00119624

BOARD OF VOCATIONAL NURSE EXAMINERS

333 Guadalupe
Tower 3, Suite 400
Austin, TX 78701

April 22, 1997

PEGGY MAXINE LIVESAY
PO BOX 1374
SEMINOLE TEXAS 79360

Dear Ms. Livesay:

Your renewal form has been referred to this office since you checked "yes" to the question on the renewal form asking if you were convicted of a felony or misdemeanor.

We have initiated an investigation into this matter to determine if you have violated any of the provisions of the Vocational Nurse Act of Texas (Article 4528c, V.A.C.S.).

We have enclosed Order forms for a copy of the Vocational Nurse Act and Rules and Regulations.

We are at this time affording you an opportunity to respond to this matter. In doing this we are affording you an opportunity to show that you have complied with all requirements of law, i.e., article 4528c, Section 10, V.A.C.S., for the retention of your license to practice nursing in Texas.

You are also invited to provide any additional information that you wish to bring to the attention of the Board of Vocational Nurse Examiners.

If you have any questions concerning this matter, contact me at (512) 305-8100, extension 208.

Sincerely,

Kathleen S. Davies

Kathleen S. Davies
Investigator

KD/kd
Enclosures: Order Forms

(Certified Mail - RRR)

Z 350 062 039

Receipt for Certified Mail
No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

UNITED STATES POSTAL SERVICE

Sent to	Peggy Maxine Livesay
Street and No.	PO Box 1374
P.O., State and ZIP Code	Seminole, TX 79360
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date	

PS Form 3800, March 1993

00119624

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Peggy Maxine Livesay
PO Box 1374
Seminole, TX 79360

4a. Article Number

Z 350 062 039

4b. Service Type

☐ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4-28-97

5. Received By: *(Print Name)*

6. Signature: *(Addressee or Agent)*

X Peggy Livesay

8. Addressee's Address *(Only if requested and fee is paid)*

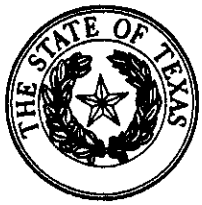
MAY 01 1997

KSD

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



BOARD C

July 18, 1997

Peggy Livesay
PO Box 1374
Seminole, TX 79360

Certified Mail No. Z 350 063 638

Z 350 063 638

Receipt for Certified Mail
No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

UNITED STATES POSTAL SERVICE

Sent to Peggy Livesay
Street and No. PO Box 1374
P.O., State and ZIP Code Seminole, TX 79360
Postage $
Certified Fee
Special Delivery Fee
Restricted Delivery Fee
Return Receipt Showing to Whom & Date Delivered
Return Receipt Showing to Whom, Date, and Addressee's Address
TOTAL Postage & Fees $
Postmark or Date

PS Form 3800, March 1993

00119624

Dear Ms. Livesay:

Enclosed please find a sworn Complaint which has been filed against you alleging one or more statutory violations or grounds to take disciplinary action against you as a vocational nurse licensed under the Vocational Nurse Act, Tex. Rev. Civ. Stat. Ann., Art. 4528c.

Pursuant to the Board of Vocational Nurse Examiners Rules, you are hereby offered the opportunity to schedule a prehearing conference, to be conducted at the Board's office to discuss possible agreed resolution of this matter, in whole or in part. You may be represented by an attorney at the prehearing conference, or you may appear without an attorney. The dates of the prehearing conference are August 11-13, 1997. You must contact Kathleen S. Davies, Supervising Investigator, at (512) 305-8100, **no later than** August 4, 1997, to schedule your prehearing conference. Docket times are assigned by the Board staff. Be advised that conferences **may not** be held on the last day indicated, if we anticipate that we will not have enough cases to fill the docket.

You must arrive at the Board office at least thirty (30) minutes prior to the scheduled time in order to meet with your case Investigator. Please bring with you a valid form of picture identification (Drivers License, I.D. Card, etc.).

Should you choose not to schedule an appearance at the prehearing conference, the enclosed Complaint will be presented to an Administrative Law Judge with the State Office of Administrative Hearings at a regularly scheduled public meeting, for which you will receive advance notification.

A copy of the Board's rules pertaining to prehearing conferences is enclosed. The proceedings relating to the prehearing conference are confidential and your statements made at the hearing will not be offered as evidence to support the allegations in the Complaint. However, if an Agreed Order is proposed as a result of the prehearing conference, it will become a public record if accepted and endorsed by the Board of Vocational Nurse Examiners.

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the conference chambers. (Attorneys are exempt from this

requirement). Please make prior arrangements for the safekeeping of your personal belongings as the Board will not be responsible for these items.

FIREARMS ARE NOT PERMITTED IN THE BOARD OF VOCATIONAL NURSE EXAMINERS OFFICES AND/OR HEARING CHAMBERS.

Should you have questions regarding the prehearing conference procedure, please contact the Investigation Division.

Sincerely,

Marjorie A. Bronk, R.N.
Executive Director

MAB/vg

Enclosure: Complaint, Prehearing Conference Rules, Board Location Map

cc: Regular Mail

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
PEGGY MAXINE LIVESAY	*	
AKA PEGGY MAXINE NICHOLS	*	
AKA PEGGY MAXINE FREYBURGER	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kathleen S. Davies, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 119624, hereinafter called Respondent.

I.

a. On or about April 8, 1997, Respondent submitted her license renewal form to the Board of Vocational Nurse Examiners Office. Respondent answered "yes" to the question "Where you convicted of a Felony or Misdemeanor other that a minor traffic violation since your last renewal?"

b. On or about May 8, 1989, Respondent was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED, in the County Court of Andrews County, Texas, under Cause Number 9387.

c. On or about May 30, 1995, Respondent was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED, in the County Court of Gaines County, Texas, under Cause Number 10523.

d. On or about July 18, 1995, Respondent was convicted of the Felony offense of: DRIVING WHILE INTOXICATED, in the District Court of Gaines County, Texas, 106th Judicial District, under Cause Number 95-2721.

e. Respondent has been convicted of a crime which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

II.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

> (28) violating state or federal laws relative to drugs, including controlled substances and dangerous drugs;
>
> (29) being convicted of a crime that relates to the practice of vocational nursing.
>
> > (A) Those crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse shall include, but are not limited to:
> >
> > > (iv) Offenses related to drugs/alcohol.

III.

Respondent has engaged in the intemperate use of alcohol or drugs, in violation of Article 4528c, Section 10 (a) (8), Revised Civil Statutes of Texas.

IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, LVN #119624, in accordance with the provisions of the laws of the State of Texas.

Kathleen S. Davies
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the 18th day of July 1997.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 18th day of July 1997.

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

00119624

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Peggy Livesay
PO Box 1374
Seminole, TX 79360

4a. Article Number

Z 350 063 638

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

JUL 2 8 1997

7. Date of Delivery

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*

X Peggy Livesay

Addr. Ph

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

00119624

STATE OF TEXAS *
*
COUNTY OF Gaines *
*

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, who being by me duly sworn, deposes as follows:

My name is PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am a Licensed Vocational Nurse in the State of Texas and I am voluntarily surrendering my license to the Board of Vocational Nurse Examiners because I no longer desire to be licensed.

I understand that through this action the Board of Vocational Nurse Examiners may revoke my license without formal charges, notice, or a hearing.

I hereby waive my right to appeal or complain of any Order entered by the Board of Vocational Nurse Examiners accepting the voluntary surrender of my license.

Peggy Maxine Livesay
Affiant

PO Box 1374
Current Address

Seminole TX 79360
City, State and Zip

[illegible]
Telephone Number

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on the 29th day of July, 1997. 3:15 pm

Lori Bagwell
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 1-8-2000

LORI BAGWELL
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 1-8-2000

JUL 31 1997

00119624

BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
512/305-8100

September 19, 1997

Peggy Livesay
PO Box 1374
Seminole, TX 79360

Dear Ms. Livesay:

This letter is to inform you that the Board of Vocational Nurse Examiners accepted the voluntary surrender of your license to practice vocational nursing in the State of Texas, and revoked said license. This is a final decision of the Board. Enclosed please find the Order of the Board.

If you have not yet done so, you are hereby requested to **return your license and/or license renewal form** to this office **immediately**. Failure to comply could result in submission of your file to the Attorney General's Office for institution of injunctive procedures.

The Vocational Nurse Act, Article 4528c, Section 2, V.A.C.S., **prohibits the practice of vocational nursing while the person's license is suspended or revoked**. Violation of this prohibition is a Class B Misdemeanor, punishable by a **fine and/or jail term**, upon conviction.

If you have any questions concerning this matter, please contact the Investigation Division.

Sincerely,

Marjorie A. Bronk, RN

Marjorie A. Bronk, R.N.
Executive Director

MAB/vg

Enclosure: Order of the Board

BOARD ORDER
RE: PEGGY LIVESAY, LVN #119624
PAGE: 2

THE STATE OF TEXAS *
*
COUNTY OF TRAVIS *

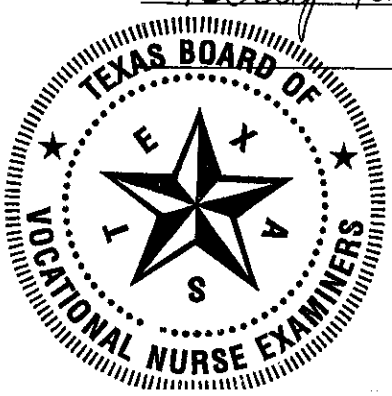
NOW COMES the undersigned members of the Board of Vocational Nurse Examiners, on this the 16th day of September 1997, who having heard the sworn statement executed by Peggy Livesay, have determined that said Peggy Livesay, has voluntarily surrendered her vocational nursing license number 119624, for revocation without the otherwise required formal charges, notice, or a hearing. Said license is hereby revoked by Order of a majority of the members of the Board.

Opal M. Robinson

Carla McCraw

Betty Sims

Peggy Livesay, LVN



CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 1997, a true and correct copy of the foregoing Order was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

Peggy Livesay
PO Box 1374
Seminole, TX 79360

Marjorie A. Bronk, RN

Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners