

IN THE MATTER OF	*	BEFORE THE
JIMMY R. AUGUSTIN	*	MARYLAND STATE
Applicant for Licensure	*	BOARD OF PHYSICIANS
	*	Case Number: 2223-0051A
* * * * *		

FINAL DECISION AND ORDER

On December 15, 2022, the Maryland State Board of Physicians (the “Board”) received an application from Jimmy R. Augustin for a license to practice as an athletic trainer in Maryland.¹ On March 14, 2023, Board Disciplinary Panel A, with respect to Mr. Augustin’s application, issued a Notice of Intent to Deny Application for Licensure under the Maryland Athletic Trainers Act. Md Code Ann., Health Occ. §§ 14-5D-01 – 14-5D-20. The notice was based on the following Health Occ. § 14-5D-14 grounds:

(a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, . . . , if the applicant . . . :

(3) – Is guilty of unprofessional or immoral conduct in the practice of athletic training;

(17) - Is disciplined by a licensing, certifying, or disciplinary authority or is convicted or disciplined by a court of any state or country . . . for an act that would be grounds for disciplinary action under this section, with the underlying ground of Health Occ. § 14-5D-14(a)(3);

(b)(1) - On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside. (2) After completion of the appellate process, if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall

¹ The application was dated December 6, 2022.

order the revocation of a license on the certification by the Office of the Attorney General;

The notice also was based on the following grounds of the Maryland Athletic Trainers Act:

Health Occ. § 14-5D-08(b)(1) - The applicant shall . . . [b]e of good moral character;

Health Occ. § 1-212 – violation of the sexual misconduct regulations.

The case was delegated to the Office of Administrative Hearings (“OAH”) for an evidentiary hearing and a proposed decision. On October 12, 2023, an Administrative Law Judge (“ALJ”) held the evidentiary hearing and, on January 2, 2024, issued a Proposed Decision, recommending that the Board deny Mr. Augustin’s application. Mr. Augustin filed written exceptions, consisting of a one sentence request for an exceptions hearing. On February 28, 2024, Mr. Augustin and the Administrative Prosecutor appeared before Board Disciplinary Panel B for an exceptions hearing. Panel B now issues this final decision.

FINDINGS OF FACT

Panel B adopts the ALJ’s Proposed Findings of Fact (paragraphs 1 through 19 on pages 3 through 6 of the ALJ’s Proposed Decision), and Discussion (set forth on pages 9 through 13 of the ALJ’s Proposed Decision). The ALJ’s Proposed Decision is attached as **Exhibit 1**. The findings of fact were proven by the preponderance of evidence and neither party took exception to any of the findings of fact. The ALJ’s Proposed Findings of Fact (which are now Panel B’s findings of fact) are set forth below in paragraphs 1 – 19. The Discussion is incorporated by reference into the body of this document as if set forth in full.

1. In the fall of 2016, the Applicant, who was thirty-three at that time, was an athletic trainer and teacher at a high school in Washington D.C.

2. During a period of a few weeks, the Applicant hugged a seventeen-year-old student approximately eight to ten times and kissed her about five times. During these encounters, the Applicant and student both remained full clothed.

3. During a period of a few weeks, the Applicant and the student exchanged text messages that started as flirtatious and became more sexually explicit.

4. On November 29, 2016, the Superior Court for the District of Columbia issued an arrest warrant for the Applicant. The complaint supporting the arrest warrant alleged that the applicant engaged in sexually suggestive conduct with a minor when the Applicant was an athletic trainer at the minor's high school and the Applicant was over eighteen years old.

5. On July 14, 2017, the Superior Court for the District of Columbia convicted the Applicant of simple assault and misdemeanor sexual abuse of a minor.

6. On September 24, 2017, the Applicant first applied for an athletic trainer's license in Maryland. On February 21, 2019, the Board issued a final decision denying that application.

7. During 2017, the Applicant applied for an athletic trainer's license in Delaware and was denied.

8. The National Athletic Trainers' Association, Board of Certification, Inc., a private entity, entered into a consent agreement with the Applicant on March 21, 2018. In the agreement, the Applicant admitted to certain allegations and waived rights to certain procedural protections, and in exchange the Board of Certification allowed the Applicant's certification to be reinstated and placed on probation for a period of three years (ending in 2021).

9. On October 29, 2020, the District of Columbia Court of Appeals, reversed the conviction for simple assault, and remanded the case for further proceedings on the charge of misdemeanor sexual abuse of a minor.

10. On October 4, 2021, the Superior Court of the District of Columbia found the Applicant guilty of misdemeanor sexual abuse of a minor.

11. As of November 24, 2021, the Applicant is no longer required to register as a sex offender under the Maryland Sex Offender Act.

12. The Applicant submitted an application for athletic trainer license on December 6, 2022 (Application).

13. The Applicant answered yes to the following questions:

14a. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever denied your application for licensure, reinstatement, or renewal?

14b. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitation of practice, required education admonishment, or reprimand, suspension, probation or revocation.

14c. Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

14d. Have you ever pleaded guilty or nolo contendere to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

14n. Has your employment or contractual relationship with any hospital, HMO, other health care facility, health care provider, institution, armed services, or the Veterans Administration ever been terminated for disciplinary reasons?

14o. Have you ever voluntarily resigned or terminated a contract with any hospital, HMO, or hospital, HMO, other health care facility, health care provider, institution, armed services, or the Veterans Administration while under investigation by that institution for disciplinary reasons?

14. The Applicant did not report the denial of a license in Delaware on his application.

15. On January 9, 2023, the Board notified the Applicant that based on his answers to the character and fitness questions, a further investigation was warranted.

16. On March 14, 2023, the Board notified the Applicant of its intention to deny his application.

17. As of October 11, 2023, the Applicant is the registered owner of The Athletic Training Room LLC (Applicant's LLC), which has a current website.

18. On the website for the Applicant's LLC, it includes that sports medicine care is provided in Hyattsville, Maryland, and lists its location in Hyattsville, Maryland.

19. The applicant applied for an athletic trainer license in the District of Columbia. As of the hearing, that application is still under investigation.

EXCEPTIONS

The majority of Mr. Augustin's objections during the oral exceptions hearing were in response to statements or characterizations made by the administrative prosecutor and not objections or exceptions to the ALJ's proposed decision, which was the purpose of the hearing. Mr. Augustin did not dispute any of the ALJ's proposed conclusions of law or proposed findings of fact and only took issue with the ALJ's discussion of his character, his sincerity, and his lack of responsibility for his actions. Mr. Augustin claims that he is a changed man and is not the same person who committed the actions at the time. He correctly acknowledges that it is his burden of proof to demonstrate that he is fit to practice athletic training in the State of Maryland. The Board agrees with the ALJ that the conviction for sexual abuse of a minor is a sufficient basis in and of itself to find that Mr. Augustin does not qualify for a license. The ALJ found that this was a serious criminal offense committed against a minor while he was working as an athletic trainer and that his actions constitute unprofessional or immoral conduct in the practice of athletic training in

violation of Health Occ. § 14-5D-14(a)(3) as well as constitute a crime involving moral turpitude in violation of Health Occ. § 14-5D-14(b)(2). Mr. Augustin does not dispute that he was convicted of the crime, but, as the ALJ found, he is still minimizing the events that happened.

Mr. Augustin spent much time discussing a professional boundaries course that he had submitted before the ALJ, but, as he acknowledged, he had not taken the course at the time of the OAH hearing, and there is nothing in the record before the Panel B that reflects the completion of the course. Accordingly, the details of the course are of little importance in determining whether Mr. Augustin should be granted a license as an athletic trainer in Maryland.

Finally, the ALJ addressed whether Mr. Augustin possesses good moral character, which is a requirement of licensure. *See* Health Occ. § 14-5D-08(b)(1). The ALJ explained that the evidence pertaining to Mr. Augustin's character was limited because Mr. Augustin did not provide any testimony from a character witness, nor did he submit any letters on his behalf to support his position that he possesses good moral character. He admitted that he was denied a license in Delaware in 2017 and that he did not report the license denial on his application for licensure in Maryland. The Panel agrees with the ALJ that Mr. Augustin does not possess the good moral character that is required of all licensees.

CONCLUSIONS OF LAW

Panel B adopts the ALJ's Proposed Conclusions of Law that Mr. Augustin failed to prove that he qualifies for an athletic trainer's license because he lacks good moral character, *see* Health Occ. § 14-5D-08(b)(1); he is guilty of unprofessional and immoral conduct in the practice of athletic training, in violation of Health Occ. § 14-5D-14(a)(3); and he was disciplined by a licensing, certifying, or disciplinary authority or was convicted or disciplined by a court of any state for an act that would be grounds for disciplinary action under this section, in violation of

Health Occ. § 14-5D-14(a)(17), with underlying grounds of § 14-5D-14(a)(3). The Panel also agrees with the ALJ that Mr. Augustin does not qualify for a license under Health Occ. § 14-5D-14(b)(2). The denial is not based on Health Occ. § 1-212.

DISPOSITION

Panel B agrees with the ALJ that the denial of Mr. Augustin’s application for licensure to practice athletic training in Maryland is warranted. Mr. Augustin’s conviction of sexual abuse of a minor and inappropriate relationship with the minor while he was employed as an athletic trainer are undisputed. Mr. Augustin has not demonstrated that he meets the good moral character requirement of licensure or that he has been sufficiently rehabilitated to prevent a similar incident from happening in the future.

ORDER

It is, on the affirmative vote of a majority of a quorum of Board Disciplinary Panel B, hereby

ORDERED that the application of Jimmy R. Augustin, dated December 6, 2022, for a license to practice athletic training in Maryland is **DENIED**.

Signature On File

06/14/2024
Date

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO APPEAL

Pursuant to § 14-5D-15(b) of the Health Occupations Article, Mr. Augustin has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within 30 days from the date this Final Decision and Order is mailed. The cover letter accompanying this Final Decision and Order indicates the date the decision and order were mailed. The petition for judicial review must be made as directed in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222, and Maryland Rules 7-201 *et seq.*

If Mr. Augustin petitions for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

In addition, Mr. Augustin should send a copy of his petition for judicial review to the Board's counsel at the following address:

**Stacey Darin, Assistant Attorney General
Office of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201**

The administrative prosecutor is not involved in the circuit court process and does not need to be served or copied on pleadings filed in circuit court.