

BEFORE 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

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In the Matter of Vocational Nurse           §     AGREED  
License Number 84320                           §  
issued to FRED GUERRA                       §     ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 84320, issued to FRED GUERRA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Certificate in vocational Nursing from St. Philips college vocational Nursing Program, San Antonio, Texas, on December 1, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979.
5. Respondent's employment history is unknown.

6. On or about August 7, 1972, Respondent was arrested by the San Antonio Police Department, San Antonio, Texas, for ROBBERY BY ASSAULT WITH BUTCHER KNIFE (a Felony offense). On or about July 12, 1973, Respondent was convicted of ROBBERY BY ASSAULT (a Felony offense), in the Judicial District Court of Bexar County, Texas, under Cause Number 72170588. As a result of the conviction, Respondent was sentenced to confinement in the Institutional division of the Texas Department of Criminal Justice for a period of ten (10) years.

7. On or about December 5, 1977, Respondent submitted Applications for Examination to the Texas Board of Vocational Nurse examiners in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you ever been convicted of a felony in this State or in any other State of the United States?"

Respondent failed to disclose that on or about July 12, 1973, Respondent was convicted of ROBBERY BY ASSAULT (a Felony offense), in the Judicial District Court of Bexar County, Texas, under Cause Number 72170588.

8. On or about September 11, 1979, Respondent submitted Applications for Re-Examination to the Texas Board of Vocational Nurse examiners in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you ever been convicted of a felony in this State or in any other State of the United States?"

Respondent failed to disclose that on or about July 12, 1973, Respondent was convicted of ROBBERY BY ASSAULT (a Felony offense), in the Judicial District Court of Bexar County, Texas, under Cause Number 72170588.

9. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent states that He was discharged from the Navy, and he had no skills, no money, and unable to find a job. he stayed with his brother for a while until they had a falling out, and then he began sleeping in friends' cars. Finally, he had had enough and committed the robbery offense. He was fortunate because he was only in jail for 4-5 months, and then was placed on probation. Additionally, he states that he did put his offense on his initial application but heard nothing of it. He stated back between 1987-1993 he received a letter that he was okayed to practice, but he no longer has the letter.

10. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice nursing in the State of Texas.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to violations of Section 4528(c) Sec.10(a)(2),(3)&(9)(effective 9/1/1979) Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 84320, heretofore issued to FRED GUERRA, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 84320, heretofore issued to FRED GUERRA, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, 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 himself 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. RESPONDENT SHALL NOT petition for reinstatement of licensure until:

one (1) year has elapsed from the date of this Order.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

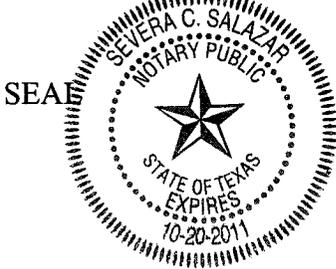
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 7<sup>th</sup> day of June, 2010

Fred Guerra  
FRED GUERRA, Respondent

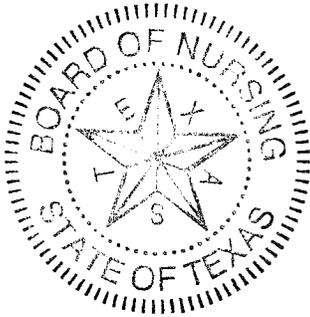
Sworn to and subscribed before me this 7<sup>th</sup> day of June, 2010



Severa C. Salazar  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 84320, previously issued to FRED GUERRA.

Effective this 9th day of June, 2010.



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