

1 3. On or about September 20, 2010, the Board received a report from the Phoenix City
2 Prosecutor's Office indicating that Respondent had been convicted of driving under the influence
3 ("DUI") and extreme DUI. Based on this information, the Board conducted an investigation.
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5 4. On or about November 2, 2009, according to Phoenix Police Department report number
6 2009 91741788, police stopped Respondent for a traffic violation. Respondent told police that he had
7 two or three beers. A preliminary breath test revealed that Respondent's alcohol concentration was
8 .261. Police issued Respondent a Traffic Ticket and Complaint, citing Respondent for DUI, DUI
9 with an alcohol concentration of .08 or more, extreme DUI with an alcohol concentration of .15 or
10 more, extreme DUI with an alcohol concentration of .20 or more, and for failure to stop at a red light.
11 Respondent was given a date to appear in Phoenix City Court on these charges. A blood test revealed
12 Respondent's alcohol concentration was .264.
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14 5. Respondent failed to report to the Board that he was charged with the DUI charges
15 within ten days of the charges being filed, as required by statute and rule.
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17 6. On or about September 20, 2010, in complaint number 13989328, Respondent was
18 convicted, pursuant to a guilty plea, of DUI and extreme DUI with an alcohol concentration of .20 or
19 more, misdemeanors, in the Phoenix Municipal Court in Phoenix, Arizona. The Court ordered
20 Respondent to report to jail for self surrender on November 9, 2010, and then serve an additional 30
21 days of home detention.
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23 7. On or about November 22, 2010, in complaint number 13989328, the Court noted that
24 Respondent failed to appear at jail, and failed to enroll in home detention, and an Order to Show
25 Cause hearing was set for December 13, 2010. On or about December 14, 2010, the court issued a
26 warrant for Respondent's arrest for failure to appear. As of September 23, 2011, the warrant was still
27 active.
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1 8. On or about November 9, 2010, Board Staff mailed Respondent an Investigative
2 Questionnaire regarding the September 20, 2010, DUI and extreme DUI convictions, and which he
3 had failed to self-report, and an Arrest and Conviction Questionnaire with instructions to provide a
4 written explanation and specific court and police records regarding each of his arrests, citations or
5 charges, by December 7, 2010. Respondent was reminded that failure to cooperate with the Board by
6 not furnishing in writing a full and complete explanation covering the matter is unprofessional
7 conduct and grounds for disciplinary action. Respondent failed to return the questionnaire or provide
8 any of the documentation as instructed.
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11 9. On or about July 6, 2011, Board Staff mailed Respondent a second Investigative
12 Questionnaire, and an Arrest/Citation/Charge Questionnaire with instructions to provide a written
13 explanation and specific court and police records regarding each of his arrests, citations or charges,
14 by August 6, 2011. Respondent was reminded in the letter that failure to cooperate with the Board
15 during an investigation could be considered a violation of the Nurse Practice Act and it could lead to
16 a disciplinary action. Respondent failed to respond, return the questionnaires, or provide any
17 documentation to the Board.
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19 10. On or about August 16, 2011, Board Staff mailed Respondent a third Investigative
20 Questionnaire, and an Arrest/Citation/Charge Questionnaire with instructions to provide a written
21 explanation and specific court and police records regarding each of his arrests, citations or charges,
22 and an instruction to call his assigned Investigator, by August 31, 2011. Respondent was informed in
23 the mailing that he had a warrant for his arrest for the 2010 DUI case in Phoenix Municipal Court.
24 Respondent was reminded in the letter that failure to cooperate with the Board during an investigation
25 could be considered a violation of the Nurse Practice Act and it could lead to a disciplinary action.
26 Respondent failed to respond, return the questionnaires, or provide any documentation to the Board.
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CONCLUSIONS OF LAW

1. The conduct and circumstances alleged in the Factual Allegations constitute violations of A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601 (18)(d)(Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); (g)(Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter); (j)(Violating a rule that is adopted by the Board pursuant to this chapter) effective September 30, 2009), specifically:

- A.A.C. R4-19-403(17)(A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location) (effective January 31, 2009); and
- A.A.C. R4-19-403(25)(Failing to):(25)(a)(Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664)(effective January 31, 2009);
- A.A.C. R4-19-403 (28)(If a licensee or applicant is charged with a felony or a misdemeanor involving conduct that may affect patient safety, failing to notify the Board in writing, as required under A.R.S. § 32-3208, within ten days of being charged. The licensee or applicant shall include the following in the notification: a) Name, address, telephone number, social security number, and license number, if applicable; b) Date of the charge; and c) Nature of the offense)(effective January 31, 2009).

The conduct and circumstances alleged in the Factual Allegations also constitute violations A.R.S. § 32-3208 (A)(A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed); (D) (A health professional who does not comply with the notification requirements of this section commits an act of unprofessional conduct. The health professional's regulatory board may impose a civil penalty of not more than one thousand dollars in addition to other disciplinary action it takes) (effective September 18, 2003).

1 DATED this 24th day of January, 2012.

2 ARIZONA STATE BOARD OF NURSING

3 SEAL

4 *Joey Ridenour R.N. M.N. F.A.A.N.*

5 Joey Ridenour, R.N., M.N., F.A.A.N.
6 Executive Director

7 COPIES mailed this 17th day of February, 2012, by Certified Mail No. 7009 0080 0000 0430 8139 and
8 First Class Mail to:

9 JOE DANIEL MUNOZ
10 1515 E SAHUARO DR, UNIT 3
11 PHOENIX, AZ 85020

12 COPIES mailed this 17th day of February, 2012, by First Class Mail to:

13 Keely Verstegen
14 Assistant Attorney General
15 1275 W Washington
16 Phoenix AZ 85007

17 By: Llysia Gauntt
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