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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF	)	<b>SURRENDER</b>
<b>JAMES CHARLES NACKOS</b>	)	<b>STIPULATION AND ORDER</b>
TO PRACTICE AS A	)	
PHYSICAL THERAPIST	)	CASE NO DOPL 2008- 164
IN THE STATE OF UTAH	)	

**JAMES CHARLES NACKOS** (“Respondent”) and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily
- 3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent’s signature below signifies that Respondent has consulted

with his attorney, Adam D Ford, and is satisfied with his attorney's advice in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Physical Therapist Licensing Board ("Board") or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities

7 Respondent admits the following facts are true

- a On or about September 26, 2007 Respondent was arrested by deputies of the Utah County Sheriff's Office and later charged in Fourth District Court with three counts of vehicle burglary and four counts of unlawful possession of a controlled substance
- b On or about December 18, 2007, Respondent pleaded guilty to three counts of unlawful possession of a controlled substance, one is a second degree felony and two are third degree felonies, and pleaded guilty to two counts of attempted vehicle burglary, each a Class B misdemeanor
- c Respondent committed the above referenced offenses while licensed as a physical therapist in Utah The victim of the offenses was a patient of Respondent's

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(c), and that said conduct justifies

disciplinatory action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent hereby surrenders Respondent's license to practice as a physical therapist in the State of Utah Respondent agrees that the issuance of the Order in this matter constitutes disciplinatory action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2)(a) Respondent has not practiced physical therapy since the date of his guilty plea on December 18, 2007 and Respondent hereby agrees not to reapply for licensure as a physical therapist in the State of Utah for a period of three years from the date of his guilty plea until after December 18, 2010 The Division does not guarantee that any future application by Respondent for licensure will be approved If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a physical therapist in the State of Utah but is not prevented from being an instructor as provided in the Physical Therapy Practice Act Utah Code Ann § 58-24a-101-114 Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

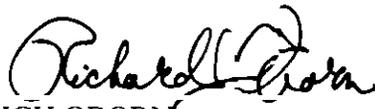
10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or

agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

12 Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY   
RICH OBORN  
Bureau Manager

DATE 8/19/08

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
RON R. KUNZLER  
Counsel for the Division

DATE 8/19/08

RESPONDENT

BY   
JAMES CHARLES NACKOS

DATE 8-13-08

APPROVED AS TO FORM

BY   
ADAM D. FORD  
Counsel for Respondent

DATE 13 AUG 08

**ORDER**

THE ABOVE STIPULATION, in the matter of **JAMES CHARLES NACKOS**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2)(a). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 19 day of August, 2008

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
F DAVID STANLEY  
Director

Investigator Vince Garcia