



October 24, 2024

Levi Tande

[REDACTED], ND

Hello Levi,

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 Code 3.10 of the Code of Professional Responsibility (COPR) section of the BOC Standards of Professional Practice (2022).

In a Charge letter dated August 6, 2024, the BOC informed you that the Committee had determined that good cause existed to believe that you have violated Codes 3.2 and 3.10 of the COPR section of the BOC Standards of Professional Practice. On June 22, 2023, you were charged in North Dakota East Central District Court for one count of violating North Dakota Statute §12.1-20-07(1)(f) felony level c, Sexual Assault – Victim 15-18 – Defendant 22 or older. On July 11, 2023, you pled not guilty in North Dakota East Central District Court for one count of violating North Dakota Statute §12.1-20-07(1)(f) felony level c, Sexual Assault – Victim 15-18 – Defendant 22 or older. On January 24, 2024, you pled guilty to one count of violating North Dakota Statute §12.1-20-07(1)(f) felony level c, Sexual Assault – Victim 15-18 – Defendant 22 or older. On April 22, 2024, you were sentenced to 3 years of incarceration with 5 years' supervised probation and required to register as a Sex Offender.

#### Factual Findings

1. On June 22, 2023, you were charged in North Dakota East Central District Court for one count of violating North Dakota Statute §12.1-20-07(1)(f) felony level c, *Sexual Assault – Victim 15-18 – Defendant 22 or older*.
2. On July 11, 2023, you pled not guilty in North Dakota East Central District Court for one count of violating North Dakota Statute §12.1-20-07(1)(f) felony level c, *Sexual Assault – Victim 15-18 – Defendant 22 or older*.
3. On July 26, 2023, the BOC suspended your certification and sent you a Notice and Emergency Suspension Order electronically via Eversign. The BOC did not receive a response.
4. On July 11, 2023, the BOC left you a voicemail reminder and sent a reminder electronically via Eversign. The BOC did not receive a response.
5. On July 25, 2023, the BOC mailed you the Notice and Emergency Suspension Order via USPS Certified mail.
6. On August 17, 2023, the BOC received the Certified mail receipt back unsigned. The BOC did not receive a response.
7. On January 24, 2024, you pled guilty in North Dakota East Central District Court to one count of violating North Dakota Statute §12.1-20-07(1)(f) felony level c, *Sexual Assault – Victim 15-18 – Defendant 22 or older*.
8. On April 22, 2024, you were sentenced in North Dakota East Central District Court to 3 years of incarceration with 5 years' supervised probation and required to register as a Sex Offender.
9. On April 25, 2024, the BOC sent you a Consent Agreement electronically via Eversign for Suspension of your certification with the possibility of reinstatement no sooner than the date of their release from incarceration. The BOC did not receive a response.
10. On May 13, 2024, the BOC tried to call you but your phone number had been disconnected. The BOC sent you a reminder electronically via Eversign the same day. The BOC did not receive a response.

11. On May 30, 2024, the BOC mailed you the Consent Agreement via USPS Certified mail.
12. On June 18, 2024, the BOC received a Certified mail receipt signed by another individual, acknowledging the document was delivered on June 10, 2024. The BOC did not receive a response.
13. On August 6, 2024, the BOC sent you a Charge Letter for suspension of your certification electronically via Eversign. The BOC did not receive a response.
14. On August 21, 2024, the BOC tried to call you but your phone number had been disconnected. The BOC sent you a reminder electronically via Eversign the same day. The BOC did not receive a response.
15. On September 12, 2024, the BOC mailed you a Charge Letter for suspension of your certification via USPS Certified mail.
16. On September 17, 2024, per USPS records, the Charge Letter was delivered.
17. On September 24, 2024, the BOC received a Certified mail receipt signed by another individual acknowledging receipt of the Charge Letter on September 17, 2024. The BOC did not receive a response.

### 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 3.10 of the COPR section of the BOC Standards of Professional Practice:

Code 3.10: The Athletic Trainer, specialist or applicant takes no 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 sanctions 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. 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 mark "ATC" 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 in accordance with Section 12 of the BOC Discipline Procedures. Such petition may be brought by Respondent no sooner than the date of their release from incarceration for the offenses listed in Paragraph 2 on Page 1. Contact the BOC office for instructions how to petition for reinstatement, fees, and procedures.

Levi, 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 received by the BOC within thirty (30) days of receipt of this decision.

The appeal must be written and addressed to the BOC Chief Executive Officer. For details regarding the appeal process, please see the enclosed procedures.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Fleming". The signature is written in a cursive, flowing style.

Shannon Fleming, MA, ICE-CCP, AT Ret.  
Vice President of Credentialing

cc: BOC Professional Practice and Discipline Committee  
BOC Counsel  
North Dakota Board of Athletic Training

Enclosures: [BOC Standards of Professional Practice](#)  
[Professional Practice and Discipline Guidelines and Procedures](#)  
Copy of the Court Docket  
Copy of Sentencing Disposition  
Notice & Emergency Suspension Order  
Consent Agreement Offer and Consent Agreement  
Charge Letter