107098

BEFORE THE BOARD OF VOCATIONAL
NURSE EXAMINERS IN AND FOR THE
STATE OF TEXAS
****

In the matter of Permanent
License Number 107098
issued to
ALVIN E. JONES

ORDER OF THE BOARD

TO: ALVIN E. JONES
P.O. Box #281
Marion, Texas 78124

The Board of Vocational Nurse Examiners in and for the State of Texas, held a scheduled hearing on the 19th day of September, 1989, to determine whether cause exists under Article 4528c, V.A.C.S., to suspend or revoke license number 107098, heretofore issued to ALVIN E. JONES.

At the Hearing, Mrs. Adelia D. Miller, R.N., President of the Board, presided and the following members were present:

Mrs. Linda Savannah, LVN
Mrs. Charlotte J. Sifford, LVN
Mrs. Sharon Johnson, LVN
Mrs. Annie Mae Parker, LVN
Mr. Wayne L. Ogburn
Mrs. Virginia M. Bauman
Ms. Norma Jean Clark, LVN

The Board of Vocational Nurse Examiners for the State of Texas was represented by Ms. Susan Henricks, Attorney at Law. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

Re: ALVIN E. JONES, hereinafter referred to as Respondent.

1. That Respondent is a vocational nurse licensed by the State of Texas and holds license number 107098.

107098

2. That a sworn complaint was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with Article 4528c, Section 10 (d) of the Vocational Nurse Act.

3. That Notice of Hearing and Complaint were sent to Respondent in accordance with Article 6252-13a, of the Administrative Procedure Act, as amended.

4. That Respondent was not present before the Board.

5. That Respondent was not represented by counsel.

6. That on or about March 11, 1987, Respondent plead nolo contendere to the felony offense of Aggravated Assault, in the 25th Judicial District Court of Guadalupe County, Texas, Cause No. 86-566, and as a result of said court proceedings, Respondent was placed on ten (10) years deferred adjudication, fined $1,000 and placed on probation throughout the ten (10) years.

7. That during the commission of said offense on or about March 29, 1986, Respondent knowingly and intentionally threatened Anna Belle Jones with imminent bodily injury, and did then and there use a deadly weapon, to-wit: a firearm that in the manner of its intended use was capable of causing serious bodily injury and death.

8. That on about November 2, 1988, Respondent violated the conditions of said probation in Cause No. 86-566. Respondent intentionally and knowingly caused bodily injury to Gretchen Hudson, by hitting her with his hands, feet, fists, and by chocking Ms. Hudson around the neck with a belt.

9. That on about February 27, 1989, a Judgement adjudicating guilt was rendered in the 25th Judicial District Court against the Respondent, under Cause No. 86-566, and Respondent was sentenced to six (6) years confinement in the Texas Department of Corrections on March 8, 1989.

10. That on about June 16, 1989, Respondent was placed in the 25th Judicial District Intensive Supervision Program, and placed on probation for the remainder of his six (6) year sentence.

11. That said conviction is inconsistent with basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires promoting or safeguarding the health and welfare of the patient, individual or public.

CONCLUSIONS OF LAW

1. That Respondent has been convicted of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude, in violation of Article 4528c, Section 10 (a) (3), Revised Civil Statutes of Texas.

107098

2. That Article 6252-13c, Section 4 (e), Revised Civil Statutes of Texas, states that upon a licensee's felony conviction, felony probation revocation, revocation of parole, or revocation of mandatory supervision, his license shall be revoked.

3. That Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas.

4. That Respondent's conviction for the felony offense of Aggravated Assault is a crime that directly relates to the duties and responsibilities of the licensed occupation of vocational nursing under Article 6252-13c, Section 4 (a) and in violation of Board Rule 231.81 (1) (i).

ORDER

NOW, THEREFORE, IT IS ORDERED that License Number 107098, heretofore issued to ALVIN E. JONES, to practice vocational nursing in the State of Texas be and same is hereby revoked.

Entered this the 22nd day of September, 1989.

Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

SWORN AND SUBSCRIBED to before me, the undersigned authority, on this the 22nd day of September, 1989.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Linda Rae Kent
My Commission Expires 10-24-89.

107098

Certificate to Order of the Board
In the matter of Vocational Nurse
License No. 107098
Issued to ALVIN E. JONES

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Vocational Nurse Examiners in and for the State of Texas on this the 19th day of September, 1989.

Adelia D. Miller, R.N.
Virginia M. Bauman
[illegible]
[illegible]
Charlotte Jane Sifford Lvn
[illegible]

[illegible] Savant, Lvn
Wayne L. Ogham

107098

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
VS.	*	
ALVIN E. JONES	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ruben M. Gallegos, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Ruben M. Gallegos, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against ALVIN E. JONES, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 107098, hereinafter called Respondent.

I.

a. On or about March 11, 1987, Respondent plead nolo contendere to the felony offense of Aggravated Assault, in the 25th Judicial District Court of Guadalupe County, Texas, Cause No. 86-566, and as a result of said court proceedings, Respondent was placed on ten (10) years deferred adjudication, fined $1,000 and placed on probation throughout the ten (10) years.

b. During the commission of said offense on or about March 29, 1986, Respondent knowingly and intentionally threatened Anna Belle Jones with imminent bodily injury, and did then and there use a deadly weapon, to-wit: a firearm that in the manner of its intended use was capable of causing serious bodily injury and death.

c. On about November 2, 1988, Respondent violated the conditions of said probation in Cause No. 86-566. Respondent intentionally and knowingly caused bodily injury to Gretchen Hudson, by hitting her with his hands, feet, fists, and by chocking Ms. Hudson around the neck with a belt.

d. On about February 27, 1989, a Judgement adjudicating guilt was rendered in the 25th Judicial District Court against the Respondent, under Cause No. 86-566, and Respondent was sentenced to six (6) years confinement in the Texas Department of Corrections on March 8, 1989.

e. On about June 16, 1989, Respondent was placed in the 25th Judicial District Intensive Supervision Program, and placed on probation for the remainder of his six (6) year sentence.

II.

Said conviction is inconsistent with basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires promoting or safeguarding the health and welfare of the patient, individual or public.

III.

Respondent has been convicted of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude, in violation of Article 4528c, Section 10 (a) (3), Revised Civil Statutes of Texas.

IV.

Article 6252-13c, Section 4 (e), Revised Civil Statutes of Texas, states that upon a licensee's felony conviction, felony probation revocation, revocation of parole, or revocation of mandatory supervision, his license shall be revoked.

V.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas and Rule 231.81 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code, Subsection 231.81, which provides in pertinent part: "Unprofessional Conduct" shall include, but not be limited to:

(L) has been convicted of a crime;

107098

(i) which relates to the practice of vocational nursing.

VI.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Ruben M. Gallegos, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against ALVIN E. JONES, LVN #107098, in accordance with the provisions of the laws of the State of Texas.

Ruben M. Gallegos
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Ruben M. Gallegos, on this the 16th day of August, 1989.

Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Linda Rae Kent
My Commission Expires 10-24-89.

Filed with the Board of Vocational Nurse Examiners on the 16th day of August, 1989.

Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners