

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 187807
ISSUED TO
AARON ANDREAS HUNTER

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING

ORDER OF THE BOARD

TO: Aaron Andreas Hunter
1035 Clinton Rd.
Sacramento, CA 95825

During open meeting held in Austin, Texas, on Tuesday, May 8, 2012, 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 187807, previously issued to AARON ANDREAS HUNTER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

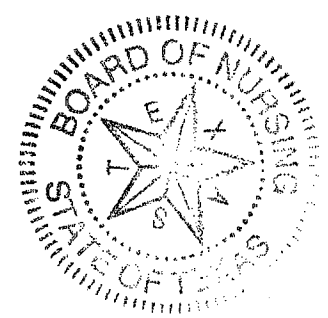
IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 8th day of May, 2012.

TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed February 16, 2012.

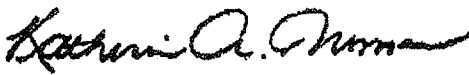


Re: Permanent Certificate Number 187807
Issued to AARON ANDREAS HUNTER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2012, 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):

Aaron Andreas Hunter
1035 Clinton Rd.
Sacramento, CA 95825

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

1 4. Pursuant to Business and Professions Code section 118(b), the expiration of a
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued, or reinstated. Under Business
4 and Professions Code section 2892.1, the Board may renew an expired license at any time within
5 four years after the expiration.

6 5. Respondent has subjected his license to discipline under Business and
7 Professions Code section 2878(f), in that Respondent was convicted of crimes substantially related to
8 the qualifications, functions or duties of a vocational nurse, as described in Accusation No. VN-
9 2005-2488, a copy of which is attached as Exhibit "1" and incorporated by reference.

10 6. Respondent has subjected his license to discipline under Business and
11 Professions Code section 2878(j), in that Respondent committed acts involving dishonesty, which
12 are substantially related to the duties and functions of the licensee, as described in Accusation No.
13 VN-2005-2488.

14 DETERMINATION OF ISSUES

15 Based on the foregoing Findings of Fact, Respondent has subjected his license to
16 discipline under Business and Professions Code sections 2878(f) and 2878(j).

17 LOCATION OF RECORD

18 The record on which this Default Decision is based is located at the Sacramento office
19 of the Board of Vocational Nursing and Psychiatric Technicians.

20 ORDER

21 WHEREFORE, the Board of Vocational Nursing and Psychiatric Technicians makes
22 the following order:

23 Vocational Nurse License Number VN 219130 authorizing Respondent to act as a
24 vocational nurse is hereby revoked.


25 Respondent shall have the right to petition for reinstatement of the aforesaid license
26 pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

27 Respondent shall not be deprived of making any further showing by way of
28 mitigation; however, such showing must be made directly to the Board of Vocational Nursing and

1 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to
2 the effective date of this Decision.

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4 This Default Decision shall become effective on June 3, 2010.

5 Dated and signed May 4, 2010.

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9 John P. Vertido, L.V.N.
President

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Attachments: Exhibit "I", Accusation No. VN-2005-2488 and Declaration of Service

Exhibit "1"

Accusation No. VN-2005-2488 and Declaration of Service

FILED

DEC 21 2008

Board of Vocational Nursing
and Psychiatric Technicians

1 EDMUND G. BROWN JR.
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2 ALFREDO TERRAZAS
Senior Assistant Attorney General
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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8
9
10 BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
11 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

Case No. VN-2005-2488

14 AARON ANDREAS HUNTER
1035 Clinton Road
15 Sacramento, CA 95825

A C C U S A T I O N

16 Vocational Nurse License No. VN 219130

17 Respondent.

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19 Complainant alleges:

20 PARTIES

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely
22 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
23 Psychiatric Technicians, Department of Consumer Affairs.

24 License History

25 2. On or about February 9, 2006, the Board of Vocational Nursing and Psychiatric
26 Technicians issued Vocational Nurse License Number VN 219130 to Aaron Andreas Hunter
27 ("Respondent"). The license expired on December 31, 2007.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric
3 Technicians ("Board"), Department of Consumer Affairs, under the authority of the following
4 laws. All section references are to the Business and Professions Code ("Code"), unless otherwise
5 indicated.

6 4. Code section 2875 states, in pertinent part, that the Board may discipline the holder of
7 a vocational nurse license for any reason provided in Article 3 (commencing with Code section
8 2875) of the Vocational Nursing Practice Act.

9 5. Code section 118, subdivision (b), states, in pertinent part, that the expiration of a
10 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
11 period within which the license may be renewed, restored, reissued or reinstated.

12 STATUTORY PROVISIONS

13 6. Code section 2878 states, in pertinent part:

14 The Board may suspend or revoke a license issued under this chapter [the
15 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any
16 of the following:

17 (a) Unprofessional conduct, . . .

18 (f) Conviction of a crime substantially related to the qualifications,
19 functions, and duties of a licensed vocational nurse, in which event the record
20 of the conviction shall be conclusive evidence of the conviction.

21 (k) The commission of any act involving dishonesty, when that action
22 is related to the duties and functions of the licensee.

23 7. Code section 2878.6 states, in pertinent part:

24 A plea or verdict of guilty or a conviction following a plea of nolo
25 contendere made to a charge substantially related to the qualifications, functions
26 and duties of a licensed vocational nurse is deemed to be a conviction within the
27 meaning of this article. . . irrespective of a subsequent order under the provisions
28 of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
guilty . . . , or setting aside the verdict of guilty, or dismissing the accusation,
information or indictment.

26 COST RECOVERY

27 8. Code section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Criminal Convictions)

5 9. Respondent has subjected his license to disciplinary action under Code section 2878,
6 subdivision (f), in that Respondent was convicted of crimes substantially related to the
7 qualifications, functions or duties of a vocational nurse, as follows:

8 a. On or about July 10, 2008, in the Superior Court of California, County of
9 Sacramento, in the case entitled, *People of the State of California v. Aaron Andreas Hunter*
10 (Super. Ct. Sacramento County, 2008, Case No. 08F03737), Respondent was convicted on his
11 plea of nolo contendere of violating Penal Code section 459 (2nd Degree Burglary), a felony.

12 The circumstances of the crime are that on or about May 10, 2008, at 5:00 a.m., Respondent
13 did unlawfully enter a commercial building occupied by B&W Liquors, with the intent to commit
14 larceny and any felony.

15 b. On or about November 14, 2007, in the Superior Court of California, County of
16 Sacramento, in the case entitled, *People of the State of California v. Aaron Andreas Hunter*
17 (Super. Ct. Sacramento County, 2007, Case No. 07M12302), Respondent was convicted on his
18 plea of nolo contendere of violating Penal Code section 242 (Battery), a misdemeanor.

19 The circumstances of the crime are that on or about November 10, 2007, Respondent did
20 willfully and unlawfully use force and violence upon R. G.

21 c. On or about November 14, 2006, in the Superior Court of California, County of
22 Sacramento, in the case entitled, *People of the State of California v. Aaron Andreas Hunter*
23 (Super. Ct. Sacramento County, 2006, Case No. 06F07718), Respondent was convicted on his
24 plea of nolo contendere of violating Health and Safety Code section 11352, subdivision (a) (Sell
25 Controlled Substance, to wit: Cocaine), a misdemeanor.

26 The circumstances of the crime are that on or about August 30, 2006, while conducting
27 undercover operations, Sacramento Police Department officers were contacted by Respondent at
28

1 a liquor store and Respondent approached the officers asking them if they wanted to buy \$20.00
2 worth of Cocaine Base.

3 d. On or about November 14, 2006, in the Superior Court of California, County of
4 Sacramento, in the case entitled, *People of the State of California v. Aaron Andreas Hunter*
5 (Super. Ct. Sacramento County, 2006, Case No. 06M10566), Respondent was convicted on his
6 plea of nolo contendere of violating Penal Code section 148, subdivision (a) (Resisting, Delaying,
7 or Obstructing an Officer), a misdemeanor.

8 SECOND CAUSE OF DISCIPLINE

9 (Dishonesty)

10 10. Respondent has subjected his license to disciplinary action under Code section 2878,
11 subdivision (f), in that Respondent committed acts involving dishonesty, which are substantially
12 related to the duties and functions of the licensee, as set forth in paragraph 9, subparagraph a,
13 above.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
17 issue a decision:

- 18 1. Revoking or suspending Vocational Nurse License Number VN 219130 issued to
19 Aaron Andreas Hunter;
- 20 2. Ordering Aaron Andreas Hunter to pay the Board the reasonable costs of the
21 investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: December 21, 2009



24 TERESA BELLO-JONES, J.D., M.S.N., R.N.
25 Executive Officer
26 Board of Vocational Nursing and Psychiatric Technicians
27 Department of Consumer Affairs
28 State of California
Complainant