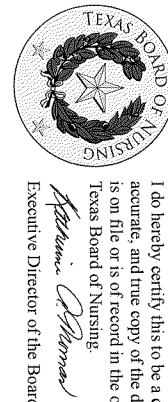


IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 111575
ISSUED TO
RICHARD DUNMORE

§
§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



ORDER OF THE BOARD

TO: RICHARD DUNMORE
5230 THUNDERCREEK ROAD APT 118
AUSTIN, TX 78759

During open meeting held in Austin, Texas, on Wednesday, November 12, 2014, the Texas Board of Nursing 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 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(s) to practice 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 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 Vocational Nurse License Number 111575, previously issued to RICHARD DUNMORE, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 12th day of November, 2014.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed August 5, 2014.

Re: Permanent Vocational Nurse License Number 111575
Issued to RICHARD DUNMORE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

RICHARD DUNMORE
5230 THUNDERCREEK ROAD APT 118
AUSTIN, TX 78759

Via USPS First Class Mail

BY:



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



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov
Katherine A. Thomas, MN, RN, FAAN
Executive Director

August 5, 2014

Certified Mail No. 91 7199 9991 7031 1037 7498
Return Receipt Requested

Richard Dunmore
5230 Thundercreek Road Apt 118
Austin, Tx 78759

Dear Richard Dunmore:

Enclosed are Formal Charges which have been filed against you because your pending alleged violation(s) of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code, have not been resolved. 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. Send your written answer to the attention of Tamika Rose, Investigator, at the above address. You may obtain legal counsel at your own expense.

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.

If a written answer to the Formal Charges is not received within three weeks from the date of this letter, this matter will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The result of any disciplinary action, including any default order or formal disposition (Board Order), is public information. Dispositions, including default orders and formal dispositions, will appear in the Board's quarterly newsletter and will be reported to the National Council of State Boards of

Members of the Board

Kathleen Shipp, MSN, RN, FNP
Lubbock, *President*

Nina Almasy, MSN, RN Austin	Deborah Bell, CLU, ChFC Ablene	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, MPA, BSN, RN Sugar Land
Shelby Ellzey, BBA	Monica Hamby, LVN	Kathy Leader-Horn, LVN	Mary M. LeBeck, MSN, RN	Josefina Lujan, PhD, RN	Beverley Jean Nutall, LVN

RICHARD DUNMORE

August 5, 2014

Page 2

Nursing, Inc., and the National Practitioner Data Bank (NPDB).

Should you desire to discuss this matter, contact Tamika Rose, Investigator, at (512) 305-6812.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

Katherine A. Thomas, MN, RN, FAAN
Executive Director

KAT/230

Enclosure: Formal Charges

DA(2013.05.15)

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 111575	§	
Issued to RICHARD DUNMORE,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RICHARD DUNMORE, is a Vocational Nurse holding License Number 111575, 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 15, 1997, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIHUANA LESS THAN 2OZS, a Class B misdemeanor offense committed on May 25, 1996, in the County Court, Freestone County, Texas, under Cause No. 17612. As a result of the conviction, Respondent was sentenced to confinement for a period of sixty (60) days.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec10 (a)(9)(eff. 9/1/1995), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 11/1/1996).

CHARGE II.

On or about July 8, 1997, Respondent entered a plea of Nolo Contendere and was convicted of EVADE ARREST, a Class A misdemeanor offense committed on June 26, 1996, in the County Court at Law No. 5 of Dallas County, Texas, under Cause No. 96527061. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of forty-five (45) days, with fifteen (15) days of credit for time served and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec10 (a)(9)(eff. 9/1/1995), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 11/1/1996).

CHARGE III.

On or about April 23, 1998, Respondent entered a plea of Nolo Contendere and was convicted of DWLS, a Class B misdemeanor offense committed on January 6, 1998, in the County Court at Law No. 5 of Dallas County, Texas, under Cause No. 9843543. As a result of the conviction, Respondent

was sentenced to confinement in the Dallas County Jail for a period of forty-five (45) days, with eighteen (18) days of credit for time served (to run concurrent with the sentences of confinement in Cause Number 9843544), and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec10 (a)(9)(eff. 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 3/1/1998).

CHARGE IV.

On or about April 23, 1998, Respondent entered a plea of Nolo Contendere and was convicted of POSS MJ, a Class B misdemeanor offense committed on January 6, 1997, in the County Court at Law No. 5 of Dallas County, Texas, under Cause No. 9843544. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of forty-five (45) days, with eighteen (18) days of credit for time served (to run concurrent with the sentences of confinement in Cause Number 9843544), and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec10 (a)(9)(eff. 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 3/1/1998).

CHARGE V.

On or about January 29, 1999, Respondent entered a plea of Nolo Contendere and was convicted of DWLS/SR/ENH, a Class A Misdemeanor offense committed on January 15, 1999, in the County Criminal Court No. 6 of Dallas County, Texas, under Cause No. MA9943972. As a result of the conviction, Respondent was sentenced to confinement for a period of thirty-nine (39) days, with eighteen (18) days of credit for time served, and was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec10 (a)(9)(eff. 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 3/1/1998).

CHARGE VI.

On or about January 26, 1999, Respondent entered a plea of Nolo Contendere and was convicted of POSS MJ, (a Class B Misdemeanor offense committed on January 15, 1999), in the County Criminal Court No. 6 Dallas County, Texas, under Cause No. M-9943973. As a result of the conviction, Respondent was sentenced to confinement for a period of thirty (30) days. Additionally, Respondent was ordered to pay a fine.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec10 (a)(9)(eff. 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 3/1/1998).

CHARGE VII.

On or about May 9, 2001, Respondent was arrested by the Dallas Police Department, Dallas, Texas, for POSSESSION OF A CONTROLLED SUBSTANCE PG 1 < 1G, a State Jail Felony offense. On or about July 6, 2001, Respondent entered a plea of Guilty to POSS CS, a felony offense, in the 10th Judicial District Court of Dallas County, Texas, under Cause No. F0152409. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(eff. 9/1/1999), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 3/1/1998).

CHARGE VIII.

On or about July 13, 2005, Respondent submitted a Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)"

Respondent failed to disclose that on or about March 16, 2005, Respondent entered a plea of Guilty to DWLI, a Class A misdemeanor offense committed on August 31, 2004, in the County Court, Hill County, Texas, under Cause No. M117704. As a result of the plea, the proceedings against Respondent was deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of six (6) months and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(a)(2)&(10)(eff. 9/1/2003), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE XI.

On or about July 22, 2007, Respondent submitted a Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he 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 arrest 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, PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] do 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 the following:

On or about February 1, 2007, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE LICENSE IS SUSPENDED 1st, a Class B Misdemeanor offense committed on November 16, 2005, in the County Court at Law No. 2, Ellis County, Texas, under Cause No. 0613043CR. As a result of the conviction, Respondent was sentenced to confinement for a period of three (3) days and 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)&(13).

CHARGE X.

On or about July 12, 2009, Respondent submitted a Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about March 16, 2009, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE LICENSE INVALID WITH PREVIOUS CONVICTION, a Class B misdemeanor offense committed on January 14, 2009, in the County Court at Law No. 1, Williamson County, Texas, under Cause No. 09004961. As a result of the conviction, Respondent was sentenced to confinement for a period of two (2) days. 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)&(13).

CHARGE XI.

On or about July 15, 2011, Respondent submitted a Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about December 3, 2010, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE LICENSE INVALID/SUBSEQUENT, a Class B Misdemeanor offense committed on October 31, 2010, in the County Court at Law No. 1, Williamson County, Texas, under Cause No. 10-08386-1. As a result of the conviction, Respondent was sentenced to confinement for a period of two (2) days. 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)&(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s 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).

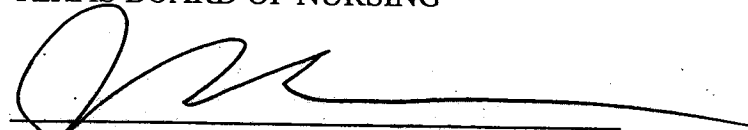
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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.texas.gov.

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

Filed this 5 day of August, 2014.

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

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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

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

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512)305-7401