

**BEFORE THE ATHLETIC TRAINERS PRACTICE BOARD
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Case No. AT-18-1-COM

**RICARDO O. RUIZ,
License No. AT621 (Expired),**

Respondent.

SETTLEMENT AGREEMENT

Whereas, Ricardo O. Ruiz, (“Respondent”), is licensed under the New Mexico Athletic Trainers Practice Board, NMSA 1978, Sections 61-14-D-1 to -19, and, as such, is subject to the jurisdiction of the New Mexico Athletic Trainers Practice Board (“Board”); and

Whereas, the Board received a formal complaint alleging that Respondent has violated the Act; and

Whereas, the Board found sufficient evidence to refer the matter to its administrative prosecutor and request that a Notice of Contemplated Action (“NCA”) be issued against Respondent; and

Whereas, an NCA was issued against Respondent; and

Whereas, Respondent is willing to resolve this matter without the time and expense of a formal hearing conducted; and

Whereas, the Board’s administrative prosecutor believes that this proposed Settlement Agreement (the “Agreement”) is appropriate and in the best interest of the Board:

THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Jurisdiction:** Respondent is licensed by the Board or otherwise subject to the Act and jurisdiction of the Board.
2. **Voluntary Agreement:** Respondent enters into this Agreement knowingly and voluntarily, without duress or coercion, and after a full opportunity to consult an attorney. Respondent understands that if he rejects this agreement the Board will conduct a formal evidentiary hearing which could result in the Board imposing discipline that is more severe or less severe than the sanctions imposed herein.

3. Board Approval: This Agreement requires Board approval. If the Board rejects this Agreement, the Board may proceed with a full evidentiary hearing on a date scheduled by the Board in a subsequent notice. If the Board rejects this Agreement, the terms of this Agreement or statements made by Respondent in support of this Agreement shall not be used against Respondent in a subsequent hearing. The approval shall be effective the date this Agreement is signed by the Board or its designee.
4. Waivers:
 - a. If this Agreement is accepted by the Board, Respondent agrees to waive any and all rights under the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017), including but not limited to the right to an evidentiary hearing, the right to discovery, the right to present evidence, the right to call and cross examine witnesses, and the right to judicial review.
 - b. Respondent waives all rights to have this matter heard within the time frame set by the ULA, in order for the Board to consider this Agreement.
5. Violations: Respondent acknowledges that this disciplinary action is for the following conduct: Respondent admits that he practiced without a license in the following violation(s) of the Act or Board's rules:

NMSA 1978 61-14D-4. License required.

A. Unless licensed pursuant to the Athletic Trainer Practice Act, no person shall:

- (1) practice as an athletic trainer as defined in the Athletic Trainer Practice Act;
- (2) use the title or represent himself as a licensed athletic trainer or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed to practice as an athletic trainer; or
- (3) advertise, hold out to the public or represent in any manner that he is authorized to practice athletic training in the jurisdiction.


6. Sanctions and Conditions: The Board shall take no further action against Respondent with respect to the matters in the subject case, provided Respondent agrees and complies with the following disciplinary sanctions and conditions:
 - a. Fine: Respondent shall pay to the Board a fine of two hundred fifty dollars (\$250.00) within thirty (30) days from the date this Agreement is accepted by the Board;
 - b. Respondent shall take and pass the New Mexico Jurisprudence Exam with a minimum of 70% passing score within thirty (30) days from the date this

Agreement is accepted by the Board. Respondent is responsible for any associated expenses.

7. **Reportable Discipline:** Respondent understands that this Agreement may constitute formal disciplinary action by the Board, and may be reported to the appropriate national data bank.
8. **Non-Compliance:** Respondent understands and agrees that failure to comply with the terms and conditions of this Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Respondent fails to comply with the provisions hereof, the Board shall have the right to take such action against Respondent, as it deems appropriate under the circumstances, including revoking Respondent's license.
9. **Contact Information:** Respondent shall notify the Board within ten (10) calendar days if there is a change in employment or home address during the term of discipline or prior to completion of any conditions stated herein.
10. **Public Record:** This Agreement and the original complaint are public records and may be provided for inspection if requested, pursuant to the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2018). The Board may also publish this Agreement or a summary of the Agreement to the public, which may include posting to the Board's website.
11. **Full Compliance and Final Disposition:** Upon Respondent's satisfactory completion of the terms of this agreement, the case will be deemed closed for administrative purposes without the filing of an order or official vote of the Board. However, this matter may still constitute disciplinary action as provided herein for purposes of Respondent's record with the Board.

I understand and have read this document and hereby agree to the terms of this Agreement freely and voluntarily. I understand that by entering into this Agreement I am giving up my rights under the Uniform Licensing Act, including my right to an evidentiary hearing on the merits of the alleged violations.

I understand that if the Board accepts this Agreement, I am required to comply with the terms stated herein, and that failure to comply with the Agreement may subject me to further discipline, including temporary suspension of my license(s).



Ricardo O. Ruiz, Respondent

08/15/2019
Date

Respondent's Attorney (if any)

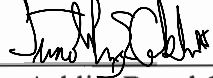
Date

ORDER

This document is not valid unless it is accepted by vote of the Board. Having come before the Board during a properly scheduled public meeting, with a quorum present and majority voting in the affirmative, this Agreement is:

 X ACCEPTED

IT IS SO ORDERED.



Timothy Acklin, Board Chairperson
New Mexico Athletic Trainers Practice Board
Post Office Box 25101
Santa Fe, NM 87505
(505) 476-4622

11-3-2020

Date