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

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IN THE MATTER OF THE LICENSE OF CASSIUS LEE EKHATOR TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THE STATE OF UTAH	REVOCAION OF LICENSE AND SURRENDER OF RESIDUAL RIGHT TO APPLY FOR LICENSE  STIPULATION AND ORDER  CASE NO. DOPL-2012-389
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**CASSIUS LEE EKHATOR** ("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 either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board that oversees physical therapist assistants, or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to a hearing, the right to call witnesses on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing.

Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent has received a Petition and a Notice of Agency Action in this matter.

6. Respondent understands 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's license, to other persons and entities.

7. Respondent agrees to surrender Respondent's license to practice as a physical therapist assistant in the State of Utah along with all rights to reapply for a license for five years from the date of this Order. The Division does not guarantee that any future application by Respondent for licensure will be granted.

8. Respondent admits the following are true: 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 §§58-24b-101 to 58-24b-504 (West 2004)

9. 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.

10 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 follows:

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.

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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 licensed in the states of Connecticut and New York, but failed to list the state of Washington.

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

12. 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, in the past the Respondent used a false social security number and ID number which shows he not have legal status in the United States.

13. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromised 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 if the Director does not do so, the Stipulation and the representations contained therein shall be null and void.

14 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.

15 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.

### **APPLICABLE LAW**

16 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)

17. **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).**

18. 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,

19. “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**

20. Respondent engaged in dishonest conduct, as described in Paragraphs 10(a) through 10(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**

21. Respondent engaged in unprofessional conduct, as described in Paragraphs 10(a) through 10(f) and 12. Therefore, Respondent has engaged in conduct that has resulted or would result 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 and 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)

DIVISION OCCUPATIONAL &  
PROFESSIONAL LICENSING

RESPONDENT

BY: Richard J. Dorn

BY: Cassius Lee Ekhaton  
CASSIUS LEE EKHATOR

DATE: 2/26/2013

DATE 2-22-13

JOHN E. SWALLOW  
UTAH ATTORNEY GENERAL

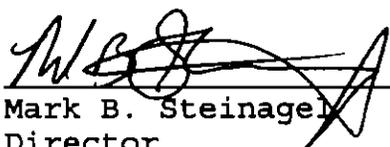
William C. Loos  
WILLIAM C LOOS  
Counsel for the Division

DATE: 2-28-13

**ORDER**

The Stipulation above, in the matter of CASSIUIS LEE EKHATOR, 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(6) and Utah Code Ann. §58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

Dated this 1<sup>st</sup> day of March, 2013

  
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Mark B. Steinagel  
Director  
Division of Occupational  
and Professional  
Licensing