



*G. Have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?"*

4. Defendant also included the following explanation in his licensure renewal:

*"D. Arrested October 2011 but not yet formally charged with armed robbery.*

*F. Treated at Laureate for alcohol abuse 2011.*

*G. Treated at Laureate for alcohol abuse 2011."*

5. Upon investigation, it was found that on or about October 11, 2011, Defendant was arrested and charged with **FELONY – ROBBERY WITH DANGEROUS WEAPON (Count #1); and POSSESSION OF FIREARM DURING COMMISSION OF A FELONY (Count #2)** in the District Court of Rogers County, State of Oklahoma, Case No. CF-2011-637.

6. Further investigation showed that on or about October 13, 2011, Defendant was arrested and charged with **ELUDING A POLICE OFFICER (Count #1); RESISTING AN OFFICER (Count #2); and OBSTRUCTING AN OFFICER (Count #4)** in the District Court of Tulsa County, State of Oklahoma, Case No. CF-2011-3887.

5. On or about February 26, 2013, Defendant waived his right to a jury trial and pled **GUILTY to FELONY – ROBBERY WITH DANGEROUS WEAPON (Count #1); and POSSESSION OF FIREARM DURING COMMISSION OF A FELONY (Count #2)** in the District Court of Rogers County, State of Oklahoma, Case No. CF-2011-637. On July 9, 2013 Defendant was sentenced to ten (10) years with five (5) of those years to be served in the confinement of the Oklahoma Department of Corrections and the remaining five (5) years suspended.

6. On or about July 30, 2013, Defendant waived his right to a jury trial and pled **GUILTY to ELUDING A POLICE OFFICER (Count #1); RESISTING AN OFFICER (Count #2); and OBSTRUCTING AN OFFICER (Count #4)** in the District Court of Tulsa County, State of Oklahoma, Case No. CF-2011-3887. Defendant's sentencing in this matter is scheduled for October 1, 2013.

8. Title 59 O.S. §513(A) provides as follows:

*"Upon proof of a final felony conviction by the courts, the Board shall revoke the license..." (Emphasis added.)*

8. Defendant is guilty of unprofessional conduct in that he engaged in:

- a) Dishonest or unethical conduct in violation of Title 59 O.S. §2040(5);
- b) Has been guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted by the board violation of Title 59 O.S. §2040(9);
- c) Conviction of, or plea to a felony in violation of Oklahoma Administrative Code Rule 435:5-3-(5); and
- d) Conviction of a drug related offense in violation of Oklahoma Administrative Code Rule 435:5-3-(6).

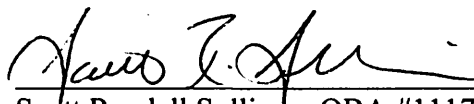
9. These allegations raise serious concerns about Defendant's ability to practice as a respiratory care therapist in the State of Oklahoma with reasonable skill and safety.

**CONCLUSION**

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 16 day of August, 2013.

Respectfully submitted,



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Scott Randall Sullivan, OBA #11179  
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