

FILED

2016 JUN 17 AM 8:00

CONFIDENTIAL
Pursuant to Texas Family Code
§ 231.108 and 42 USCA § 654(26)

OFFICE OF THE
ATTORNEY GENERAL-CSD
COORDINATOR

SOAH DOCKET NO. 302-16-4570.CS
OAG DOCKET NO. 16-321-0012209745

ATTORNEY GENERAL OF TEXAS,
Petitioner

v.

CARLOS ALBERTO LAPE,
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DECISION AND ORDER

Petitioner, the Office of the Attorney General of Texas, seeks to suspend the license(s) issued by the Texas Department of Public Safety and Texas Board of Nursing to Respondent, **CARLOS ALBERTO LAPE**, based on the alleged failure of Respondent to pay child support in accordance with a court order. Because Respondent failed to request a hearing, the allegations of the petition for suspension are deemed admitted, and the license(s) should be suspended.

I. FINDINGS OF FACT

1. Petitioner, the Office of the Attorney General sent the Notice of Filing of Petitioner to Suspend License and a Petition to Suspend License (Petition) on April 22, 2016.
2. Respondent was duly served with notice of the Petition. The notice informed Respondent of the right to a hearing before the Title IV-D agency and the deadline for requesting a hearing, and it included a hearing request form.
3. Respondent failed to respond to the notice of the Petition by requesting a hearing.
4. Respondent is the holder of one or more licenses issued by the Texas Department of Public Safety and Texas Board of Nursing.
5. Respondent's child support and medical support obligations for a 3-month period is \$3,156.00.
6. Respondent's total overdue child support (arrearage) owed under a child support order is \$14,392.50 as of April 5, 2016.
7. Respondent owes overdue child support in an amount equal to or greater than the total support due for three months.
8. Respondent entered into a voluntary or court ordered repayment schedule. Respondent is not in compliance with the repayment schedule.

II. CONCLUSIONS OF LAW

1. The Office of the Attorney General for the State of Texas (Petitioner), as a Title IV-D agency under Title IV, Part D of the federal Social Security Act of 1935, as amended, 42 USCA § 651 *et seq.*, has jurisdiction to bring a Petition to Suspend License pursuant to Texas Family Code chs. 231 and 232. Jurisdiction to hear the petition in this matter resides with the State Office of Administrative Hearings (SOAH) pursuant to the Interagency Cooperation Act, Texas Government Code § 771.001 *et seq.*, and pursuant to authority granted to SOAH by Texas Government Code § 2003.024 and to the Petitioner pursuant to Texas Family Code § 231.002(a)(2) and (c).
2. Notice was effected upon Respondent in accordance with Texas Family Code §§ 232.005 and 232.006, and Texas Government Code §§ 2001.051 and 2001.052.
3. Pursuant to Texas Family Code § 232.009 and based on Respondent's failure to respond to the notice of the Petition by requesting a hearing or appearing at the scheduled hearing, Petitioner's allegations against Respondent, reflected in the Findings of Fact, are deemed admitted.
4. Pursuant to Texas Family Code §§ 232.008-232.009, Respondent's licenses referred to in Finding of Fact No. 4 should be suspended.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and pursuant to Texas Family Code §§ 232.008-232.009, **IT IS ORDERED** that any or all licenses issued by the Texas Department of Public Safety and Texas Board of Nursing to **CARLOS ALBERTO LAPE** be suspended and notice of said suspension be given to the issuers of the licenses.

CARLOS ALBERTO LAPE IS ORDERED NOT TO ENGAGE IN ANY ACTIVITY COVERED BY A LICENSE THAT HAS BEEN SUSPENDED PURSUANT TO THESE PROCEEDINGS. THE LICENSE MAY NOT BE REISSUED, REINSTATED, OR OTHERWISE RENEWED AUTHORIZING THE SAME OR SIMILAR ACTIVITY UNTIL AN APPROPRIATE ORDER VACATING OR STAYING THE SUSPENSION IS ISSUED TO THE LICENSING AUTHORITY.

AN INDIVIDUAL WHO CONTINUES TO ENGAGE IN THE BUSINESS, OCCUPATION, PROFESSION, OR OTHER LICENSED ACTIVITY AFTER THE IMPLEMENTATION OF THE ORDER SUSPENDING THE LICENSE BY THE LICENSING AUTHORITY IS LIABLE FOR THE SAME CIVIL AND CRIMINAL PENALTIES PROVIDED FOR ENGAGING IN THE LICENSED ACTIVITY WITHOUT A LICENSE OR WHILE A LICENSE IS SUSPENDED THAT APPLY TO ANY OTHER LICENSE HOLDER OF THAT LICENSING AUTHORITY.

SIGNED June 17, 2017.



GARY W. PERKINS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE TO THE PARTIES

PURSUANT TO TEXAS GOVERNMENT CODE §§ 2001.142 AND 2001-144 - 2001.146, YOU ARE GIVEN NOTICE THAT THIS DECISION WILL BECOME A FINAL ORDER DISPOSING OF THE PETITION TO SUSPEND LICENSE UNLESS A REQUEST FOR REHEARING IS TIMELY FILED. A MOTION FOR REHEARING MUST BE FILED BY A PARTY NOT LATER THAN THE 20TH DAY AFTER THE DATE ON WHICH THE PARTY IS NOTIFIED BY FIRST CLASS MAIL OF THIS DECISION. A PARTY IS PRESUMED TO HAVE BEEN NOTIFIED ON THE THIRD DAY AFTER THE DATE ON WHICH THIS DECISION WAS MAILED.

IF YOU FILE A MOTION FOR REHEARING AND IT IS DENIED BY THE ADMINISTRATIVE LAW JUDGE IN A WRITTEN ORDER, YOU MAY FILE AN APPEAL IN A TRAVIS COUNTY DISTRICT COURT WITHIN 30 DAYS OF THE DATE THE ORDER DENYING THE REHEARING IS SIGNED . IF YOU DO NOT FILE A MOTION FOR REHEARING WITHIN 20 DAYS OF THE DATE OF YOU RECEIVED THIS NOTICE, THIS DECISION WILL BECOME FINAL AND YOU WILL LOSE YOUR RIGHT TO APPEAL TO DISTRICT COURT.

IN THE EVENT THE PARTIES MUTUALLY AGREE TO THE ENTRY OF A CONSENT ORDER BEFORE THE PERIOD FOR FILING A MOTION FOR REHEARING EXPIRES, THE ADMINISTRATIVE LAW JUDGE MAY SUBSTITUTE THE CONSENT ORDER FOR THIS DECISION.

IF YOU DO NOT RECEIVE A DECISION EITHER GRANTING OR DENYING THE MOTION FOR REHEARING WITHIN 45 DAYS OF BEING NOTIFIED OF THE DECISION, THE MOTION FOR REHEARING WILL HAVE BEEN OVERRULED BY OPERATION OF LAW, AND YOU MAY FILE AN APPEAL WITHIN 30 DAYS OF THAT DATE. THE ADMINISTRATIVE LAW JUDGE MAY, BY WRITTEN ORDER, EXTEND THE PERIOD OF TIME FOR FILING A MOTION FOR REHEARING AND REPLIES, AND TAKING AGENCY ACTION, EXCEPT THAT AN EXTENSION MAY NOT EXCEED 90 DAYS FROM THE DATE THE FINAL DECISION OR ORDER IS SIGNED.

IF YOUR LICENSE HAS BEEN SUSPENDED AS A RESULT OF THESE PROCEEDINGS AND NO MOTION FOR REHEARING HAS BEEN FILED, THIS DECISION WILL BE MAILED TO THE APPROPRIATE LICENSING AGENCY REQUESTING THE SUSPENSION OF YOUR LICENSE. YOU MAY REQUEST REINSTATEMENT OF YOUR LICENSE BY PAYING THE FULL AMOUNT OF THE ARREARAGE OR ESTABLISHING A SATISFACTORY PAYMENT RECORD AND ENTERING INTO A REPAYMENT AGREEMENT THROUGH YOUR LOCAL CHILD SUPPORT OFFICE. A SATISFACTORY PAYMENT RECORD MAY BE ESTABLISHED BY MAKING CONSISTENT PAYMENTS IN ACCORDANCE WITH YOUR MOST RECENT COURT ORDER, INCLUDING PAYMENTS AGAINST THE ARREARAGE, OR BY MAKING A SUBSTANTIAL LUMP-SUM PAYMENT SATISFACTORY TO THE OFFICE OF THE ATTORNEY GENERAL.

IT IS YOUR RESPONSIBILITY TO NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OR THE LOCAL CHILD SUPPORT OFFICE IF YOU HAVE PAID THE FULL AMOUNT OF THE ARREARAGE OR FEEL THAT YOU HAVE ESTABLISHED A SATISFACTORY PAYMENT RECORD. ONCE THESE CONDITIONS HAVE BEEN MET, EITHER YOU OR THE OFFICE OF THE ATTORNEY GENERAL MAY PETITION TO VACATE OR STAY THE SUSPENSION OF YOUR LICENSE.