



Mailing Address:
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AUSTIN, TEXAS 78714

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701-5123/305-7400

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR



April 16, 1996

Certified Mail No. Z 746 341 798
Return Receipt Requested

Daniel Taylor
12701 W. Ave., Apt. 1633
San Antonio, Texas 78216

Dear Mr. Taylor:

You have requested a Declaratory Order for eligibility of licensure as a registered Nurse pursuant to Article 4519a(a), Revised Civil Statutes of Texas, as amended.

Your Petition has been reviewed by the Eligibility and Disciplinary Committee of the Board, and you have been granted permission to write the National Council Licensure Examination for Registered Nurses (NCLEX-RN) upon completion of the requirements for graduation.

At the time you complete your registration for examination application, respond honestly to the questions asked and attach a copy of this letter.

Please note, your eligibility to take the NCLEX-RN may be affected by any inaccuracies in your petition, and any subsequent violations of the Nursing Practice Act may affect your eligibility to take the NCLEX-RN.

If you have any questions, please contact our office at 512/305-6824.

Sincerely,

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

KAT/PPB/cs

Enclosure: Declaratory Order

CONFIDENTIAL



It is the policy of the Board of Nursing to maintain accurate and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

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DALLAS, TEXAS

**BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

**DECLARATORY ORDER
OF
CONDITIONAL ELIGIBILITY**

At a public meeting in Austin, Texas, the Board of Nurse Examiners (Board) considered the petitions for Declaratory Orders of Eligibility of the individuals listed below in accordance with Article 4519a(a), Texas Revised Civil Statutes, Annotated, as amended. Said petitions were reviewed by staff and proposed as conditionally eligible with the approval of Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. The individuals named below have submitted petitions and supporting documents requesting a determination of eligibility for licensure.
2. The staff's review of the grounds for potential ineligibility has been made on the basis of the information provided by the individuals named below.
3. Each individual has been advised that any information found to be incomplete, incorrect or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
4. The individuals named below have disclosed convictions for one or more non-moral turpitude misdemeanors or for a moral turpitude misdemeanor which occurred more than ten (10) years ago.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Article 4525(a), TEX. REV. CIV. STAT. ANN., as amended.
2. The following individuals have submitted petitions in accordance with Article 4519a(a), TEX. REV. CIV. STAT. ANN., as amended.

3. The Board may license individuals who have been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code, §213.28 and evaluating the conviction's direct relationship to nursing according to Article 6252-13c(b) TEX. REV. CIV. STAT. ANN., as amended.

IT IS THEREFORE CONSIDERED, that:

Howard Nolan Barbour
Susan Gail Brayton
Charles Nicholson Clark
Thomas Micheal Lesnick
Mark Charles Meilert
Angela Kay Messer
L. Alison Petry
Michelle Leigh Reck
Daniel Taylor
William Harold Trammell
Chil William Wilson

ARE DECLARED CONDITIONALLY ELIGIBLE FOR LICENSURE SUBJECT TO THE RESERVATIONS AND REQUIREMENTS SET OUT BELOW:

1. Each individual named in this Order shall, upon graduation from an accredited school of nursing, satisfy all requirements for entrance to the National Council Licensure Examination for Registered Nurses (NCLEX-RN), and licensure by the Board.
2. Each individual named in this Order shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Article 4525, TEX. REV. CIV. STAT. ANN., as amended.

Entered this 10th day of April, 1996.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By: Katherine A. Thomas
Katherine A. Thomas, MN, RN
Executive Director

Defendant, find the Defendant guilty of ASSAULT and BATTERY, as charged in the indictment, and fix his punishment at: \$350.00 fine and no jail time.

/s/Stephen Mahoney
Foreman."

The Jury was polled and each juror answered in the affirmative that this was his or her verdict.

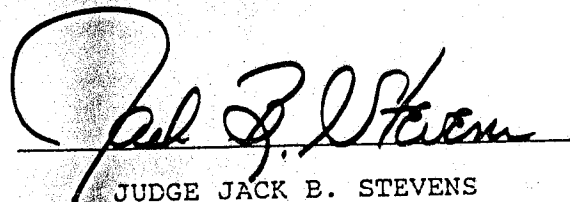
The Jury was discharged.

In accordance with the verdict rendered by the Jury, the Court found the Defendant, DANIEL TAYLOR, guilty of ASSAULT and BATTERY. The Court ORDERED that the Defendant pay a fine in the amount of \$350.00 and pay the costs of this case.

The fine and costs shall be paid on or before August 20, 1991, by 4:00 p.m.

The Defendant was released upon the aforesaid conditions.

Entered on the 2nd day of August, 1991.


JUDGE JACK B. STEVENS

A COPY TESTE:
JOHN T. FREY, CLERK

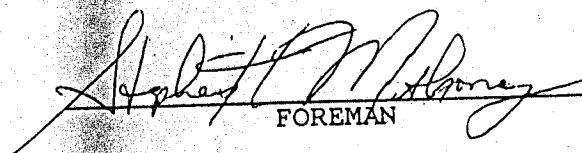
BY: Kim Farmer
Deputy Clerk

Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

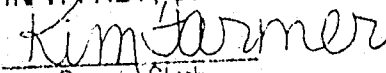
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We, the Jury, on the issue joined in the case of the Commonwealth of Virginia versus DANIEL TAYLOR, Defendant, find the Defendant guilty of ASSAULT and BATTERY, as charged in the Indictment, and fix his punishment at:

\$350⁰⁰ And no jail time.


FOREMAN

A COPY TESTE:
JOHN T. FREY, CLERK

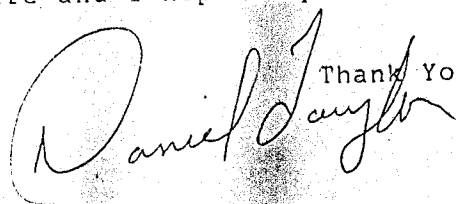
BY: 
Deputy Clerk

Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

To: The Board of Nursing Examiners
Dear Sirs:

CONFIDENTIAL

Im writing to you concerning my request for a Declaratory Order regarding my eligibility to take the RN licensure exam. I am a honorably discharged soldier whom after six years in the army decided to take a different road in my life and attend San Antonio College School of Nursing using my GI Bill. I am very committed to my studies and career aspirations. In the past I have made mistakes and have learned from them. I have demonstrated on two instances exactly that. First, the drunk-in-public charge I can offer no excuse except there is no excuse. With regard to the assault charge I was so very scared the day I ran up against that marine and was glad that I was not injured. This situation took place at a night-club and before I knew it I was embroiled in the defense of myself. I am not proud of these things and choose to avoid any such situations for the rest of my life. God and my family are my greatest support and life-line. You see these past two incidences do not characterize me or my present life and I hope they won't cloud my future.

Thank You,
Daniel Taylor

CHADWICK, WASHINGTON, OLTERS,
MORIARTY & LYNN, P.C.

9990 Lee Highway
Suite 450
Fairfax, Virginia 22030-1704

(703) 352-1900

FAX (703) 352-5293

4733 Bethesda Avenue
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(301) 652-1448
FAX (301) 718-4399

1129 20th Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 429-0690

7814 Carousel Lane
Suite 300
Richmond, Virginia 23294
(804) 273-1727
FAX (804) 747-8559

Kenneth E. Chadwick (VA, MD)
Wilbert Washington II (VA, MD, DC)
Sandra C. Olters (VA)
Stephen H. Moriarty (VA)
Shelah Fidellman Lynn (MD, DC)
Andrew G. Elmore (VA)
James V. Ingold (VA, EC)
Lisa M. Tilitsky (MD, DC)
Michael P. Sinay (MD, OH)
N. Shaheen Khan (VA, DC)
Parisa M. Afsahi (VA, MD)

February 29, 1996

The Board of Nursing Examiners

Re: Daniel Taylor

Dear Sirs:

I am writing to you with regard to the above candidate and in reference to a case in which I represented him some time ago. That case is number K70239, in the Circuit Court of Fairfax County, Virginia, and the trial date was July 30, 1991.

Mr. Taylor was charged with Malicious Wounding, and after a trial before a jury, a verdict was returned convicting him of the reduced charge of Assault. His penalty was a fine of approximately \$300.00.

While the charge sounded serious, at first, my investigation revealed very different circumstances. Mr. Taylor (who was in the Army at the time) and another individual (a Marine) had an altercation after it was discovered that they shared social interests in the same young lady. Mr. Taylor's problem was that after the scuffle was over he was the clear winner, and therefore was charged. At trial, however, the witnesses (some for the prosecution and some for the defense) indicated by their testimony that it was the other individual who was the aggressor, and not Mr. Taylor. Our position throughout the trial was that, at worst, it was a case of "mutual combat" (a concept in Virginia law which eliminates any criminal liability for either party) and, at best, a case of self defense.

The result of the jury's deliberation has always appeared to me to have been the result of a compromise: either he was guilty of the more serious charge, sought by the prosecution, or he was not guilty (by reason of self defense or mutual combat). I believe that the jury contained some individuals who felt that some conviction was required, but none who felt a serious penalty was demanded. (The penalty range for Assault is up to twelve months in jail, and, or, up to \$2,500.00 in fines.)

I have remained in contact with Mr. Taylor over the ensuing years, and have no hesitation in recommending him to the ranks of the registered nursing profession. I have always found him to be honest and believable. (It is apparent that the jury thought so as well.) In addition, I believe him to

The Board of Nursing Examiners
February 29, 1996

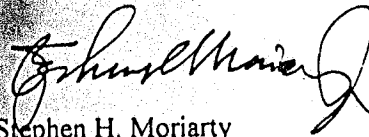
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be committed to a professional life where he will help people.

Please feel free to contact me should you have any questions, or would like to discuss this candidate further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen H. Moriarty".

Stephen H. Moriarty