

LICENSING: TEMPORARY SUSPENSIONS AND CONVICTIONS

Franklin Hopkins

Germer Beaman & Brown, PLLC, Austin Texas
(512)-750-8020

fhopkins@germer-austin.com

Board Certified in Administrative Law by the TBLS
Major, Texas Army National Guard

Joseph Marcee

Williamson, Bell, McLennan, Travis

Major, U.S. Army Reserves

Husband and Father of Four

(512)-537-9874

joseph@marceelaw.com

09/01/2016

Franklin Hopkins

- Board Certified in Administrative Law by the Texas Board of Legal Specialization, Franklin represents physicians, physician assistants, nurses, pharmacists, dentists and dozens of other various licensees and professionals in front of over 19 State Agencies. In addition, he defends providers who risk being terminated from private and Governmental insurance programs.
- Franklin also sues the State of Texas for breach of contract claims. These claims under Chapter 2260 of the Tex. Gov. Code, are on behalf of contractors and vendors who were wrongfully denied payments for goods and services rendered. Finally, Franklin maintains a docket of Courts-Martial cases as a civilian defense counsel for U.S. Service members worldwide accused of an array of felony and misdemeanor crimes.
- Franklin previously worked at the Texas Medical Board as a Staff Attorney and at the Texas Department of Licensing and Regulation ("TLDR"). Prior to practicing law in Austin, Franklin served his country in the United States Army JAG Corps. He was stationed at Fort Hood, Texas, Baghdad, Iraq, and Fort Sam Houston, Texas, where he prosecuted numerous felony cases as a Trial Counsel, Senior Prosecutor, and Chief of Military Justice.
- Today, when not representing Texas licensees, Franklin continues to serve by defending those who defend America. As a Major and Defense Attorney in the Texas Army National Guard, Franklin proudly defends Texas Veterans before administrative separations boards and non-judicial punishments.

Joseph Marcee

- In his final officer evaluation report while on active duty, he was declared "The finest trial attorney in the Trial Defense Service" by his senior rater. Joseph Marcee spent years as a criminal defense attorney in the United States Army Judge Advocate General's Corps. Joseph was personally asked to defend the Fort Hood Shooter after an impressive career in the JAG Corps which included numerous acquittals, the only known successful insanity defense to murder, and representation of hundreds of Soldiers.
- In 2014, Joseph left active-duty to work with Patricia J. Cummings. Ms. Cummings is a legal heavy-weight in Texas who was involved in the Michael Morton case and served as the General Counsel for the Texas Criminal Defense Lawyers Association. In 2015, Ms. Cummings moved to Dallas to lead the Dallas County District Attorney's Conviction Integrity Unit.
- Since serving as a civilian counsel, Joseph has handled military courts-martial, complex federal drug distribution cases, state manslaughter cases, and dozens of other state felony and misdemeanor matters. He particularly enjoys Driving While Intoxicated cases as there are many ways to win these unsuspectingly complicated cases.
- Joseph also knows what it is to be a Soldier. He deployed as a platoon leader and company executive officer to Operation Iraqi Freedom where he was awarded the Bronze Star with Valor and a Combat Action Badge. Joseph uses this experience to serve Veteran's in the criminal justice system. He is actively involved in the Williamson County Veteran's Court.

AGENDA

- **Importance/Impact of a Temporary Suspension ("TS")**
- **Sources Governing Temporary Suspensions**
- ***May vs. Shall Suspend***
- ***Without Notice vs. With Notice***
- **Pre-TS Discovery ☹**
- **Evidence Rules**
- **Public Hearing → Open Door → Transcript = Use At Contested Case Hearing at SOAH**
- **What the Government has to prove at a TS**
- **Effective Rebuttal Strategies**
- **2015 APA Changes**
- **TS Scenarios**
- **Disconnect Between Admin. And Crim. Law**
- **Criminal Case Outcomes**
- **Expunction**
- **Non-Disclosure**

Importance of a TS to the Government

- ▣ **A State Agency, Board, Commission, or Department's Most Powerful Weapon**
- ▣ **Hurts the Respondent/Licensee in the pocketbook**
- ▣ **Protects Public**
- ▣ **Protects Image that Agency is taking serious, immediate action**
- ▣ **Test ground for SOAH case**

Importance of a TS to a Respondent

- ▣ **Effectively shuts down the Respondent's practice**
- ▣ **Professional/Reputation Damage**
- ▣ **Can bankrupt Respondent**
- ▣ **Can put employees of Respondent out of work**
- ▣ **Makes results of criminal case that TS based upon immaterial**
- ▣ **Evaluate strength of State's Case at SOAH**

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Licensing: Temporary Suspensions and Convictions

Also available as part of the eCourse

[2016 Advanced Texas Administrative Law eConference](#)

First appeared as part of the conference materials for the
11th Annual Advanced Texas Administrative Law Seminar session
"Licensing: Temporary Suspensions and Convictions"