement for a period of thirty (30) days.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

### CHARGE III.

On or about May 1, 2003 through March 2008, Respondent practiced as a licensed vocational nurse in the United States Army, utilizing his license to practice vocational nursing in the State of Texas, which had been in delinquent status since April 30, 2003.

The above action constitutes grounds for disciplinary action in accordance with Section 301.301 (f) and 301.452(b)(1), (10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A).

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 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](http://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 for Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

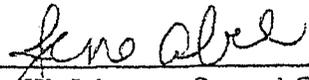
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 14<sup>th</sup> day of September, 20 10.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300  
Jena Renee Koslan Abel, Assistant General Counsel  
State Bar No. 24036103  
Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924  
Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847  
Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269  
John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401