

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

**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	:	
CASSIUS LEE EKHATOR	:	NOTICE OF AGENCY ACTION
TO PRACTICE AS A	:	
PHYSICAL THERAPIST ASSISTANT	:	
IN THE STATE OF UTAH	:	Case No. DOPL-2012-389

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
Cassius Lee Ekhaton ("Respondent"), 4310 236th St SW Apt X206,
Mountlake Terrace WA 98043-6311:

The Division of Occupational and Professional Licensing ("the Division") hereby files this notice of agency action. Said action is based on the Division's verified petition, a copy of which is attached hereto and incorporated herein by reference.

The adjudicative proceeding designated herein is to be conducted on a formal basis. It is maintained under the jurisdiction and authority of the Division as set forth in §58-1-401(2). **Within thirty (30) days of the mailing date of this notice, you are required to file a written response with this Division.** The response you file may be helpful to clarify, refine or narrow the facts and violations alleged in the verified petition.

Your written response, and any future pleadings or filings, which are a part of the official file in this proceeding, should be mailed or hand delivered to the following:

Signed originals to:
Division of Occupational
and Professional Licensing
Attn: Disciplinary Files
(by mail): PO Box 146741
Salt Lake City UT 84114-6741
(by hand delivery):

A copy to:
William Loos
Assistant Attorney General
Heber M. Wells Building
(by mail): PO Box 140872
Salt Lake City UT 84114-0872
(by hand delivery):

160 East 300 South, 4th floor
Salt Lake City, Utah

160 East 300 South, 5th floor
Salt Lake City, Utah

You may represent yourself or, at your own expense, be represented by legal counsel at all times while this action is pending. **Your legal counsel shall file an entry of appearance with the Division after being retained to represent you in this proceeding.** Until that entry of appearance is filed, the Division, its counsel, and the presiding officer will communicate directly with you.

The presiding officer for the purpose of conducting this proceeding will be Jennie Jonsson, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney may have questions as to the procedures relative to the case, Judge Jonsson can be contacted in writing at P O Box 146701, Salt Lake City, UT 84114-6701; by telephone at (801) 530-6706; or by electronic mail at jjonsson@utah.gov.

Pursuant to a determination previously made by the Division which generally governs proceedings of this nature, the Division is providing the relevant and nonprivileged contents of its investigative file to you, concurrent with the issuance of this notice.

The Division is also providing its witness and exhibit list to you, concurrent with the issuance of this notice. The witness list identifies each individual the Division expects to present as a witness and includes a brief summary of their testimony at the hearing. The exhibit list identifies each anticipated document which the Division expects to present at the hearing. The Division is also providing a copy of any document to you that has not been otherwise made available to you through the investigative file.

Concurrent with your filing of a written response, you should provide to the Division a copy of any documents you have which relate to this case. Further, you should provide your witness and exhibit list to the Division. The witness list should identify each individual you expect to present as a witness and include a brief summary of their anticipated testimony. The exhibit list should identify each document you expect to present at the hearing.

If you fail to file a response within the 30 days allowed or fail to attend or participate in any scheduled hearing, Judge

Jonsson may enter a default against you without any further notice to you.

After the issuance of a default order, Judge Jonsson may cancel any prehearing conference or hearing scheduled in the Division's verified petition, conduct any further proceedings necessary to complete the adjudicative proceeding without your participation and determine all issues in the proceeding.

If you are held in default, the maximum administrative sanction consistent with the verified petition may be imposed against you. That sanction in this case is revocation of license.

Counsel for the Division in this proceeding is William Loos, Assistant Attorney General, State of Utah. Mr. Loos may be contacted in writing at P.O. Box 140872, Salt Lake City, UT 84114-0872 or by telephone at (801) 366-0310. You may, subject to the deadlines established herein, attempt to negotiate a settlement of this proceeding by contacting counsel for the Division.

Any stipulation in lieu of a response should be jointly signed by yourself and the Division and filed within the time that a response would otherwise be due. Alternatively, any stipulation to resolve this case in lieu of the hearing shall be jointly signed by the parties and filed no later than one (1) week prior to the scheduled hearing.

Unless this case is resolved by a stipulation between the parties in lieu of the filing of a response, a prehearing conference will be conducted as follows:

October 18, 2012 at 9:00 a.m. by teleconference

During the conference, Judge Jonsson will address and resolve any further discovery issues. A schedule for the filing of any prehearing motions shall also be established.

Subject to the Department of Commerce Administrative Procedures Act Rules which govern this proceeding, the evidentiary hearing shall be conducted within 180 calendar days from the date of issuance of the notice of agency action.

You are entitled by law to an evidentiary hearing to determine whether your license to practice as a physical therapy assistant in the State of Utah should be revoked, suspended or subjected to other disciplinary action. Unless otherwise

specified by the Director of the Division, the Physical Therapy Board will serve as fact finder in the hearing. **The hearing will be conducted as follows:**

**December 4, 2012, 9:00 a.m. Conference Room 474
4th floor
160 East 300 South
Salt Lake City, Utah**

During the evidentiary hearing, you will have the opportunity to present an opening statement, submit evidence, conduct cross-examination, submit rebuttal evidence and offer a closing statement to the fact finder. After the close of the hearing, the Board will take the matter under advisement and then submit its Findings of Fact, Conclusions of Law and a Recommended Order to the Division for its review and action.

Dated this 13 day of September, 2012.



W. Ray Walker
W. Ray Walker
Regulatory & Compliance
Officer

William Loos, USB# 1992
Assistant Attorney General
MARK L SHURTLEFF (# 4666)
Utah Attorney General
Commercial Enforcement Division
160 East 300 South, 5th Floor
Box 140872
Salt Lake City, UT 84114-0872
Telephone: (801) 366-0310

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES
OF **CASSIUS LEE EKHATOR**,
TO PRACTICE AS A PHYSICAL
THERAPIST ASSISTANT
IN THE STATE OF UTAH

PETITION FOR REVOCATION

CASE NO DOPL- 2012-389

The Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (“the Division”), by and through its counsel, William Loos, Assistant Attorney General, submits the following petition against Cassius Lee Ekhatore, Physical Therapist Assistant (“Respondent”).

PRELIMINARY STATEMENT

These causes of action were investigated by the UTAH DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING upon information that CASSIUS LEE EKHATOR, Physical Therapist Assistant, has engaged in acts and practices which constitute violations of the Division of Occupational and Professional Licensing Act, Utah Code Ann. §§ 58-1-101 through 58-1-504 (West 2004), and the Physical Therapist Act, Utah Code Ann. §§ 58-24b-101 to 58-24b-504 (West 2004).

The allegations against Respondent in this Petition are based upon information and belief arising out of that investigation.

Each cause of action in this Petition shall be deemed to incorporate by reference the allegations set forth in the other paragraphs of the Petition.

PARTIES

1. The Division is a Division of the Department of Commerce of the State of Utah and is established by virtue of Utah Code Ann. §13-1-2 (2)(a) and § 58-1-103 (West 2004)

2. Respondent is licensed by the Division to practice as a physical therapy assistant under the Physical Therapist Act, Utah Code Ann §§ 58-24b-101 to 58-24b-504 (West 2004) He obtained his license on or about September 8, 2009

STATEMENT OF ALLEGATIONS

3. On or about September 8, 2009, Respondent applied for licensure in the State of Utah as a Physical Therapist Assistant by endorsement through the States of Connecticut and New York and Washington.

4 On or about February 8, 2011, the Respondent applied for licensure as a Physical Therapy Assistant in the State of Louisiana On or about June 23, 2011, a hearing was held before the Physical Therapy Board of Louisiana regarding Respondent's application The Respondent was denied after the Board found that Respondent had repeatedly and knowingly made representations to the Board, which representations in fact were false and/or misleading as

to material facts and that he also omitted to state facts and matters which were material in his applications, as follow:

a. On April 20, 2001, Respondent represented to the Louisiana Board that he had failed a single exam in 1999, in Houston, Texas. However, the documents submitted to the Federation of State Boards of Physical Therapy on May 30, 2001 showed seven prior exams;

b. On June 15, 2002, Respondent's application represented seven prior exam failures and represented that he was not licensed in any other state. The document submitted to FSBPT showed 10 or more prior exams, and at that time, through grandfathering, he held a PTA license in the state of New York, active through October 21, 2002;

c. On or about August 2, 2002, the Respondent's application listed only one prior exam in Sugarland, Texas, and again denied licensure in any other State.

d. On or about September 14, 2002, Respondent's application listed a May 2002 exam failure, but did not disclose that he has also failed an exam in August 19, 2002. Furthermore, he represented that he was not licensed in any other state.

e. On or about March 21, 2003, Respondent's application listed only one exam failure and he denied licensure in any other state.

f. On January 13, 2009, Respondent's application listed a different social security number than all of his previous applications. The Respondent also listed that he was currently license in the states of Connecticut and New York, but failed to list the state of Washington.

On each of the above applications, the Respondent signed an oath certifying that all statements made on his application were true.

5. On the Respondent's application for licensure in the State of Utah, the Respondent certified under penalty of law that "I am a United State's citizen or a qualified alien who is lawfully able to work in the United States." In truth, the Respondent is an illegal alien and does not have legal status in the United States

APPLICABLE LAW

6 The Division is authorized to "revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title " Utah Code Ann § 58-1-401(1)(West 2004).

7 Good moral character is a quality one must possess as a requirement for licensure to practice as a physical therapy assistant, pursuant to Utah Code Ann § 58-24b-302(1) (West 2004)

8. Utah Code Ann § 58-1-401 (2), allows the division to refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases:

(a) the applicant or licensee has engaged in unprofessional conduct, as defined by statute or rule under this title;

9 "Unprofessional conduct," pursuant to Utah Code Ann § 58-1-501(2), means conduct, by a licensee or applicant, that is defined as unprofessional conduct under this title or under any rule adopted under this title and includes

(d) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings

FIRST CAUSE OF ACTION
DISHONEST CONDUCT

10 Respondent engaged in dishonest conduct, as described in Paragraphs 4 (a) through 4(f) Therefore, Respondent has demonstrated a lack of good morale character, thus failing to maintain qualification for licensure and invoking sanctions/revocation against his license under Utah Code Ann. § 58-24b-302(1) (West 2004)

SECOND CAUSE OF ACTION
UNPROFESSIONAL CONDUCT

11. Respondent engaged in unprofessional conduct, as described in Paragraphs 4 (a) through 4(f) and 5. Therefore, Respondent has engaged in conduct that resulted in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceeding, under Utah Code Ann §§ 58-1-401(1) and 58-1-501(2)(d) (West 2004)

WHEREFORE, the Division requests the following relief

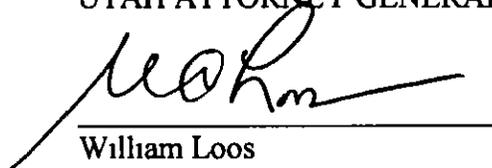
1 That Respondent be adjudged and decreed to have engaged in the acts alleged herein;

2 That by engaging in the above acts, Respondent be adjudged and decreed to have violated the above-enumerated provisions of the Division of Occupational and Professional Licensing Act, and the Physical Therapy Act,

3 That Respondent's license to practice as a Physical Therapy Assistant be revoked

DATED this 1st day of September, 2012

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL



William Loos
Assistant Attorney General

STATE OF UTAH)

.ss.

COUNTY OF SALT LAKE)

Allyson Robinson, being first duly sworn, states as follows.

1. I am an investigator for the Bureau of Investigation, Division of Occupational and Professional Licensing, and have been assigned to investigate this case.

2. I have read the foregoing Petition and am familiar with the contents thereof. All of the factual allegations in the petition are true to the best of my knowledge, information and belief.

Allyson Robinson
Allyson Robinson

SWORN TO AND SUBSCRIBED before me this 5 day of Sept, 2012



[Signature]
NOTARY PUBLIC