

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 139491  
ISSUED TO  
JOHNATHAN WAYNE LEE

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



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.  
*Patricia A. Roman*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Johnathan Wayne Lee  
5115 Ave L  
Galveston, Texas 77551

During open meeting held in Austin, Texas, on Tuesday, February 14, 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 139491, previously issued to JOHNATHAN WAYNE LEE, 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 14th day of February, 2012.



TEXAS BOARD OF NURSING

BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Attachment: Formal Charge filed December 6, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 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):

Johnathan Wayne Lee  
5115 Avenue L  
Galveston, Texas 77551

BY:



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

In the Matter of Permanent License § BEFORE THE TEXAS  
Number 139491, Issued to §  
JOHNATHAN WAYNE LEE, Respondent § BOARD OF NURSING

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOHNATHAN WAYNE LEE, is a Vocational Nurse holding license number 139491, which is in current 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 January 7, 1994, Respondent entered a plea of No Contest and was convicted of UNLAWFUL CARRYING WEAPON, a Class A Misdemeanor offense committed on September 19, 1993, in the County Court at Law No. 1 of Galveston County, Texas, under Cause Number 140863. As a result of the conviction, Respondent was sentenced to confinement in the Galveston County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months, and was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. STAT. ART. 4528c, Sec. 10(a)(9)(effective 9/1/1993), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(effective 9/1/1993 through 9/28/2004).

**CHARGE II.**

On or about July 8, 1996, Respondent entered a plea of Nolo Contender and was convicted of DRIVING WHILE INTOXICATED, a Class B Misdemeanor offense committed on February 20, 1996, in the County Court at Law No. 2 of Denton County, Texas, under Cause Number 96-3245-B. As a result of the conviction, Respondent was sentenced to confinement in the Denton County Jail for a period of sixty (60) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months, and was ordered to pay a fine and court costs.

On or about September 22, 1999, Respondent's probation granted under Cause Number 96-3245-B was revoked and Respondent was sentenced to confinement in the Denton County Jail for a period of thirty-five (35) days, with eleven (11) days credit given. Additionally, Respondent's driver's license was ordered to be suspended for a period of three hundred and sixty-five (365) days.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. STAT. ART. 4528c, Sec. 10(a)(9)(effective 9/1/1995), and is a violation of 22 TEX. ADMIN. CODE

§239.11(29)(effective 9/1/1993 through 9/28/2004).

### CHARGE III.

On or about July 8, 1996, Respondent entered a plea of Nolo Contender and was convicted of FAILURE TO GIVE NOTICE AFTER STRIKING HIGHWAY FIXTURE, a Misdemeanor offense committed on February 20, 1996, in the County Court at Law No. 2 of Denton County, Texas, under Cause Number 96-4275-B. As a result of the conviction, Respondent was sentenced to confinement in the Denton County Jail for a period of sixty (60) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months, and was ordered to pay restitution in the amount of twenty-five hundred dollars (\$2500), a fine, and court costs.

On or about September 22, 1999, Respondent's probation granted under Cause Number 96-4275-B was revoked and Respondent was sentenced to confinement in the Denton County Jail for a period of thirty-five (35) days, with eleven (11) days credit given.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. STAT. ART. 4528c, Sec. 10(a)(9)(effective 9/1/1995), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(effective 9/1/1993 through 9/28/2004)

### CHARGE IV.

On or about October 15, 1997, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B Misdemeanor offense committed on October 24, 1996, in the County Court at Law No. 1 of Galveston County, Texas, under Cause Number 168759. As a result of the conviction, Respondent was sentenced to confinement in the Denton County Jail for a period of six (6) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months, and was ordered to pay a fine and court costs.

On or about October 1, 1998, Respondent's probation granted under Cause Number 168759 was revoked and Respondent was sentenced to confinement in the Galveston County Jail for a period of thirty (30) days, with thirty (30) days credit given for time served.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. STAT. ART. 4528c, Sec. 10(a)(9)(effective 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(effective 9/1/1993 through 9/28/2004).

### CHARGE V.

On or about May 29, 2009, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 3RD OR MORE, a 3rd Degree Felony offense committed on April 28, 2009, in the County District Court at Law of Collin County, Texas, under Cause Number 219-81160-09. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of two (2) years, and was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of and 22 TEX. ADMIN. CODE §217.12(13). Moreover, the above offense mandates revocation of Respondents license to practice nursing in accordance with Section 53.021(b) of the Texas Occupations Code.

#### CHARGE VI.

on or about April 7, 2010, Respondent entered a plea of Guilty and was convicted of FELONY DRIVING WHILE INTOXICATED, a 3rd Degree Felony offense committed on March 23, 2009, in the 10th Judicial District Court of Galveston, County Texas, under Cause Number 09CR3687. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of two (2) years, and was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13). Moreover, the above offense mandates revocation of Respondents license to practice nursing in accordance with Section 53.021(b) of the Texas Occupations Code

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 and TEX. OCC. CODE Ch. 53. 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).

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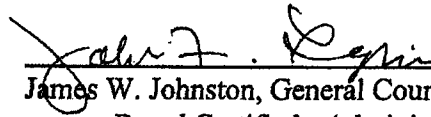
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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](http://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](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 6th day of December, 2011.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel

Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

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Attachments:  
D/2010.12.28