



ORDER OF SUSPENSION

March 11, 2014

Tyler Floyd [REDACTED]
[REDACTED]
Marquette, MI [REDACTED]

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Floyd:

The Board of Certification, Inc. (BOC) Professional Practice and Discipline Committee (Committee) has rendered the following decision with respect to the charge that Tyler Floyd ("Respondent") has violated Code 3.11 of the Code of Professional Responsibility (COPR) section of the BOC Standards of Professional Practice. COPR Code 3.11, states that the BOC Certified Athletic Trainer or applicant:

Does not take any action that leads, or may lead, to the conviction, plea of guilty or plea of nolo contendere (no contest) to any felony, or to a misdemeanor related to public health, patient care, athletics or education. This includes, but is not limited to: rape; sexual abuse of a child or patient; actual or threatened use of a weapon of violence; the prohibited sale or distribution of controlled substance, or its possession with the intent to distribute; or the use of the position of an athletic trainer to improperly influence the outcome or score of an athletic contest or event or in connection with any gambling activity.

Factual Findings

1. Respondent was certified by the BOC (Certification Number 2000009462) on or about May 21, 2012 as having satisfied the requirements established by the BOC with regard to knowledge and professional competence in the area of entry-level athletic training.
2. On or about May 6, 2013, the BOC became aware via news articles that Respondent had been charged with criminal sexual conduct for having sex with an underage high school student. Upon this discovery, the BOC contacted the Michigan Department of State Police and requested documentation of the charges. The BOC thereafter received documentation that Respondent had been charged with CSC 1st Degree Relation and CSC 3rd DEG Person 13-15.
3. On or about May 6, 2013, the BOC sent the Respondent a letter stating that the BOC had received information regarding the sexual assault charges pending against Respondent. The letter notified Respondent that the BOC had placed Respondent's certification status in Emergency Suspension due to the seriousness of the allegations and further informed Respondent that he had fifteen days to respond to the allegations. The BOC received verification on May 11, 2013 that the letter had been received and signed for. The BOC did not receive a response from Respondent.
4. On or about September 19, 2013, the BOC received a news article stating Respondent had been sentenced.
5. On or about September 19, 2013, the BOC received a copy of the Sentencing Information Report from the Michigan Department of Corrections website stating Respondent had been sentenced to a minimum

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of 1 year 9 months or a maximum of 15 years in prison for Criminal Sexual Conduct, 3rd Deg (Person 13 Thru 15).

6. On or about October 16, 2013, the BOC mailed the Respondent a Consent Agreement for Suspension of his certification. The Consent Agreement stated Respondent may petition for reinstatement no sooner than 21 months or the completion of Respondent's prison sentence and any request for reinstatement of certification must be reviewed by a Reinstatement Panel. The BOC received verification on October 21, 2013 the letter had been received and signed for by T. Dusseault. The BOC did not receive a response from Respondent.
7. On or about December 3, 2013, the BOC issued Respondent a Charge letter due to the fact that Respondent had been sentenced to a minimum of 21 months in prison for Criminal Sexual Conduct, 3rd Deg (Person 13 Thru 15) and further informed Respondent that he had thirty days to respond to the allegations. The BOC received verification on December 9, 2013 the letter had been received and signed for by T. Dusseault. Respondent did not respond.
8. On February 10, 2014, the Committee deliberated on this matter.

Conclusions of Law

The Committee has determined that Respondent's sentence of 21 months in prison for Criminal Sexual Conduct, 3rd Deg (Person 13 Thru 15) violates Code 3.11 of the COPR section of the *BOC Standards of Professional Practice*. COPR Code 3.11, states that the BOC Certified Athletic Trainer or applicant:

Does not take any action that leads, or may lead, to the conviction, plea of guilty or plea of nolo contendere (no contest) to any felony, or to a misdemeanor related to public health, patient care, athletics or education. This includes, but is not limited to: rape; sexual abuse of a child or patient; actual or threatened use of a weapon of violence; the prohibited sale or distribution of controlled substance, or its possession with the intent to distribute; or the use of the position of an athletic trainer to improperly influence the outcome or score of an athletic contest or event or in connection with any gambling activity.

Decision

As a result, the Committee has issued the following sanction: Respondent's certification is SUSPENDED. As a result the Respondent is not authorized to do the following:

- a. represent himself to the public as a practicing Certified Athletic Trainer or use the certification marks "ATC" or "C.A.T." following her name; or
- b. serve as an item writer for the BOC certification exam; or
- c. serve as a supervisor of students who are satisfying the athletic training requirements for certification eligibility
- d.

Respondent may petition for reinstatement after suspension in accordance with Section 12 of the BOC Discipline Procedures. Such petition may be brought by Respondent no sooner than completion of Respondent's prison sentence for the offenses listed in number 5, above, whichever comes later.

This matter will remain a part of Respondent's BOC certification file and may be used for the purpose of determining sanctions in any future matters that come before the BOC Professional Practice and Discipline Committee or other Disciplinary Panels.

Respondent has the right to appeal a decision made by the Committee. An appeal must be filed within thirty (30) days of receipt of this decision. The appeal must be written and addressed to the BOC Executive Director. Details regarding the appeal process are set forth in the enclosed procedures.

Dated: 3/4/2014

Denise M Fandel

Denise Fandel, CAE
Executive Director

Sincerely,

Shannon Leftwich

Shannon Leftwich
Director of Credentialing Services

cc: BOC Professional Practice and Discipline Committee
BOC Counsel
Athletic Trainer Board Michigan Bureau of Health Professions
NATA Ethics Committee