



BOARD OF CERTIFICATION

1415 Harney Street, Suite 200
Omaha, Nebraska 68102

BOARD OF CERTIFICATION
FOR THE ATHLETIC TRAINER

November 11, 2014

Jesse Holmes

Beeville, TX

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Dear Mr. Holmes:

Please be advised that the Board of Certification, Inc. (BOC) Professional Practice and Discipline Committee (Committee) has rendered the following decision with respect to the charge that you violated Codes 3.11 of the Code of Professional Responsibility (COPR) section of the BOC Standards of Professional Practice.

In a Charge letter dated September 3, 2014, the BOC informed you that the Committee had determined that good cause existed to believe that you have violated Codes 3.11 of the COPR section of the BOC Standards of Professional Practice based on the fact that on or about May 5, 2014 in Victoria County, Texas, District Court, you plead "guilty" to three second degree felonies for Improper Relationship Between Educator and Student and Sexual Assault as set forth in Count 1 and Count 2. The letter was signed for on September 8, 2014. The BOC did not receive a response from you.

The Committee deliberated November 10, 2014.

Factual Findings

1. On or about October 15, 2012, the BOC received news articles stating you were arrested on October 11, 2012 after being accused of two counts of aggravated sexual assault of a child.
2. On or about October 15, 2012, the BOC received a copy of the arrest report from the Victoria Police Department, Victoria, Texas. The BOC mailed a Notice and Emergency Suspension Order. The BOC did not receive a response from you.
3. On or about May 29, 2014 the BOC received a copy of the judgment of convictions by jury stating you were sentenced to 10 years for Improper Relationship Between Educator and Student, 15 years for Sexual Assault Count 1 and 5 years for Sexual Assault Count 2 to be served concurrently.
4. The Committee deliberated these facts on July 14, 2014.
5. On or about July 29, 2014, the BOC offered a Consent Agreement for Suspension of your Certification. The BOC did not receive a response from you.
6. On or about September 3, 2014, the BOC sent a Charge Letter giving you 30 days for a response. The letter was signed for on September 8, 2014. The BOC did not receive a response from you.
7. The Committee deliberated on November 10, 2014.

Conclusions

Based on the lack of response to BOC notifications, the Committee determined that the facts above are valid and that such actions violate Code 3.11 of the COPR section of the BOC Standards of Professional Practice:

Code 3.11: "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."

As a result, the Committee has issued the following decision regarding your certification:

Your certification status is considered Suspended. Suspension of a BOC certification is considered public information and may be published or otherwise disclosed by the BOC. Pursuant to Section 10 of the BOC Guidelines, upon execution of this Decision Letter, you are required to return by traceable mail your BOC certification card to the BOC office within 10 calendar days. Further, while your certification is Suspended, you are not authorized to do the following:

1. Represent yourself to the public as a practicing Certified Athletic Trainer or use the certification marks "ATC" or C.A.T." following your name; or
2. Serve as an item writer for the BOC certification exam; or
3. Serve as a supervisor of students who are satisfying the athletic training requirements for certification eligibility.

You may petition for reinstatement after suspension in accordance with Section 13 of the BOC Discipline Procedures no sooner than 15 years or the completion of your prison sentence. Any request for reinstatement of certification must be reviewed by a Reinstatement Panel.

Mr. Holmes, this matter will remain a part of your 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. You have 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. For details regarding the appeal process, please see the enclosed procedures.

Sincerely,



Shannon Leftwich, MA, ATC
Director of Credentialing Services

cc: BOC Professional Practice and Discipline Committee
BOC Counsel
Texas Advisory Board of Athletic Trainers

Enclosures: *BOC Standards of Professional Practice*
Professional Practice and Discipline Guidelines and Procedures