



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. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Vocational Nurse    §  
License Number 156338                   §  
issued to TRACY SHEA MOSIER        §

### ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 156338, issued to TRACY SHEA MOSIER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

### FINDINGS OF FACT

1. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Vernon Regional Junior College Wichita Falls, Texas, on December 20, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on February 9, 1996..
4. Respondent's nursing employment history is unknown.
5. On or about September 11, 2000, Respondent's license to practice vocational nursing was SUSPENDED with the suspension STAYED and placed on PROBATION WITH STIPULATIONS for a period of eighteen (18) months by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 11, 2000, is attached and incorporated, by reference, as part

of this Order.

6. On or about May 31, 2007, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudication with or without a finding of guilt. Please note that DUIs, DWIs, and PT's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes". you may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

Respondent failed to disclose that on or about November 14, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on December 19, 2006), in the County Court at Law of Wise County, Texas, under Cause Number 61047. As a result of the conviction, Respondent was sentenced to confinement in the Wise County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

7. Formal Charges were filed on May 2, 2011. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
8. Formal Charges were mailed to Respondent on May 4, 2011.
9. On September 14, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated September 14, 2011, is attached and incorporated herein by reference as part of this Order.
10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

11. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 156338, heretofore issued to TRACY SHEA MOSIER, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of or "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and 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.

Effective this 7th day of November, 2011.



TEXAS BOARD OF NURSING

By:

Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board

TRACY SHEA MOSIER  
1305 B Edison  
Ridgport, Texas 76426  
Texas LVN License #156338

Voluntary Surrender Statement

September 13, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature

Date

Texas Nursing License Number/s

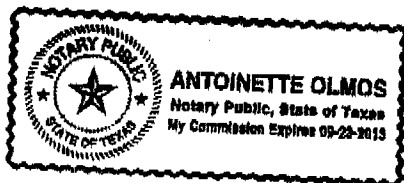
The State of Texas

Before me, the undersigned authority, on this date personally appeared TRACY SHEA MOSIER who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 14<sup>th</sup> day of September, 2011.

SEAL

Antoinette Olmos  
Notary Public in and for the State of Texas



BOARD OF VOCATIONAL  
NURSE EXAMINERS

• STATE OF TEXAS  
•  
•

VS.

TRACY SHEA THAGGARD

• COUNTY OF TRAVIS

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 156338 held by TRACY SHEA THAGGARD, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. Respondent was employed as a Licensed Vocational Nurse with Health South Rehabilitation Hospital in Wichita Falls, Texas from about October 6, 1999 through about November 17, 1999.

b. While so employed with said facility, from about October 25, 1999 through about November 12, 1999, Respondent was counseled for failure to follow physicians' orders, documentation errors, and medication administration errors, to-wit:

- |          |  |
|----------|--|
| 10-25-99 | Erroneously administered Mepergan 50mg to Patient R.R. instead of Demerol 50mg per physician's orders.   |
| 10-25-99 | Combivent inhaler (2 puffs QID) was ordered for Patient M.T. which Respondent transcribed onto the order sheet at 1545; however Respondent failed to transcribe said order onto the Medication Administration Record resulting in said patient missing two doses (1700 and 2100) for that day. |
| 10-26-99 | Erroneously administered ½ dose of Vancomycin IVPB, which was not ordered, to Patient E.S.   |

AGREED BOARD ORDER  
RE: TRACY SHEA THAGGARD, LVN #156338  
PAGE 2

- 11-12-99 Refused to administer pain medication (Lortab) to Patient Z.H. at 12:30 p.m., per physician's orders, falsely stating to the patient that she had been provided with pain medication at 10:00 a.m. Another nurse subsequently reviewed the Medication Administration Record and determined that said patient had not received her pain medication since 0600 and not 1000 as Respondent had led the patient to believe.
- 11-12-99 Charted a fingerstick glucose for Patient P.J. at 1130 and 1630 as 173 for both readings. Respondent did not treat the 1130 glucose of 173 per physician's orders. Respondent held the insulin. The 1630 dose was treated per sliding scale (2 units). However, the facility's monitor memory mode did not indicate an 1130 glucose reading and it also indicated that the 1630 glucose was 270. Said reading indicated that the patient needed five (5) additional units of insulin per physician's orders, which called for a total of seven (7) units of insulin to be administered for glucose reading of 270. Furthermore, Respondent failed to document the glucose readings on the flow sheet. Subsequently, Patient P.J.'s glucose was elevated to over 400 during the night hours.
- 11-12-99 Incorrectly transcribed physician's orders for Paxil 10mg on the Medication Administration Record for Patient S.B. Respondent erroneously transcribed the medication to begin on November 12, 1999, instead of November 14, 1999 per physician's orders. Said error resulted in Patient S.B. erroneously receiving an additional dose of Paxil 10mg.
- 11-12-99 Falsely documented on the Medication Administration Record that Coumadin had been administered to Patient W.J. at 1740, and failed to record the dose on the Anti-Coagulant Flow Sheet. The Coumadin dose was found in a pill cup in the medication drawer. Subsequently, on November 13, 1999, Patient W.J.'s INR levels decreased to 1.66, which was below the recommended levels.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action.

Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

NOW THEREFORE, IT IS ORDERED that license number 156338, heretofore issued to TRACY SHEA THAGGARD to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code, Chapter 302 and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Respondent shall work only under the supervision of a licensed medical professional (MD, RN, LVN) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of the probation.
7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.



AGREED BOARD ORDER  
RE: TRACY SHEA THAGGARD, LVN #156338  
PAGE 4

8. That Respondent shall not be the only licensed medical professional in the facility throughout the term of probation.

9. That Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Pharmacology (to include clinical and Medication Administration), and submit documentation of successful course completion to the Board office within the first year of probation. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of probation.

10. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 22 day of August, 2000.

Tracy S. Thaggard  
Signature of Respondent

744 CR 1590  
Current Address

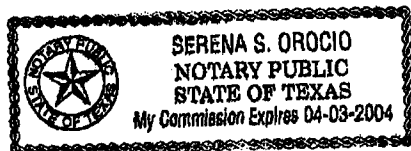
Alvord, Texas 76005  
City, State and Zip

940, 427-9231  
Area Code and Telephone Number

The State of Texas  
County of Wise

Before me, the undersigned authority, on this day personally appeared TRACY SHEA THAGGARD, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

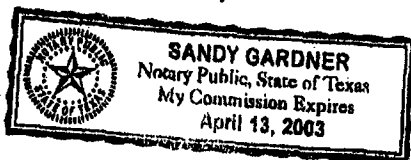
SWORN TO AND SUBSCRIBED before me on this the 22 day of August,  
2000.



Serena S. Orocio  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 4-3-04

Mary M. Strange  
Mary M. Strange, RN  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 8th  
day of September, 2000.




Sandy Gardner  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: TRACY SHEA THAGGARD, LVN #156338  
PAGE: 6

**WHEREFORE, PREMISES CONSIDERED,** the Board of Vocational Nurse  
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,  
notarized on the 22<sup>nd</sup> day of August, 2000 by Respondent, license number 156338 and that  
Said Order is Final.

Effective this 11th day of September, 2000.

  
Mary M. Strange, BSN, RN, CNA  
Executive Director  
On Behalf of Said Board

**BOARD ORDER**

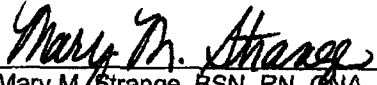
RE: TRACY SHEA THAGGARD, LVN #156338

PAGE: 7

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of September, 2000, a true and correct copy of the foregoing  
**BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the  
following person(s):

TRACY SHEA THAGGARD  
744 CR 1590  
ALVORD, TX 76225

  
\_\_\_\_\_  
Mary M. Strange, BSN, RN, CNA  
Executive Director  
Agent for the Board of Vocational Nurse Examiners



## Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN  
Executive Director

May 2, 2011

Certified Mail No. 91 7108 2133 3939 3530 4545  
Return Receipt Requested

Tracy Shea Mosier  
718 CR 1590  
Alvord, Texas 76225

Dear Ms. Mosier:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b)(2)&(10) of the Nursing Practice Act, Texas Occupations Code. Within three weeks from the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Tamika Rose, Investigator. You may obtain legal counsel at your own expense.

These Charges have been filed because your pending alleged violations of the Nursing Practice Act have not been resolved. FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Additionally, you may resolve this matter according to the terms of the proposed Agreed Order previously sent to you. If you want to do that, you should sign the Order, have it notarized, and mail it to this office. If you do not have the proposed Agreed Order, you should call and request that a duplicate be sent to you.

If a written answer to the Formal Charges or a signed, notarized Agreed Order is not received within three weeks from the date of this letter, this matter will proceed as a default matter and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice nursing in the State of Texas. The enclosed Formal Charges spell out the matters which will be presented by default.

Should you desire to discuss this matter, you may contact Tamika Rose, Investigator, Enforcement Division, at the above address, or at (512) 305-6812.

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/TR/

Enclosure: Formal Charges

### Members of the Board

Linda Rounds, PhD, FNP, RN  
Galveston, President

Deborah Bell, CLU, ChFC Abilene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land
Blanca Rosa Garcia, PhD, RN Corpus Christi	Richard Gibbs, LVN Mesquite	Kathy Leader-Horn, LVN Granbury	Josefina Lujan, PhD, RN El Paso	Beverly Jean Nutall, LVN Bryan	Mary Jane Salgado, MEd Eagle Pass

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 156338, Issued to	§	
TRACY SHEA MOSIER, Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TRACY SHEA MOSIER, is a Vocational Nurse holding license number 156338, 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 May 31, 2007, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudication with or without a finding of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes". you may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

Respondent failed to disclose that on or about November 14, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on December 19, 2006), in the County Court at Law of Wise County, Texas, under Cause Number 61047. As a result of the conviction, Respondent was sentenced to confinement in the Wise County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

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](http://www.bon.state.tx.us).

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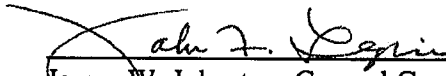
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, 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).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated September 11, 2000.

Filed this 2nd 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 Board dated September 11, 2000

D/2010.12.28