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"...ALWAYS WORKING RELENTLESSLY TO PROTECT AND DEFEND OUR CLIENTS' PROFESSIONAL LICENSES."

- TONY R. BERTOLINO, MANAGING PARTNER

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## Employee Spotlight

As our law firm's lead Certified Paralegal, Tyler facilitates all aspects of our practice, from new client intake to substantive legal drafting and research for our Firm's attorneys. He strives to ensure that clients have an ideal experience, from their first initial contact with the Firm through disposition of their case. Tyler attended the University of Texas at Austin and graduated second in his class (Salutatorian) in Paralegal Studies with a 3.95 GPA. He definitely brings vast knowledge and intelligence to our law firm and possesses a very strong work ethic and a keen desire to win for our clients.

When he is not hard at work in the office, Tyler spends much of his time exploring Austin's vibrant electronic music scene. He frequents Austin's many green spaces with his well-mannered Boston Terrier, Ruby. And he has a strong desire to eventually attend an elite law school and become an attorney.



**Tyler Cota**  
Certified Paralegal

**DUIs, DWIs, and Professional Licensing**

A Driving While Intoxicated (DWI) conviction in Texas is expensive. Fines and probation fees can be costly, not to mention the DWI surcharge each year after a conviction. For licensed professionals, a DWI can cost more than suspension of your driver's license. Depending on the circumstances, a DWI can cost you your professional license as well. The positive news is that there are things you can do to mitigate the collateral damage of a DWI.

### **What every licensed professional should know about the impact of a DWI**

Nearly every licensed professional in Texas has an ongoing duty to report criminal offenses to their Board. This duty often includes reporting DWIs, even in instances of misdemeanor convictions or DWIs where there has not been a complaint, indictment, or conviction. This broad duty to report has become a trap for the unwary as professional boards have become more likely to suspend a license for failing to report a DWI than for the DWI itself.

This does not mean, however, that professionals should blindly report every criminal allegation to their Board. The advice of a professional licensing attorney can be invaluable in this situation. The attorneys of Bertolino LLP routinely advise clients on not only whether an offense must be disclosed, but also the best way to disclose the underlying facts and circumstances involved. By placing offenses in context, a licensed attorney can best present your case and help your licensing Board understand whether you are fit to practice in light of the allegations.

### **DWIs and Unprofessional Conduct**

While DWIs must be disclosed to most Texas licensing boards, these boards are limited in their ability to discipline a professional based solely on this offense. In fact, under Texas Occupations Code Section 53.021, in order for a Board to discipline a licensed professional based for a misdemeanor DWI, that DWI conviction must directly relate to the duties and responsibilities of the licensed profession. For example, a DWI while on-call is typically considered to "directly relate" to the duties of medical personnel, while a DWI while not on duty does not. This section does not apply to certain professionals, like attorneys, and certain crimes, like particular felonies committed by physicians, dentists, or pharmacists.

In January 2017, a new version of this law will come into effect. For some offenses-like domestic violence-professional boards will have new powers to discipline professionals whether or not the offense related to the duties and responsibilities of their profession. For other offenses, Boards will have even less power to discipline professionals for convictions when the professional completes a probationary period and obtains a dismissal.

### **Do I Need an Attorney?**

If you have been involved in a DWI, the best advice is to call an experienced professional licensing attorney. Every Texas Board has slightly different disclosure and disciplinary rules. An attorney can help you navigate these rules and be sure you are only disclosing what is necessary, while conveying to the Board your fitness to continue in your profession. By involving an attorney early in your case, you can be sure that you have the best possible outcome given the situation.

Rest assured, professional licensing boards will eventually discover a DWI conviction. A proactive approach in dealing with your Board, rather than a discovery

as part of periodic review or license renewal, places you in the best position to keep your license and continue to practice.

Bertolino LLP focuses on helping licensed professionals in Dallas, Ft. Worth, El Paso, Waco, Amarillo, Arlington, Brownsville, Corpus Christi, Plano, and Lubbock and any other major city in the State of Texas. If you have accused of DWI or any other crime, you need an attorney who knows how to defend and protect your license to practice. If you have questions or need to speak with an attorney about professional license defense, please call 800-210-0126 or click here to contact us.

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## Hallmark Achievements | **September 2016**

### Another Strong Month for Protecting the Livelihoods of Licensed Professionals in Texas

BERTOLINO LLP secures reinstatement of revoked license

Texas Board of Nursing v. R.F., RN

Our client's license was suspended by the Board of Nursing in another state. Consequently, the Texas Board of Nursing revoked our client's license. In August, after an aggressive campaign, the Firm secured reinstatement. Once again, the Firm restored a client's livelihood through efficient and effective representation.

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## Q & A

**Q: While I consider my options, should I call the Board and explain myself?**

**A:** Until you are ready to respond in full to the complaint notice or letter of investigation, you should not directly respond to the Board at all. Responses made to the Board before you hire an experienced attorney may still be held against you as admissions of guilt. These initial responses, often made out of fear and confusion, can significantly harm you and your license. Based on our experience with these matters, the most prudent action is to have the complaint or letter of investigation reviewed by an attorney. The attorney can then assist you in making a response that fully conveys your side of the events and gives the Board no unfair advantage over you.

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*"Our law firm helps professionals, like you, keep their licenses when those licenses are under attack by a state agency or board."*

-Tony R. Bertolino, Managing Partner