



DOCKET NUMBER 507-11-4264

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 216874
ISSUED TO
GERRAN Q. MCKENNEY

§ BEFORE THE STATE OFFICE
§ OF
§ ADMINISTRATIVE HEARINGS
§

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.
Michelle Palmer
Executive Director of the Board

OPINION AND ORDER OF THE BOARD

TO: GERRAN Q. MCKENNEY
1907 W. LATIMER STREET
TULSA, OK 74127

HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on January 19-20, 2012, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt all of the Findings of Fact and Conclusions of Law in the PFD regarding the vocational nursing license of Gerran Q. McKenney without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and the presentation by the Respondent during the open meeting, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and

conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 216874, previously issued to GERRAN Q. MCKENNEY, to practice 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 multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 19th day of January, 2012.

TEXAS BOARD OF NURSING

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-11-4264 (December 7, 2011).

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

December 7, 2011

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

VIA INTER-AGENCY

**RE: Docket No. 507-11-4264, In the Matter of the Certificate No. LVN216874
Issued to Gerran Q. McKenney**

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Hunter Burkhalter".

Hunter Burkhalter
Administrative Law Judge/Mediator

HB/sl
Enclosures

XC: R. Kyle Hensley, TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – VIA INTER-AGENCY
Dina Flores, Legal Assistant TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – (with
Certified Evidentiary Record) – VIA INTER-AGENCY
Gerran McKenney, 1907 W. Latimer Street, Tulsa, OK, 74127-VIA REGULAR MAIL

300 W. 15th Street, Suite 502, Austin, Texas 78701/ P.O. Box 13025, Austin, Texas 78711-3025
512.475.4993 (Main) 512.475.3445 (Docketing) 512.322.2061 (Fax)
www.soah.state.tx.us

SOAH DOCKET NO. 507-11-4264

IN THE MATTER OF THE	§	BEFORE THE STATE OFFICE
CERTIFICATE NO. LVN216874	§	
ISSUED TO GERRAN Q. MCKENNEY,	§	OF
RESPONDENT	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This matter was scheduled for hearing at 9:00 a.m. on November 9, 2011. Despite being sent proper notice, Gerran Q. McKenney (Respondent) did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law below, the Administrative Law Judge finds that the relief requested by the Board, other than the imposition of administrative costs, should be granted on a default basis.


FINDINGS OF FACT

1. Notice of the hearing was mailed to Respondent at Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on November 9, 2011.
5. Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. Staff moved for a default, which was granted.
7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The Texas Board of Nursing (Board) has jurisdiction over this matter.
3. Proper and timely notice was provided to Respondent in accordance with TEX. GOV'T CODE Ch. 2001 and 1 TEX. ADMIN. CODE Ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. Staff has established the basis for revocation of Respondent's license as alleged in the notice of hearing, which is incorporated into this Conclusion of Law. 22 TEX. ADMIN. CODE § 213.33(m).
6. The Board is authorized to revoke Respondent's license.

SIGNED December 7, 2011.



HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE/MEDIATOR
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS BOARD OF NURSING

In the Matter of Permanent

Certificate Number 216874

Issued to GERRAN Q. MCKENNEY

REVISED FIRST AMENDED NOTICE OF HEARING

SOAH Docket Number 507-11-4264

Respondent: Gerran Q. McKenney
1907 W. Latimer St.
Tulsa, OK 74127-5432

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ), beginning on the 25th day of July, 2011, at 9:00 a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, regarding the First Amended Formal Charges previously filed and served upon you by the Texas Board of Nursing. The First Amended Formal Charges are attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq.; Title I Part VII Texas Administrative Code Chapter 155; the Nursing Practice Act, Texas Occupations Code §301.451 through §301.555; and the Board of Nursing Rule 213 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached First Amended Formal Charges in connection to the facts or conduct alleged.

Pursuant to 22 TEX. ADMIN. CODE §213.22, you are required to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the staff (General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701). **FAILURE TO ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING TO THE FIRST AMENDED FORMAL CHARGES WITHIN 20 DAYS OF THE DATE THIS NOTICE WAS MAILED SHALL ENTITLE THE STAFF TO A CONTINUANCE AT THE TIME OF THE HEARING.** "Staff" is defined by 22 TEX. ADMIN. CODE §213.1(41). Continuances are set by the Administrative Law Judge.

Gerran Q. McKenney

May 6, 2011

Page 2 of 2

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FIRST AMENDED FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.

If it is determined that the First Amended Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this the 6th day of May, 2011.

TEXAS BOARD OF NURSING



Katherine A. Thomas

By:

Katherine A. Thomas, MN, RN
Executive Director

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 216874, Issued to	§	
GERRAN QUINIECE MCKENNEY, Respondent	§	BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GERRAN QUINIECE MCKENNEY, is a Vocational Nurse holding license number 216874, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 16, 2009, Respondent entered a plea of guilty and was adjudged guilty of two (2) counts of "Possession of Controlled Drug with Intent," a Felony (committed on February 9, 2009), in the District Court of Tulsa County, Oklahoma, under Case Number CF-2009-728. Respondent was sentenced to confinement for a period of five (5) years in the State of Oklahoma Department of Corrections. The confinement was suspended, and Respondent was placed on probation for a period of five (5) years.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about September 29, 2010, Respondent's license to practice practical nursing in the State of Oklahoma was summarily suspended by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma. A copy of the Findings of Fact, Conclusions of Law and Order of Emergency Temporary Suspension is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), (8) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B) & (13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

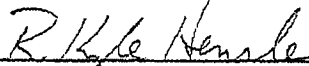
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of Emergency Temporary Suspension dated on or about September 29, 2010.

Filed this 5th day of May, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Oklahoma Board of Nursing dated on or about September 29, 2010.

D/2010.12.28

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF GERRAN QUINIECE THOMPSON MCKENNEY, L.P.N.
LICENSE NO. L0045248

ORDER OF EMERGENCY TEMPORARY SUSPENSION PENDING HEARING

This matter comes on for hearing before the Oklahoma Board of Nursing ("Board") on the 29th day of September, 2010, at the Wyndham Garden Hotel Conference Center, 2101 South Meridian Avenue, Oklahoma City, Oklahoma.

The Board is represented by Debbie McKinney, Attorney at Law. Gerran Quiniece Thompson McKenney, L.P.N. ("Respondent") appears neither in person nor by counsel at the hearing on this date.

This Order is issued pursuant to the Oklahoma Nursing Practice Act, 59 O.S. §§ 567.1 *et. seq.*

FINDINGS OF FACT

After hearing all the evidence presented and upon due consideration thereof, the Board by clear and convincing evidence finds:

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0045248, issued by the Oklahoma Board of Nursing.
2. On the 29th day of July, 2010, Jan Sinclair, R.N., Nurse Investigator for the Oklahoma Board of Nursing, filed a Complaint against the license of Respondent alleging facts which constitute a violation of the Oklahoma Nursing Practice Act, specifically, it is alleged that Respondent's conduct jeopardized patients' lives, health, or safety. Said Complaint is hereby incorporated by reference as if it appeared in full herein.

3. The Complaint and Notice filed the 29th day of July, 2010, and mailed to Respondent by Certified/Restricted delivery was returned "Return to Sender" on August 5, 2010. The Complaint and Notice were mailed to the address provided by Respondent to the Board.

4. Attempts to notify Respondent of this hearing have been unsuccessful despite Respondent having an affirmative duty to notify the Board of any change in address. See § 485:10-9-9(C), of the Rules promulgated by the Board of Nursing.

5. By reason of the seriousness of the allegations made in the Complaint, and the inability to notify the Respondent of this hearing, the Board finds that public health, safety, and welfare require emergency action summarily to suspend the license to practice licensed practical nursing held by Gerran Quiniece Thompson McKenney, L.P.N., pending a hearing on the Complaint and a determination of whether or not Respondent's license should be disciplined.

CONCLUSION OF LAW

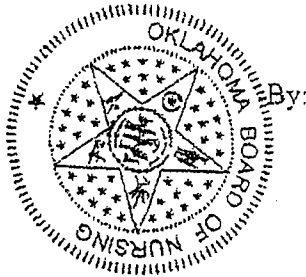
The Board concludes that Respondent's license to practice licensed practical nursing should be summarily suspended as provided in the Order below, pursuant to 75 O.S. § 314(C)(2).

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the license to practice licensed practical nursing held by Gerran Quiniece Thompson McKenney, L.P.N., be, and the same is, summarily suspended pending a hearing on the Complaint filed herein by Jan Sinclair, R.N., Nurse Investigator, for the Oklahoma Board of Nursing.

IT IS FURTHER ORDERED that pending such hearing or further Order of this Board, the Respondent is hereby enjoined from practicing or holding herself out as licensed to practice licensed practical nursing in the State of Oklahoma.

OKLAHOMA BOARD OF NURSING



JS:sr

By: Frances W. Bentley
President

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF GERRAN QUINEICE THOMPSON MCKENNEY, L.P.N.
LICENSE NO. L0045248

COMPLAINT

The Complaint of Jan Sinclair, R.N., Nurse Investigator, Oklahoma Board of Nursing, respectfully states:

1. Respondent is Gerran Quineice Thompson McKenney, L.P.N.
2. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma, and is the holder of License No. L0045248 issued by the Oklahoma Board of Nursing ("Board").
3. Respondent is guilty of a felony, or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed, or any conduct resulting in the revocation of a deferred or suspended sentence or probation imposed pursuant to such conviction; and unprofessional conduct as those terms are defined in the Rules promulgated by this Board, specifically OAC, §§485:10-11-1.(a)(b)(3)(H) in violation of the provisions of the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, *et seq.*, specifically §§567.8 A.1.a., B. 2. and 7. with the following particulars, to wit:

- a. On or about February 13, 2009, the District Attorney for Tulsa County, Oklahoma filed Information in the District Court of Tulsa County, Oklahoma, Case No. CF-2009-0728, charging Respondent with the following felonies:

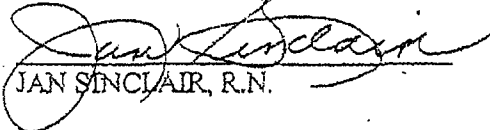
- | | |
|-------------------|--|
| <u>Count I:</u> | Trafficking in Illegal Drugs, Cocaine (more than 28 grams); |
| <u>Count II:</u> | Unlawful Possession of Controlled Drug with Intent to Distribute, Marijuana; |
| <u>Count III:</u> | Possession of a Firearm While in the Commission of a Felony; and |
| <u>Count IV:</u> | Committing a felony with Firearm with Defaced ID Number. |

On or about November 19, 2009, Respondent entered a plea of guilty to Counts I, and II, and was sentenced to five years for each Count, to run concurrently, all under the custody and control of the Department of Corrections, with the terms suspended under the supervision of the Division of Probation and Parole of the State Department of Corrections, 80 hours in the Tulsa County Work Program, and was ordered to pay fees, fines and costs, as more particularly set forth in the Felony Information, Judgment and Sentence for Count I, and Judgment and Sentence for Count II, copies of which are attached hereto as Exhibit "A" and made a part hereof. Counts III and IV were dismissed by the State on November 16, 2009.

4. Jurisdiction for this Complaint is based upon the statutes regulating nursing practice in the State of Oklahoma, i.e., the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, *et seq.*, and the promulgated Rules by the Oklahoma Board of Nursing, OAC, §485:10-11-1, *et seq.* and the facts alleged herein.

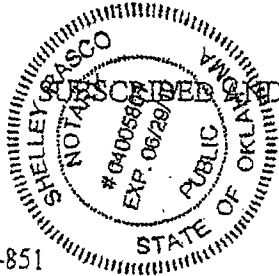
WHEREFORE, Complainant prays the Board take such action as may be just and proper with regard to the license to practice licensed practical nursing held by Gerran Quiniece Thompson McKenney, L.P.N., including the assessment of administrative penalties in an amount not to exceed \$1,000.00 as provided in, 59 O.S. §567.8A2 and OAC, §485:10-11-2 (d), of the Rules promulgated by the Oklahoma Board of Nursing.

DATED AND FILED with the Oklahoma Board of Nursing this ^{29th} day of July, 2010.


JAN SINCLAIR, R.N.

STATE OF OKLAHOMA)
)
) ss.
COUNTY OF OKLAHOMA)

Jan Sinclair, R.N., Nurse Investigator, Oklahoma Board of Nursing, is the Complainant in the above matter before the Oklahoma Board of Nursing; that she has read the foregoing Complaint and knows the contents thereof, and the facts set forth therein are true to the best of her information and belief.



(SEAL)
DMC/2010-851

JAN SINCLAIR
JAN SINCLAIR, R.N.

AND SWORN to before me this 29th day of July, 2010.

Shelley Basco
My Commission Expires:

1008953903

IN THE DISTRICT COURT OF THE FOURTEENTH JUDICIAL DISTRICT OF
THE STATE OF OKLAHOMA SITTING IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA,

Plaintiff,

CF-2009-0728
Case No.

Felony Information

Vs.

Negre Mabad Mckenny
A/K/A Negre Mar Ad Mckenney
A/K/A Negre Marad Mckinney
Gerran Mckenney

Defendant(s).

DISTRICT COURT
FILED

FEB 13 2009

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

INFORMATION

BE IT REMEMBERED:

That TIM HARRIS, the duly elected and qualified District Attorney for Tulsa County, Oklahoma, who prosecutes in the name and by the authority of The State of Oklahoma, comes now into the District Court of Tulsa County, State of Oklahoma, and gives the Court to understand and be informed that:

(COUNT 1)

63 O.S. § 2-415

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **TRAFFICKING IN ILLEGAL DRUGS**, a Felony, by unlawfully, feloniously, and knowingly, while acting in concert each with the other, possess a controlled substance specified in Title 63 Sec. 2-415 (A), to-wit: Cocaine in the quantities specified in Title 63 Sec. 2-415 (C), specifically not less than 28 grams of Cocaine, said drug being classified as a controlled dangerous substance in Schedule II of the Uniform Controlled Dangerous Substances Act of this State,

(COUNT 2)

63 O.S. § 2-401(A)(1)

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **UNLAWFUL POSSESSION OF CONTROLLED DRUG WITH INTENT TO DISTRIBUTE**, a Felony, by unlawfully, feloniously, and willfully while acting in concert each with the other, have in their possession and under their control Marijuana with the felonious intent then and there to unlawfully deliver and distribute the same, said drug being classified as a controlled dangerous substance in Schedule I of the Uniform Controlled Dangerous Substances Act of this State,

(COUNT 3)

21 O.S. § 1287

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **POSSESSION OF A FIREARM WHILE IN THE COMMISSION OF A FELONY**, a Felony, by unlawfully, feloniously, willfully, while acting in concert each with the other, while committing or attempting to

ORIG
EXHIBIT
A

CF-2009-0728

commit the felony crime of Trafficking in Illegal Drugs and Unlawful Possession of Controlled Drug With Intent to Distribute did then and there use a certain firearm, to-wit: a .32 caliber Beretta handgun, .40 caliber Smith & Wesson handgun, 9mm Luger, and a .223 caliber Ruger in such commission or attempt,

(COUNT 4)

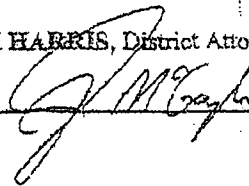
21 G.S. § 1550(A)

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **COMMITTING FELONY WITH FIREARM WITH DEFACED ID NUMBER**, a Felony, by unlawfully, feloniously, willfully while in the commission or attempted commission of a felony, to-wit: Trafficking in Illegal Drugs and Unlawful Possession of Controlled Drug With Intent to Distribute had in his possession or under his control a firearm, the factory serial number or identification number of which had been removed, defaced, altered, obliterated or mutilated, to-wit: .40 caliber Smith & Wesson handgun the serial number of which had been removed,

Contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State.

TIM HARRIS, District Attorney

By



Assistant

WITNESS(ES) ENDORSED FOR THE STATE OF OKLAHOMA

TPD-Drug Analyst	Tulsa Police Dept. 600 Civic Center	Tulsa, OK 74103
Tulsa County Sheriff Property Custodian	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Sgt. Bob Darby 132	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Dep. David M. Kerpon 228	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Dep. Ramsey R5935	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Dep. Rusty Pope P0030	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103

ORIGINAL

STATE OF OKLAHOMA

CF-2009-0728
Case No.

Plaintiff,

vs.

Negre Mabad Mckenny
A/K/A Negre' Mar' Ad Mckenney
A/K/A Negre Marad Mckinney
Gerran Mckanney

Defendant(s).

THE STATE FURTHER ALLEGES:

That the said **NEGRE MABAD MCKENNY** was heretofore on 1/28/2008, in Tulsa County, Oklahoma, Case No. CF-2003-2628, convicted of a Felony, to-wit: the crime of **DRIVING UNDER THE INFLUENCE OF ALCOHOL - 2ND OFFENSE** and sentenced to a term of 2 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

That the said **NEGRE MABAD MCKENNY** was heretofore on 1/29/2008, in Tulsa County, Oklahoma, Case No. CF-2001-5036, convicted of a Felony, to-wit: the crime of **ACTUAL PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED** and sentenced to a term of 2 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

That the said **NEGRE MABAD MCKENNY** was heretofore on 4/27/1998, in Tulsa County, Oklahoma, Case No. CF-1997-5384, convicted of a Felony, to-wit: the crime of **UNLAWFUL POSSESSION OF CONTROLLED DRUG WITH INTENT TO DISTRIBUTE** and sentenced to a term of 2 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

Contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the state.

TIM HARRIS, District Attorney

By 

Assistant

WITNESS(ES) ENDORSED FOR THE STATE OF OKLAHOMA

SALLY HOWE-SMITH
RECORDS CUSTODIAN
RECORDS CUSTODIAN

TULSA CO. COURTHOUSE
TULSA POLICE DEPARTMENT
TULSA CO. SHERIFF'S OFFICE

TULSA OK
TULSA OK
TULSA OK

ORIGINAL

CF-2009-0728

DEFENDANT DISCHARGED (OKLA. STAT. Tit. 22, Sec. 262)

There being no sufficient cause to believe the within named _____

_____ guilty of the offense within mentioned, I order him to be discharged.

Dated this _____ day of _____, 20 _____.

Judge

DEFENDANT HELD FOR TRIAL (OKLA. STAT. Tit. 22, Secs. 264, 267)

It appearing to me that the offense named in the within preliminary information, or that the offense of _____ has been committed, and that there is sufficient cause to believe the within named _____ guilty thereof, I order that _____ he _____ be held to answer the same and that _____ he _____ be admitted to bail in the sum of \$ _____ each and be committed to the David L. Moss Criminal Justice Center of Tulsa County until said bail is given.

Dated this _____ day of _____, 20 _____.

Judge

ORIGINAL

CF-2009-0728

Intake Attorney: Jim McGough
Prepared by: Hollie Majdan

DEFENDANT DESCRIPTION:

Name: NEGRE MABAD MCKENNY
Address: 21138 E MOHAWK TULSA, OK 74126
SSN:
DL#: 999248478
DOB: 10/5/1971
Race: BLACK
Gender: MALE
Height: 5' 11"
Weight: 165
Hair: BLACK
Eyes: BROWN

Name: GERRAN MCKENNEY
Address: 2138 E MOHAWK TULSA, OK 74126
SSN:
DL#:
DOB: 6/8/1980
Race: BLACK
Gender: FEMALE
Height: 5' 2"
Weight: 110
Hair: BLACK
Eyes: BROWN

ORIGINAL

ORIGINAL



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

State of Oklahoma, -vs- Gerran McKenney SS# DOB 6-8-80	Case No. CF-2009-728 Count No. 1	DISTRICT COURT FILED NOV 19 2009 <small>SALLY HOWE BATH, COURT CLERK STATE OF OKLA. TULSA COUNTY</small>
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JUDGMENT AND SENTENCE

All Time Suspended

Felony

Now, this 16th day of November, 2009 this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, Ed Lutz and the State of Oklahoma is represented by John Lackey. The Court Reporter, Anne Mocha, is present.

The defendant has entered a plea of Guilty and has been found guilty by the Court of the crime of Possession of Controlled Drug With Intent 63 O.S. 2-401-2-420 Offense date of 2-9-2009.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of this offense and is sentenced to Five (5) years all under the custody and control of the Department of corrections, further, all of said term is suspended to be under the supervision of the Division of Probation and Parole of the State Department Of Corrections. The rules and conditions signed by the defendant acknowledging his or her understanding are incorporated as Exhibit A.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general cost of this case, the defendant is also sentenced to a fine in the amount of \$500.00; Victim's Compensation Assessment in the amount of \$250.00; Drug Abuse Education Treatment Fee in the amount of \$100.00; Laboratory Analysis Fee in the amount of \$150.00; District attorney drug fund in the amount of \$50.00. The total cost assessed against the defendant in this case (all counts) is \$2,674.50; Defendant assessed 80 hours Tulsa county work program within 180 days; Judicial review set for 11-8-2010 at 9:00 a.m..

In the District Court of Tulsa County,
STATE OF OKLAHOMA

CASE NUMBER CF-2009-728
DEFENDANT Gurkan McKeeney
OFFENSE X: pos w/ latent
DATE 11-16-09

RULES AND CONDITIONS OF PROBATION:

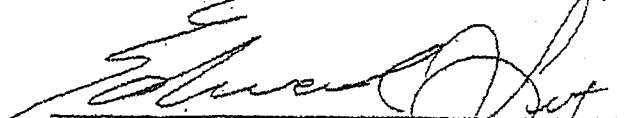
1. I will until my final release, make a report in writing and in person as directed by the Supervising Authority.
2. I will not use or be in possession of intoxicants or illicit drugs of any kind, or visit places where illicit drugs are unlawfully sold, dispensed or used. I understand that I am not allowed to enter or loiter around beer taverns or clubs.
3. I will not leave the State of Oklahoma without written permission of the Supervising Authority. I will not leave Tulsa County without permission of the Supervising Authority.
4. I will not communicate with persons on Parole or inmates of penal institutions, nor will I associate with persons having a criminal record or involved in criminal activity. I understand that it is my responsibility to know whether an associate has a criminal record.
5. I will allow the Supervising Authority to visit me at my home, place of employment or elsewhere. I will notify the Supervising Authority prior to changing residence or employment.
6. I will carry out all instructions the Supervising Authority may give me, including but not limited to, urinalysis, curfew, and treatment.
7. I understand it will be a violation of my Probation to own, carry or possess firearms or ammunition of any type or to be in a vehicle where firearms are located.
8. I will work regularly at a lawful occupation and support my legal dependents without public assistance as long as I am physically able to do so.
9. I will refrain from violating City, State or Federal laws and I will report within 48 hours if I am arrested or questioned by any law enforcement agency.
10. I hereby agree to pay the sum of \$40.00 per month for the term of my probation to the Department of Corrections to defray the costs of my supervision, as directed by the Department of Corrections. Costs incurred from method of payment are the responsibility of the offender.

11. SPECIAL CONDITIONS

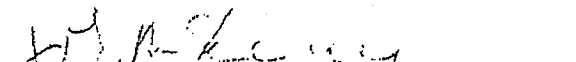
- | | |
|---|---|
| <input type="checkbox"/> TREATMENT/URINALYSIS | <input type="checkbox"/> MAIL-IN PENDING INTERSTATE |
| <input type="checkbox"/> DRUG / ALCOHOL COUNSELING | <input type="checkbox"/> STAY AWAY _____ |
| <input type="checkbox"/> RESTITUTION-EXHIBIT A ATTACHED | <input type="checkbox"/> WAIVE RULE(S) _____ |
| <input type="checkbox"/> PSYCHIATRIC COUNSELING | <input type="checkbox"/> MEDIATED AGREEMENT |
| <input checked="" type="checkbox"/> COMMUNITY SERVICE <u>80</u> HOURS | <input type="checkbox"/> OTHER _____ |

I understand and agree that the continuance of my probation depends entirely on my conduct. I understand that should I violate the terms and conditions of my probation, the Court may revoke my sentence and I may be required to serve imprisonment of the sentence imposed by the Court.

I hereby certify that I have carefully read or have been read and explained the above Rules and Conditions and fully understand what my obligations are while under supervision of the Department of Corrections. I further acknowledge receipt of a copy of these Rules and Conditions which I agree to study from time to time so that I will be fully informed at all times regarding my obligations while under supervision.



ATTORNEY FOR DEFENDANT

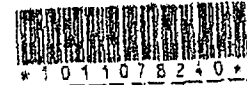


DEFENDANT - PROBATIONER

White Copy: Court File
Blue Copy: Defendant's Copy

Department of Corrections, Probation and Parole
440 S. Houston, Suite 701
Tulsa, OK 74127 Telephone (918) 581-2931

ORIGINAL



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

State of Oklahoma, -vs- Gerran McKonney SS# DOB 6-8-80	Case No. CF-2009-728 Count No. 2	DISTRICT COURT FILED NOV 19 2009 SALLY HOWE SMITH COURT CLERK STATE OF OKLAHOMA TULSA COUNTY
---	-------------------------------------	---

JUDGMENT AND SENTENCE
All Time Suspended
Felony

Now, this 16th day of November, 2009 this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, Ed Lutz and the State of Oklahoma is represented by John Lackey. The Court Reporter, Anne Mocha, is present.

The defendant has entered a plea of Guilty and has been found guilty by the Court of the crime of Possession of Controlled Drug With Intent 63 O.S. 2-401 A 1 Offense date of 2-9-2009.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of this offense and is sentenced to Five (5) years all under the custody and control of the Department of corrections, further, all of said term is suspended to be under the supervision of the Division of Probation and Parole of the State Department Of Corrections. The rules and conditions signed by the defendant acknowledging his or her understanding are incorporated as Exhibit A. This sentence ordered to run Concurrent with Count 1.

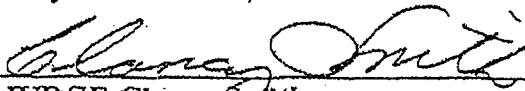
IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general cost of this case, the defendant is also sentenced to a fine in the amount of \$500.00; Victim's Compensation Assessment in the amount of \$250.00; Drug Abuse Education Treatment Fee in the amount of \$100.00; District attorney drug fund in the amount of \$50.00. The total cost assessed against the defendant in this case (all counts) is \$2,674.50; Judicial review set for 11-8-2010 at 9:00 a.m..

IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and

assessments ordered in this action and he or she is ordered to report immediately upon conclusion of this sentencing hearing, or discharge from custody if the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.


The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20-§ O. S. 106.4 (b), and, ADC-72-33.

Witness my hand this 16th day of November, 2009


JUDGE Clancy Smith

ATTESTATION:

SALLY HOWE SMITH,
District Court Clerk of Tulsa County

By: 
Teresa Sparks, Deputy

COURT CLERK'S CERTIFICATION

I, Sally Howe Smith, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerks Office of Tulsa, Oklahoma.

Dated this the _____ day of _____, _____.

SALLY HOWE SMITH, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: _____, Deputy

ADDITIONAL FINDS AND FACTS AND CONCLUSIONS OF LAW

At the time of formal sentencing the sentencing judge, on the record, shall either complete the additional findings or review form 13.8(A) which has been completed by the parties to ensure its accuracy. Upon completion of the form it shall be ordered filed of record and be attached as Exhibit 1 to the Uniform Judgment and Sentence filed in the case.

EXHIBIT 1: Additional Findings of the Court to Case No. CF-2009-728 Defendant Gregory McKenna
 in the District Court of Huber County.

I. Original Charges

(A copy of the information may be attached instead)
 Please list any additional charges on a separate attached sheet.

Offense	Statute Citation
<u>TRAFFICKING</u>	<u>63 § 2-415</u>
<u>POSSESS WITH INTENT</u>	<u>63 § 2-401</u>

II. Prior Felony Convictions

Please list all prior felony convictions or attach the OSBI rap sheet.

Offense	Date	Statute Citation
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. Enhancer Information

- Did the offender commit the current offense with the use of a weapon within the immediate possession and control of the offender? Yes No If yes, please indicate type of weapon.

- For persons who are victims of violent crimes, please indicate the age of the victim(s). _____
- If the controlling offense was a theft offense (larceny, embezzlement, fraud, concealing stolen property) what was the total amount involved in that offense?
 \$ _____
- If the controlling offense was a drug offense, what was the predominant drug and what was the amount of that drug (specify grams, ounces, etc.)?
 Drug Type: cocaine
 Quantity: more than 28 grams

IV. Offender Characteristics

(A copy of the pre-sentence investigation may be attached instead.)

Gender (Circle) Female Race (Circle) Black
 Male _____ White _____ Hispanic _____ Native American _____ Asian _____

This exhibit shall not be admitted into evidence in any future prosecutions.

Certified this 16 day of Nov, 09.

Attorney for State _____

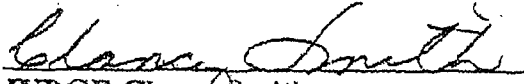
Attorney for Defendant _____

Chana Smith
 Judge of the District Court

IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and assessments ordered in this action and he or she is ordered to report immediately upon conclusion of this sentencing hearing, or discharge from custody if the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.

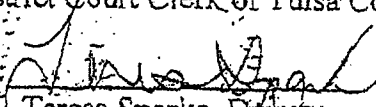
The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

Witness my hand this 16th day of November, 2009


JUDGE Clancy Smith

ATTESTATION:

SALLY HOWE SMITH
District Court Clerk of Tulsa County

By: 
Teresa Sparks, Deputy

COURT CLERK'S CERTIFICATION

I, Sally Howe Smith, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerks Office of Tulsa, Oklahoma.

Dated this the _____ day of _____, _____.

SALLY HOWE SMITH, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: _____, Deputy

DOCKET NUMBER 507-11-4264

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 216874
ISSUED TO
GERRAN Q. MCKENNEY

§ BEFORE THE STATE OFFICE
§
§ OF
§
§ ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

TO: GERRAN Q. MCKENNEY
1907 W. LATIMER STREET
TULSA, OK 74127

HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on January 19-20, 2012, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt all of the Findings of Fact and Conclusions of Law in the PFD regarding the vocational nursing license of Gerran Q. McKenney without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and the presentation by the Respondent during the open meeting, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and

conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 216874, previously issued to GERRAN Q. MCKENNEY, to practice 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 multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 19th day of January, 2012.

TEXAS BOARD OF NURSING

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-11-4264 (December 7, 2011).

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

December 7, 2011

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

VIA INTER-AGENCY

**RE: Docket No. 507-11-4264, In the Matter of the Certificate No. LVN216874
Issued to Gerran Q. McKenney**

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Hunter Burkhalter".

Hunter Burkhalter
Administrative Law Judge/Mediator

HB/slc
Enclosures

XC: R. Kyle Hensley, TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – VIA INTER-AGENCY
Dina Flores, Legal Assistant TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – (with
Certified Evidentiary Record) – VIA INTER-AGENCY
Gerran McKenney, 1907 W. Latimer Street, Tulsa, OK, 74127-VIA REGULAR MAIL

300 W. 15th Street, Suite 502, Austin, Texas 78701 / P.O. Box 13025, Austin, Texas 78711-3025
512.475.4993 (Main) 512.475.3445 (Docketing) 512.322.2061 (Fax)
www.soah.state.tx.us

SOAH DOCKET NO. 507-11-4264

IN THE MATTER OF THE	§	BEFORE THE STATE OFFICE
CERTIFICATE NO. LVN216874	§	
ISSUED TO GERRAN Q. MCKENNEY,	§	OF
RESPONDENT	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This matter was scheduled for hearing at 9:00 a.m. on November 9, 2011. Despite being sent proper notice, Gerran Q. McKenney (Respondent) did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law below, the Administrative Law Judge finds that the relief requested by the Board, other than the imposition of administrative costs, should be granted on a default basis.


FINDINGS OF FACT

1. Notice of the hearing was mailed to Respondent at Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on November 9, 2011.
5. Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. Staff moved for a default, which was granted.
7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The Texas Board of Nursing (Board) has jurisdiction over this matter.
3. Proper and timely notice was provided to Respondent in accordance with TEX. GOV'T CODE Ch. 2001 and 1 TEX. ADMIN. CODE Ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. Staff has established the basis for revocation of Respondent's license as alleged in the notice of hearing, which is incorporated into this Conclusion of Law. 22 TEX. ADMIN. CODE § 213.33(m).
6. The Board is authorized to revoke Respondent's license.

SIGNED December 7, 2011.



HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE/MEDIATOR
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS BOARD OF NURSING

In the Matter of Permanent

Certificate Number 216874

Issued to GERRAN Q. MCKENNEY

REVISED FIRST AMENDED NOTICE OF HEARING

SOAH Docket Number 507-11-4264

Respondent: Gerran Q. McKenney
1907 W. Latimer St.
Tulsa, OK 74127-5432

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ), beginning on the 25th day of July, 2011, at 9:00 a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, regarding the First Amended Formal Charges previously filed and served upon you by the Texas Board of Nursing. The First Amended Formal Charges are attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq.; Title I Part VII Texas Administrative Code Chapter 155; the Nursing Practice Act, Texas Occupations Code §301.451 through §301.555; and the Board of Nursing Rule 213 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached First Amended Formal Charges in connection to the facts or conduct alleged.

Pursuant to 22 TEX. ADMIN. CODE §213.22, you are required to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the staff (General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701). **FAILURE TO ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING TO THE FIRST AMENDED FORMAL CHARGES WITHIN 20 DAYS OF THE DATE THIS NOTICE WAS MAILED SHALL ENTITLE THE STAFF TO A CONTINUANCE AT THE TIME OF THE HEARING.** "Staff" is defined by 22 TEX. ADMIN. CODE §213.1(41). Continuances are set by the Administrative Law Judge.

Gerran Q. McKenney

May 6, 2011

Page 2 of 2

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FIRST AMENDED FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.

If it is determined that the First Amended Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this the 6th day of May, 2011.

TEXAS BOARD OF NURSING



Katherine A. Thomas

By:

Katherine A. Thomas, MN, RN
Executive Director

In the Matter of Permanent License § BEFORE THE TEXAS
Number 216874, Issued to §
GERRAN QUINIECE MCKENNEY, Respondent § BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GERRAN QUINIECE MCKENNEY, is a Vocational Nurse holding license number 216874, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 16, 2009, Respondent entered a plea of guilty and was adjudged guilty of two (2) counts of "Possession of Controlled Drug with Intent," a Felony (committed on February 9, 2009), in the District Court of Tulsa County, Oklahoma, under Case Number CF-2009-728. Respondent was sentenced to confinement for a period of five (5) years in the State of Oklahoma Department of Corrections. The confinement was suspended, and Respondent was placed on probation for a period of five (5) years.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about September 29, 2010, Respondent's license to practice practical nursing in the State of Oklahoma was summarily suspended by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma. A copy of the Findings of Fact, Conclusions of Law and Order of Emergency Temporary Suspension is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), (8) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B) & (13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of Emergency Temporary Suspension dated on or about September 29, 2010.

Filed this 5th day of May, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Oklahoma Board of Nursing dated on or about September 29, 2010.

D2010.12.28

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF GERRAN QUINIECE THOMPSON MCKENNEY, L.P.N.
LICENSE NO. L0045248

ORDER OF EMERGENCY TEMPORARY SUSPENSION PENDING HEARING

This matter comes on for hearing before the Oklahoma Board of Nursing ("Board") on the 29th day of September, 2010, at the Wyndham Garden Hotel Conference Center, 2101 South Meridian Avenue, Oklahoma City, Oklahoma.

The Board is represented by Debbie McKinney, Attorney at Law. Gerran Quiniece Thompson McKenney, L.P.N. ("Respondent") appears neither in person nor by counsel at the hearing on this date.

This Order is issued pursuant to the Oklahoma Nursing Practice Act, 59 O.S. §§ 567.1 *et. seq.*

FINDINGS OF FACT

After hearing all the evidence presented and upon due consideration thereof, the Board by clear and convincing evidence finds:

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0045248, issued by the Oklahoma Board of Nursing.
2. On the 29th day of July, 2010, Jan Sinclair, R.N., Nurse Investigator for the Oklahoma Board of Nursing, filed a Complaint against the license of Respondent alleging facts which constitute a violation of the Oklahoma Nursing Practice Act, specifically, it is alleged that Respondent's conduct jeopardized patients' lives, health, or safety. Said Complaint is hereby incorporated by reference as if it appeared in full herein.

3. The Complaint and Notice filed the 29th day of July, 2010, and mailed to Respondent by Certified/Restricted delivery was returned "Return to Sender" on August 5, 2010. The Complaint and Notice were mailed to the address provided by Respondent to the Board.

4. Attempts to notify Respondent of this hearing have been unsuccessful despite Respondent having an affirmative duty to notify the Board of any change in address. See § 485:10-9-9(C), of the Rules promulgated by the Board of Nursing.

5. By reason of the seriousness of the allegations made in the Complaint, and the inability to notify the Respondent of this hearing, the Board finds that public health, safety, and welfare require emergency action summarily to suspend the license to practice licensed practical nursing held by Gerran Quiniece Thompson McKenney, L.P.N., pending a hearing on the Complaint and a determination of whether or not Respondent's license should be disciplined.

CONCLUSION OF LAW

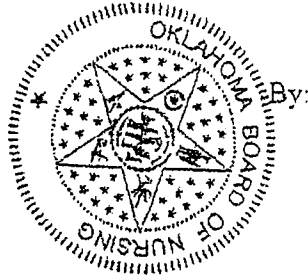
The Board concludes that Respondent's license to practice licensed practical nursing should be summarily suspended as provided in the Order below, pursuant to 75 O.S. § 314(C)(2).

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the license to practice licensed practical nursing held by Gerran Quiniece Thompson McKenney, L.P.N., be, and the same is, summarily suspended pending a hearing on the Complaint filed herein by Jan Sinclair, R.N., Nurse Investigator, for the Oklahoma Board of Nursing.

IT IS FURTHER ORDERED that pending such hearing or further Order of this Board, the Respondent is hereby enjoined from practicing or holding herself out as licensed to practice licensed practical nursing in the State of Oklahoma.

OKLAHOMA BOARD OF NURSING



JS:sr

By: Frances Wenzel
President

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF GERRAN QUINIECE THOMPSON MCKENNEY, L.P.N.
LICENSE NO. L0045248

COMPLAINT

The Complaint of Jan Sinclair, R.N., Nurse Investigator, Oklahoma Board of Nursing, respectfully states:

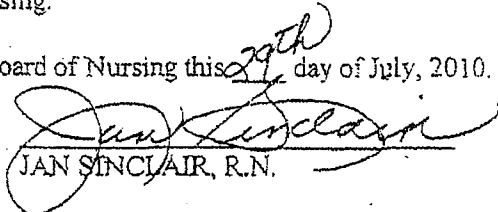
1. Respondent is Gerran Quinece Thompson McKenney, L.P.N.
2. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma, and is the holder of License No. L0045248 issued by the Oklahoma Board of Nursing ("Board").
3. Respondent is guilty of a felony, or any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed, or any conduct resulting in the revocation of a deferred or suspended sentence or probation imposed pursuant to such conviction; and unprofessional conduct as those terms are defined in the Rules promulgated by this Board, specifically OAC, §§485:10-11-1.(a)(b)(3)(H) in violation of the provisions of the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, *et seq.*, specifically §§567.8 A.1.a., B. 2. and 7. with the following particulars, to wit:
 - a. On or about February 13, 2009, the District Attorney for Tulsa County, Oklahoma filed Information in the District Court of Tulsa County, Oklahoma, Case No. CF-2009-0728, charging Respondent with the following felonies:
 - Count I: Trafficking in Illegal Drugs, Cocaine (more than 28 grams);
 - Count II: Unlawful Possession of Controlled Drug with Intent to Distribute, Marijuana;
 - Count III: Possession of a Firearm While in the Commission of a Felony; and
 - Count IV: Committing a felony with Firearm with Defaced ID Number.

On or about November 19, 2009, Respondent entered a plea of guilty to Counts I, and II, and was sentenced to five years for each Count, to run concurrently, all under the custody and control of the Department of Corrections, with the terms suspended under the supervision of the Division of Probation and Parole of the State Department of Corrections, 80 hours in the Tulsa County Work Program, and was ordered to pay fees, fines and costs, as more particularly set forth in the Felony Information, Judgment and Sentence for Count I, and Judgment and Sentence for Count II, copies of which are attached hereto as Exhibit "A" and made a part hereof. Counts III and IV were dismissed by the State on November 16, 2009.

4. Jurisdiction for this Complaint is based upon the statutes regulating nursing practice in the State of Oklahoma, i.e., the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, *et seq.*, and the promulgated Rules by the Oklahoma Board of Nursing, OAC, §485:10-11-1, *et seq.* and the facts alleged herein.

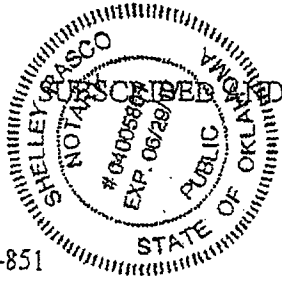
WHEREFORE, Complainant prays the Board take such action as may be just and proper with regard to the license to practice licensed practical nursing held by Gerran Quiniece Thompson McKenney, L.P.N., including the assessment of administrative penalties in an amount not to exceed \$1,000.00 as provided in, 59 O.S. §567.8A2 and OAC, §485:10-11-2 (d), of the Rules promulgated by the Oklahoma Board of Nursing.

DATED AND FILED with the Oklahoma Board of Nursing this ^{29th} day of July, 2010.


JAN SINCLAIR, R.N.

STATE OF OKLAHOMA)
)
) ss.
COUNTY OF OKLAHOMA)

Jan Sinclair, R.N., Nurse Investigator, Oklahoma Board of Nursing, is the Complainant in the above matter before the Oklahoma Board of Nursing; that she has read the foregoing Complaint and knows the contents thereof, and the facts set forth therein are true to the best of her information and belief.

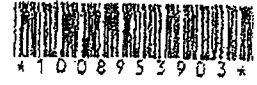


(SEAL)
DMC/2010-851

Jan Sinclair
JAN SINCLAIR, R.N.

AND SWORN to before me this 29th day of July, 2010.

Shelley Basco
My Commission Expires:



8

IN THE DISTRICT COURT OF THE FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OKLAHOMA SITTING IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA,

Plaintiff,

CF-2009-0728

Felony Information

Vs.

Negre Mabad Mckenny
A/K/A Negre Mar Ad Mckenney
A/K/A Negre Marad McKinney
Gerran Mckenney

Defendant(s).

DISTRICT COURT
FILED

FEB 13 2009

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

INFORMATION

BE IT REMEMBERED:

That TIM HARRIS, the duly elected and qualified District Attorney for Tulsa County, Oklahoma, who prosecutes in the name and by the authority of The State of Oklahoma, comes now into the District Court of Tulsa County, State of Oklahoma, and gives the Court to understand and be informed that:

(COUNT 1)

63 O.S. § 2-415

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **TRAFFICKING IN ILLEGAL DRUGS**, a Felony, by unlawfully, feloniously, and knowingly, while acting in concert each with the other, possess a controlled substance specified in Title 63 Sec. 2-415 (A), to-wit: Cocaine in the quantities specified in Title 63 Sec. 2-415 (C), specifically: not less than 28 grams of Cocaine, said drug being classified as a controlled dangerous substance in Schedule II of the Uniform Controlled Dangerous Substances Act of this State.

(COUNT 2)

63 O.S. § 2-401(A)(1)

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **UNLAWFUL POSSESSION OF CONTROLLED DRUG WITH INTENT TO DISTRIBUTE**, a Felony, by unlawfully, feloniously, and willfully while acting in concert each with the other, have in their possession and under their control Marijuana with the felonious intent then and there to unlawfully deliver and distribute the same, said drug being classified as a controlled dangerous substance in Schedule I of the Uniform Controlled Dangerous Substances Act of this State.

(COUNT 3)

21 O.S. § 1287

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **POSSESSION OF A FIREARM WHILE IN THE COMMISSION OF A FELONY**, a Felony, by unlawfully, feloniously, willfully, while acting in concert each with the other, while committing or attempting to

ORIG EXHIBIT
A

CF-2009-0728

commit the felony crime of Trafficking in Illegal Drugs and Unlawful Possession of Controlled Drug With Intent to Distribute did then and there use a certain firearm, to-wit: a .32 caliber Beretta handgun, .40 caliber Smith & Wesson handgun, 9mm Luger, and a .223 caliber Ruger in such commission or attempt,

(COUNT 4)

21 C.S. § 1550(A)

NEGRE MABAD MCKENNY and GERRAN MCKENNEY, on or about 2/9/2009, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of COMMITTING FELONY WITH FIREARM WITH DEFACED ID NUMBER, a Felony, by unlawfully, feloniously, willfully while in the commission or attempted commission of a felony, to-wit: Trafficking in Illegal Drugs and Unlawful Possession of Controlled Drug With Intent to Distribute had in his possession or under his control a firearm, the factory serial number or identification number of which had been removed, defaced, altered, obliterated or mutilated, to-wit: .40 caliber Smith & Wesson handgun the serial number of which had been removed,

Contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State.

TEM HARRIS, District Attorney

By

Assistant

WITNESS(ES) ENDORSED FOR THE STATE OF OKLAHOMA

TPD-Drug Analyst	Tulsa Police Dept. 600 Civic Center	Tulsa, OK 74103
Tulsa County Sheriff Property Custodian	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Sgt. Bob Darby 132	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Dep. David M. Kerpon 228	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Dep. Ramsey R5935	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103
Dep. Rusty Pope P0030	Tulsa County Sheriff's Office 500 S. Denver	Tulsa, OK 74103

ORIGINAL

STATE OF OKLAHOMA

CF-2009-0728
Case No.

Plaintiff,

vs.

Negre Mabad Mckenny
A/K/A Negre' Mar' Ad Mckenney
A/K/A Negre Marad Mckinney
Gerran Mckanney

Defendant(s).

THE STATE FURTHER ALLEGES:

That the said **NEGRE MABAD MCKENNY** was heretofore on 1/28/2008, in Tulsa County, Oklahoma, Case No. CF-2003-2628, convicted of a Felony, to-wit: the crime of **DRIVING UNDER THE INFLUENCE OF ALCOHOL - 2ND OFFENSE** and sentenced to a term of 2 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

That the said **NEGRE MABAD MCKENNY** was heretofore on 1/29/2008, in Tulsa County, Oklahoma, Case No. CF-2001-5036, convicted of a Felony, to-wit: the crime of **ACTUAL PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED** and sentenced to a term of 2 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

That the said **NEGRE MABAD MCKENNY** was heretofore on 4/27/1998, in Tulsa County, Oklahoma, Case No. CF-1997-5384, convicted of a Felony, to-wit: the crime of **UNLAWFUL POSSESSION OF CONTROLLED DRUG WITH INTENT TO DISTRIBUTE** and sentenced to a term of 2 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

Contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the state.

TIM HARRIS, District Attorney

By 

Assistant

WITNESS(ES) ENDORSED FOR THE STATE OF OKLAHOMA

SALLY HOWE-SMITH
RECORDS CUSTODIAN
RECORDS CUSTODIAN

TULSA CO. COURTHOUSE
TULSA POLICE DEPARTMENT
TULSA CO. SHERIFF'S OFFICE

TULSA OK
TULSA OK
TULSA OK

ORIGINAL

CF-2009-0728

DEFENDANT DISCHARGED (OKLA. STAT. Tit. 22, Sec. 262)

There being no sufficient cause to believe the within named _____

_____ guilty of the offense within mentioned, I order him to be discharged.

Dated this _____ day of _____, 20 _____.

Judge

DEFENDANT HELD FOR TRIAL (OKLA. STAT. Tit. 22, Secs. 264, 267)

It appearing to me that the offense named in the within preliminary information, or that the offense of _____ has been committed, and that there is sufficient cause to believe the within named _____

guilty thereof, I order that _____ he _____ be held to answer the same and that _____ be _____ be admitted to bail in the sum of \$ _____ each and be committed to the David L. Moss Criminal Justice Center of Tulsa County until said bail is given.

Dated this _____ day of _____, 20 _____.

Judge

ORIGINAL

CF-2009-0728

Intake Attorney: Jim McGough
Prepared by: Hollie Majdan

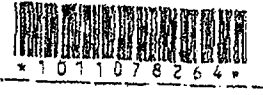
DEFENDANT DESCRIPTION:

Name: NEGRE MABAD MCKENNY
Address: 21138 E MOHAWK TULSA, OK 74126
SSN:
DL#: 999248478
DOB: 10/5/1971
Race: BLACK
Gender: MALE
Height: 5' 11"
Weight: 165
Hair: BLACK
Eyes: BROWN

Name: GERRAN MCKENNEY
Address: 2138 E MOHAWK TULSA, OK 74126
SSN:
DL#:
DOB: 6/8/1980
Race: BLACK
Gender: FEMALE
Height: 5' 2"
Weight: 110
Hair: BLACK
Eyes: BROWN

ORIGINAL

ORIGINAL



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

State of Oklahoma, -vs- Gerran McKenney SS# DOB 6-8-80	Case No. CF-2009-728 Count No. 1	DISTRICT COURT FILED NOV 19 2009 SALLY HOWE DUTCH, COURT CLERK STATE OF OKLA. TULSA COUNTY
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JUDGMENT AND SENTENCE
All Time Suspended
Felony

Now, this 16th day of November, 2009 this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, Ed Lutz and the State of Oklahoma is represented by John Lackey. The Court Reporter, Anne Mocha, is present.

The defendant has entered a plea of Guilty and has been found guilty by the Court of the crime of Possession of Controlled Drug With Intent 63 O.S. 2-401-2-420 Offense date of 2-9-2009.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of this offense and is sentenced to Five (5) years all under the custody and control of the Department of corrections, further, all of said term is suspended to be under the supervision of the Division of Probation and Parole of the State Department Of Corrections. The rules and conditions signed by the defendant acknowledging his or her understanding are incorporated as Exhibit A.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general cost of this case, the defendant is also sentenced to a fine in the amount of \$500.00; Victim's Compensation Assessment in the amount of \$250.00; Drug Abuse Education Treatment Fee in the amount of \$100.00; Laboratory Analysis Fee in the amount of \$150.00; District attorney drug fund in the amount of \$50.00. The total cost assessed against the defendant in this case (all counts) is \$2,674.50; Defendant assessed 80 hours Tulsa county work program within 180 days; Judicial review set for 11-8-2010 at 9:00 a.m..

In the District Court of Tulsa County,

STATE OF OKLAHOMA

CASE NUMBER CF-2009-728

DEFENDANT Gordon McKenney

OFFENSE X-pos w/ Intent

DATE 11-16-09

RULES AND CONDITIONS OF PROBATION:

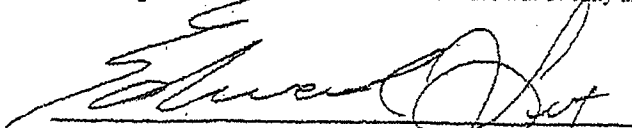
1. I will until my final release, make a report in writing and in person as directed by the Supervising Authority.
2. I will not use or be in possession of intoxicants or illicit drugs of any kind, or visit places where illicit drugs are unlawfully sold, dispensed or used. I understand that I am not allowed to enter or loiter around beer taverns or clubs.
3. I will not leave the State of Oklahoma without written permission of the Supervising Authority. I will not leave Tulsa County without permission of the Supervising Authority.
4. I will not communicate with persons on Parole or inmates of penal institutions, nor will I associate with persons having a criminal record or involved in criminal activity. I understand that it is my responsibility to know whether an associate has a criminal record.
5. I will allow the Supervising Authority to visit me at my home, place of employment or elsewhere. I will notify the Supervising Authority prior to changing residence or employment.
6. I will carry out all instructions the Supervising Authority may give me, including but not limited to, urinalysis, curfew, and treatment.
7. I understand it will be a violation of my Probation to own, carry or possess firearms or ammunition of any type or to be in a vehicle where firearms are located.
8. I will work regularly at a lawful occupation and support my legal dependents without public assistance as long as I am physically able to do so.
9. I will refrain from violating City, State or Federal laws and I will report within 48 hours if I am arrested or questioned by any law enforcement agency.
10. I hereby agree to pay the sum of \$40.00 per month for the term of my probation to the Department of Corrections to defray the costs of my supervision, as directed by the Department of Corrections. Costs incurred from method of payment are the responsibility of the offender.

11. SPECIAL CONDITIONS

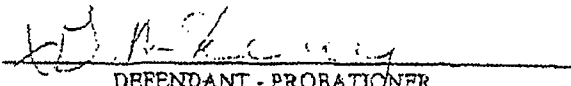
- | | |
|---|---|
| <input type="checkbox"/> TREATMENT/URINALYSIS | <input type="checkbox"/> MAIL-IN PENDING INTERSTATE |
| <input type="checkbox"/> DRUG / ALCOHOL, COUNSELING | <input type="checkbox"/> STAY AWAY _____ |
| <input type="checkbox"/> RESTITUTION-EXHIBIT A ATTACHED | <input type="checkbox"/> WAIVE RULE(S) _____ |
| <input type="checkbox"/> PSYCHIATRIC COUNSELING | <input type="checkbox"/> MEDIATED AGREEMENT |
| <input checked="" type="checkbox"/> COMMUNITY SERVICE <u>80</u> HOURS | <input type="checkbox"/> OTHER _____ |

I understand and agree that the continuance of my probation depends entirely on my conduct. I understand that should I violate the terms and conditions of my probation, the Court may revoke my sentence and I may be required to serve imprisonment of the sentence imposed by the Court.

I hereby certify that I have carefully read or have been read and explained the above Rules and Conditions and fully understand what my obligations are while under supervision of the Department of Corrections. I further acknowledge receipt of a copy of these Rules and Conditions which I agree to study from time to time so that I will be fully informed at all times regarding my obligations while under supervision.



ATTORNEY FOR DEFENDANT

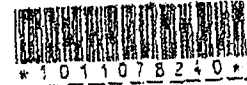


DEFENDANT - PROBATIONER

White Copy: Court File
Blue Copy: Defendant's Copy

Department of Corrections, Probation and Parole
440 S. Houston, Suite 701
Tulsa, OK 74127 Telephone (918) 581-2931

ORIGINAL



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

State of Oklahoma, -vs- Gerran McKenney SS# DOB 6-8-80	Case No. CF-2009-728 Count No. 2	DISTRICT COURT FILED NOV 19 2009 SALLY HOWE SMITH COURT CLERK STATE OF OKLA. TULSA COUNTY
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JUDGMENT AND SENTENCE
All Time Suspended
Felony

Now, this 16th day of November, 2009 this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, Ed Lutz and the State of Oklahoma is represented by John Lackey. The Court Reporter, Anne Mocha, is present.

The defendant has entered a plea of Guilty and has been found guilty by the Court of the crime of Possession of Controlled Drug With Intent 63 O.S. 2-401 A 1 Offense date of 2-9-2009.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of this offense and is sentenced to **Five (5) years** all under the custody and control of the Department of corrections, further, all of said term is suspended to be under the supervision of the Division of Probation and Parole of the State Department Of Corrections. The rules and conditions signed by the defendant acknowledging his or her understanding are incorporated as Exhibit A. This sentence ordered to run Concurrent with Count 1.

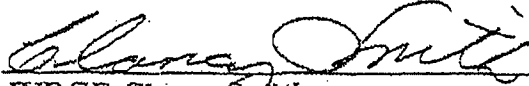
IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general cost of this case, the defendant is also sentenced to a fine in the amount of \$500.00; Victim's Compensation Assessment in the amount of \$250.00; Drug Abuse Education Treatment Fee in the amount of \$100.00; District attorney drug fund in the amount of \$50.00. The total cost assessed against the defendant in this case (all counts) is \$2,674.50; Judicial review set for 11-8-2010 at 9:00 a.m..

IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and

assessments ordered in this action and he or she is ordered to report immediately upon conclusion of this sentencing hearing, or discharge from custody if the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.

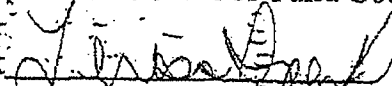
The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

Witness my hand this 16th day of November, 2009


JUDGE Clancy Smith

ATTESTATION:

SALLY HOWE SMITH,
District Court Clerk of Tulsa County

By: 
Teresa Sparks, Deputy

COURT CLERK'S CERTIFICATION

I, Sally Howe Smith, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerks Office of Tulsa, Oklahoma.

Dated this the _____ day of _____, _____

SALLY HOWE SMITH, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: _____, Deputy

ADDITIONAL FINDS AND FACTS AND CONCLUSIONS OF LAW

At the time of formal sentencing the sentencing judge, on the record, shall either complete the additional findings or review form 13.8(A) which has been completed by the parties to ensure its accuracy. Upon completion of the form it shall be ordered filed of record and be attached as Exhibit 1 to the Uniform Judgment and Sentence filed in the case.

EXHIBIT 1: Additional Findings of the Court to Case No. CF-2009-728 Defendant Gregory McKenna
in the District Court of Huber County.

I. Original Charges
(A copy of the information may be attached instead)
Please list any additional charges on a separate attached sheet.

Offense	Statute Citation
<u>TRAFFICKING</u>	<u>63 S 2-415</u>
<u>POSSESS WITH INTENT</u>	<u>63 S 2-401</u>

II. Prior Felony Convictions
Please list all prior felony convictions or attach the OSBI rap sheet.

Offense	Date	Statute Citation
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. Enhancer Information

- Did the offender commit the current offense with the use of a weapon within the immediate possession and control of the offender? Yes No If yes, please indicate type of weapon.

- For persons who are victims of violent crimes, please indicate the age of the victim(s). _____
- If the controlling offense was a theft offense (larceny, embezzlement, fraud, concealing stolen property) what was the total amount involved in that offense?
\$ _____
- If the controlling offense was a drug offense, what was the predominant drug and what was the amount of that drug (specify grams, ounces, etc.)?

Drug Type: Cocaine
Quantity: more than 28 grams

IV. Offender Characteristics

(A copy of the pre-sentence investigation may be attached instead.)

Gender (Circle) Male Female Race (Circle) White Black Hispanic Native American Asian

This exhibit shall not be admitted into evidence in any future prosecutions.

Certified this 16 day of Nov, 09.

Attorney for State _____


Attorney for Defendant _____

Cheryl Smith
Judge of the District Court

IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and assessments ordered in this action and he or she is ordered to report immediately upon conclusion of this sentencing hearing, or discharge from custody if the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.

The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

Witness my hand this 16th day of November, 2009


JUDGE Clancy Smith

ATTESTATION:

SALLY HOWE SMITH
District Court Clerk of Tulsa County

By: 
Teresa Sparks, Deputy

COURT CLERK'S CERTIFICATION

I, Sally Howe Smith, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerks Office of Tulsa, Oklahoma.

Dated this the _____ day of _____, _____.

SALLY HOWE SMITH, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: _____, Deputy