



**INFLUENCE (ALCOHOL)**, Case No. CM-88-253, in the District Court of Oklahoma County. Defendant was convicted of this crime on March 23, 1988 and received a one (1) year suspended sentence.

5. In or around 1988, Defendant was arrested by the Oklahoma Highway Patrol. At the time, he was intoxicated and was involved in a automobile accident. When the Highway Patrol Officer learned that Defendant was intoxicated and was driving with a suspended license, he was arrested and subsequently charged with **DRIVING UNDER THE INFLUENCE (ALCOHOL), A FELONY**, Case No. CF-88-6734, in the District Court of Oklahoma County. Defendant was convicted of this crime on January 5, 1989 and received a three (3) year suspended sentence, as well as loss of his driving privileges for three (3) years.

6. On or about October 16, 2001, Defendant received a Pardon from Governor Frank Keating for each of these convictions.

7. On or about February 27, 2002, Defendant applied for his Oklahoma Physical Therapist license. On his application, Defendant truthfully disclosed his Pardon and an explanation of the underlying convictions.

8. On or about July 25, 2002, the Board granted Defendant a Physical Therapist license.

#### **CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS**

9. On or about July 27, 2004, Defendant was arrested by the Delaware County Sheriff's Office. At the time of the arrest, he had been driving erratically and had attempted to elude officers who were trying to pull him over. He appeared to be intoxicated at the time of the arrest, he failed to obey the instructions of the officer, and then attacked the officer. After the officer was able to subdue Defendant by handcuffing him, the officer found an open container of alcohol in the car. Defendant was then arrested and asked to submit to the Breathalyzer test. He initially agreed, but then refused to blow into the machine. Defendant was taken to jail, where officers learned that he did not have a current driver's license.

10. On or about July 29, 2004, Defendant was charged with **DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, ELUDING/ATTEMPTING TO ELUDE POLICE OFFICER, RESISTING AN OFFICER, TRANSPORTING AN OPEN CONTAINER OF BEER, and DRIVING WITHOUT A DRIVER'S LICENSE**, Case No. CM-2004-854, in the District Court of Delaware County.

11. On or about October 18, 2004, Defendant plead guilty to **DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND ELUDING/ATTEMPTING TO ELUDE POLICE OFFICER**. He was convicted of these crimes and received a one (1) year suspended sentence.

12. On or about December 27, 2004, Defendant submitted his Application for Renewal of Oklahoma License. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant lied and answered "NO". Defendant was also asked the following questions: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of drugs and/or alcohol?" In response to this question, Defendant lied and answered "NO". Defendant was additionally asked the following question: "Since the last renewal...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?" In response to this question, Defendant lied and answered "NO". Defendant had in fact been arrested for DUI by the Delaware County Sheriff's Department just five (5) months earlier on July 27, 2004.

13. On or about October 2, 2009, Defendant pawned stolen property at a pawn shop in Tulsa. When he pawned the property, he falsely stated that he had owned the property at least one (1) year, when in fact, he had bought the stolen property on the street that same day. As a result of these fact, Defendant was charged with **FALSE DECLARATION OF OWNERSHIP IN PAWN, a FELONY**, Case No. CF-2010-254, in the District Court of Tulsa County. A warrant for Defendant's arrest was issued at that time.

14. On or about March 18, 2011, Defendant was arrested at the Asian Kitchen in Tulsa, Oklahoma. When paying for his drink, he became angry and reached into the cashier's drawer and grabbed all of the money. He was subsequently tackled by employees and held until police arrived. At that time, police learned that he also had an outstanding Warrant for False Declaration of Ownership in Pawn. He was then arrested and taken to jail.

15. On or about March 23, 2011, Defendant was charged with **ATTEMPTED ROBBERY, 2<sup>ND</sup> DEGREE, a FELONY**, Case No. CF-2011-1047, in the District Court of Tulsa County.

16. On or about August 29, 2011, Defendant plead guilty to both of the outstanding felony charges.

17. On or about November 28, 2011, Defendant was put in jail to await sentencing on his guilty pleas.

18. On or about December 22, 2011, Defendant was sentenced to a ten (10) year deferred sentence on both felony charges to be on probation under the supervision of the Oklahoma Department of Corrections.

19. On or about January 22, 2012, Defendant submitted his Application for Renewal of Oklahoma License. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant

lied and answered "NO". Defendant had in fact been arrested and charged with Attempted Robbery by the Tulsa Police Department just ten (10) months earlier in March 2011.

20. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Used drugs, narcotics, medication, or intoxicating liquors to an extent which affects the professional competency of the licensee in violation of 59 O.S. §887.13(4).
- B. Is guilty of conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of 59 O.S. §887.13(9).
- C. Is guilty of any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10).
- D. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(5).
- E. Violated any provision of the Physical Therapy Practice Act or the rules and regulations of the board or of an action, stipulation, agreement or order of the Board in violation of OAC 435:20-5-8(31).
- F. Is guilty of habitual intemperance or the habitual use of habit-forming drugs in violation of OAC 435:20-5-8(2).
- G. Was convicted of or confessed to a crime involving violation of the laws of this state in violation of OAC 435:20-5-8(4).
- H. Is guilty of the habitual intemperance or addicted use of any drug, chemical or substance that could result in behavior that interferes with the practice of physical therapy and the responsibilities of the licensee in violation of OAC 435:20-5-8(13).
- I. Has been convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(26).
- J. Procured, aided or abetted a criminal operation in violation of OAC 435:20-5-8(1).
- K. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(8).

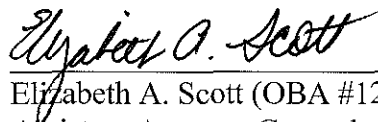
- L. Falsified documents submitted to the Physical Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:20-5-8(21).
- M. Obtained or attempted to obtain a license, certificate or documents of any form as a physical therapist or physical therapist assistant by fraud or deception in violation of OAC 435:20-5-8(22).
- N. Failed to furnish to the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:20-5-8(29).
- O. Failed to report to the Board any adverse action taken against him by another licensing jurisdiction, by an governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:20-5-8(32).

21. These allegations raise serious concerns about Defendant's ability to practice as a physical therapist in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physical therapist in the State of Oklahoma.

Dated this 29<sup>th</sup> day of March, 2012.

Respectfully submitted,



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