IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 185862	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
SHERRI JEAN GUTIERREZ	§	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.

Executive Director of the Board

ORDER OF THE BOARD

TO: Sherri Jean Gutierrez
1515 CR 237
Ganado, Texas77962

During open meeting held in Austin, Texas, on Tuesday, February 8, 2011, 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.

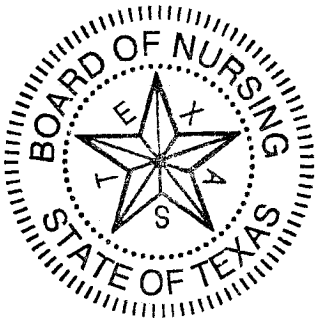
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

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 185862, previously issued to SHERRI JEAN GUTIERREZ, 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 8th day of February, 2011.

TEXAS BOARD OF NURSING

BY: _____

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

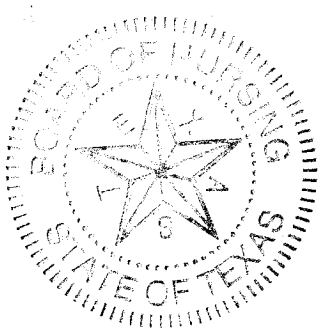
Attachment: Formal Charge filed .

Re: Permanent Certificate Number 185862
Issued to SHERRI JEAN GUTIERREZ
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 2011, 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):

Sherri Jean Gutierrez
1515 CR 237
Ganado, Texas77962



BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 185862, Issued to	§	
SHERRI JEAN GUTIERREZ, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERRI JEAN GUTIERREZ, is a Vocational Nurse holding license number 185862, 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 21, 2000, Respondent entered a plea of Guilty and was convicted of ASSAULT CAUSES BODILY INJURY FAMILY MEMBER (a Class A Misdemeanor offense committed on October 25, 1999), in the County Court Jackson County, Texas, under Cause Number 17719. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one (1) year; 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 302.402 (a)(10), Texas Occupations Code (effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1993).

CHARGE II.

On or about October 8, 2002, Respondent submitted an Application for Initial Licensure by Examination to the Board of Nurse Vocational 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 of a misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about January 21, 2000, Respondent entered a plea of Guilty and was convicted of ASSAULT CAUSES BODILY INJURY FAMILY MEMBER, in the County Court Jackson County, Texas, under Cause Number 17719.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(2)&(10), Texas Occupations Code (effective 9/1/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(8)&(29)(A) (effective 9/1/1993).

CHARGE III.

On or about June 27, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=$20 <$500 BY CHECK (a Class B Misdemeanor offense committed on February 28, 2003), in the County Court Jackson County, Texas, under Cause Number 19,406. As a result of the conviction, Respondent was ordered to pay a fine and court costs and restitution in the amount of one hundred three dollars and thirty-one cents ($103.31).

The above action constitutes grounds for disciplinary action in accordance with Section 302.402 (a)(10), Texas Occupations Code (effective 9/1/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1993).

CHARGE VI.

On or about October 22, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=$20 <$500 BY CHECK (a Class B Misdemeanor offense committed on March 30, 2003), in the County Court Jackson County, Texas, under Cause Number 19,623. As a result of the conviction, Respondent was ordered to pay a fine and court costs and restitution in the amount of one hundred and twenty-six dollars and ninety-one cents ($126.91).

The above action constitutes grounds for disciplinary action in accordance with Section 302.402 (a)(10), Texas Occupations Code (effective 9/1/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1993).

CHARGE V.

On or about November 3, 2003, Respondent submitted an Texas Online Renewal Document for License Vocational Nurses 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:

> "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

On or about June 27, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=$20 <$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 19,406

On or about October 22, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=$20 <$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 19,623.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402 (a)(2)&(10), Texas Occupations Code (effective 9/1/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(8)&(29)(A) (effective 9/1/1993).

CHARGE VI.

On or about December 1, 2003, Respondent entered a plea of Guilty and was convicted of THE LESSER BUT INCLUDED OFFENSE OF ISSUANCE OF BAD CHECK(a Class C Misdemeanor offense committed on March 28, 2003), in the County Court at Law No 1, Victoria County, Texas, under Cause Number 180195. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402 (a)(10), Texas Occupations Code (effective 9/1/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1993).

CHARGE VII.

On or about July 28, 2005, Respondent submitted an Texas Online Renewal Document for License Vocational Nurses 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, 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 arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice 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".)"

On or about December 1, 2003, Respondent entered a plea of Guilty and was convicted of THE LESSER BUT INCLUDED OFFENSE OF ISSUANCE OF BAD CHECK, in the County Court at Law No 1, Victoria County, Texas, under Cause Number 180195.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452 (b)(2)&(10), Texas Occupations Code (effective 9/1/2003), and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I)(effective 9/28/2004).

CHARGE VIII.

On or about August 18, 2005, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=$20 <$500 BY CHECK (a Class B Misdemeanor offense committed on January 2, 2005), in the County Court Jackson County, Texas, under Cause Number 20,543. As a result of the conviction, 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)(10), Texas Occupations Code (effective 9/1/2003), and is a violation of 22 TEX. ADMIN. CODE §217.12(13) (effective 9/28/2004).

CHARGE IX.

As of October 24, 2006, Respondent has failed to repay her Texas Guaranteed Student Loan as required by Texas Education Code §57.491. Respondent exhibited unprofessional conduct in her failure to repay a Texas Guaranteed Student Loan, which may have deprived other students of funds necessary for their educational programs.

The above action constitutes grounds for disciplinary action in accordance Section §301.452(b)(10) of Texas Occupations Code §301.452(b)(10) and is a violation 22 Texas Administrative Code §217.12(7).

CHARGE X.

On or about August 2, 2007, Respondent submitted an License Renewal form for License Vocational Nurses 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."

On or about August 18, 2005, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=$20 <$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 20,543.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452 (b)(2)&(10), Texas Occupations Code (effective 9/1/2005), and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I)(effective 9/28/2004).

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 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 § 301.461, TEX. OCC. CODE ANN. 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.

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 for Lying and Falsification, and Fraud, Theft & Deception, which can be found at the Board's website, 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.

Filed this 11th day of October, 2010.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan 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
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State Bar No. 24052269
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State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

0999/D

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 185862, Issued to	§	
SHERRI JEAN GUTIERREZ, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERRI JEAN GUTIERREZ, is a Vocational Nurse holding license number 185862, 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 21, 2000, Respondent entered a plea of Guilty and was convicted of ASSAULT CAUSES BODILY INJURY FAMILY MEMBER (a Class A Misdemeanor offense committed on October 25, 1999), in the County Court Jackson County, Texas, under Cause Number 17719. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one (1) year; 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 302.402 (a)(10), Texas Occupations Code (effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1993).

CHARGE II.

On or about October 8, 2002, Respondent submitted an Application for Initial Licensure by Examination to the Board of Nurse Vocational 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 of a misdemeanor other than a minor traffic violation?"

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CHARGE III.

On or about June 27, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=$20 <$500 BY CHECK (a Class B Misdemeanor offense committed on February 28, 2003), in the County Court Jackson County, Texas, under Cause Number 19,406. As a result of the conviction, Respondent was ordered to pay a fine and court costs and restitution in the amount of one hundred three dollars and thirty-one cents ($103.31).

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CHARGE VI.

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CHARGE VII.

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CHARGE VIII.

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CHARGE IX.

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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.

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 for Lying and Falsification, and Fraud, Theft & Deception, which can be found at the Board's website, 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.

Filed this 1st day of February, 2010.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Robert Kyle Hensley, Assistant General Counsel
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