

TSBPME Case No. 07-203

IN THE MATTER OF
SALVATORE DeFRANK, D.P.M.

BOARD ORDER of

DENIAL

of LICENSE APPLICATION

§
§
§
§
§
§

BEFORE THE TEXAS STATE
BOARD OF PODIATRIC
MEDICAL EXAMINERS

SITTING IN AUSTIN,

TRAVIS COUNTY, TEXAS

BOARD ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the application for license of Salvatore DeFrank, DPM. By letter dated February 1, 2008 the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to DeFrank of its intent to investigate complaints, concerns or reports filed against him. DeFrank was duly notified of the allegations against him and the Board's actions leading up to this Board Order.

The Board makes the following Findings of Fact and Conclusions of Law and enters this Board Order:

FINDINGS OF FACT

1. The Board received DeFrank's application for a license to practice podiatry in the State of Texas on December 20, 2007.
2. Review of DeFrank's application revealed potential concerns regarding his criminal history. DeFrank was provided with notice of the Board's concerns and with an opportunity to respond to the concerns and to show compliance with the law.
3. DeFrank, as an applicant to be a podiatrist licensed in the State of Texas, is subject to the provisions of the Podiatric Medical Practice Act of Texas.
4. On October 25, 2007, regarding the United States of America v. Salvatore DeFrank, DPM (3); No. 3:06-CR-347-R (referenced also as 3:06-CR-347-D), adjudicated in the United States District Court for the Northern District of Texas (Dallas, TX Division), DeFrank plead guilty to felony Count One of the Superseding Indictment in the aforementioned styled action alleging conspiracy to distribute controlled substances in violation of 21 U.S.C. §846 and to a single felony Count Information transferred pursuant to Rule 20 of the Federal Rules of Criminal Procedure from the Tampa Division of the Middle District of Florida to the Northern District of Texas, alleging conspiracy to distribute controlled substances in violation of 21 U.S.C. §846. A copy of a letter from DeFrank's lawyer is attached as "Exhibit 1."
5. On July 18, 2008, DeFrank was convicted of felony Count One of the Information filed on July 10, 2007 alleging conspiracy to distribute a controlled substance in

- violation of 21 U.S.C. §846; 21 U.S.C. §841(a)(1) and 21 U.S.C. §841(b)(1)(D) and was sentenced to imprisonment. (Case Number: 3:07-CR-217-D; 3:06-CR-347-D. USM Number: 36260-177). A copy of the judgment is attached as "Exhibit 2."
6. A podiatry license allows a podiatric physician to obtain an active "Schedule II" registration from the Texas Department of Public Safety - Controlled Substances Program (DPS) to prescribe controlled substances. A DPS registration is a prerequisite to obtaining a U.S. Drug Enforcement Administration (DEA) registration to prescribe "Schedule III, IV & V" controlled substances.
 7. The felony conviction involves illegal conspiracy to distribute a controlled substance and is directly related to the practice of podiatric medicine in the State of Texas.
 8. On September 2, 2008, DeFrank surrendered for service of sentence and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of forty-one (41) months to be followed by supervised release for a term of two (2) years.
 9. DeFrank surrendered for service of sentence at the United States Bureau of Prisons' Texarkana Federal Correctional Institution. DeFrank has been imprisoned as Inmate No. 36260-177. The Inmate Locator documentation attached as "Exhibit 3" establishes that DeFrank is in the custody of the United States Bureau of Prisons.

CONCLUSIONS OF LAW

1. Texas Occupations Code, §53.021(a) provides that, "a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation."
2. Texas Occupations Code, §53.021(b) provides that, "a license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision."
3. DeFrank is subject to the provisions of the Podiatric Medical Practice Act, Texas Occupations Code Chapter 202.
4. Texas Occupations Code §202.253(a)(2)(A) provides that, "the Board may refuse to admit a person to an examination, and may refuse to issue a license to practice podiatry to a person for being convicted of a felony."
5. The Findings of Fact numbers 1 through 9 establish that DeFrank's felony conviction and subsequent imprisonment support the denial of his application for a license, pursuant to Texas Occupations Code §53.021(a)(b) and Texas Occupations Code §202.253(a)(2)(A).

ORDER

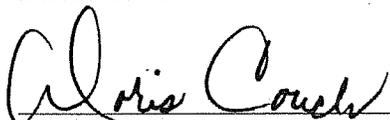
1. DeFrank's application for a license to practice podiatric medicine is hereby denied.
2. DeFrank shall not represent himself to be a licensed podiatrist and shall not offer and shall not accept to consult with, diagnose or treat a patient.
3. The terms of this Board Order become effective on the date last signed by an authorized Board representative below.
4. The staff of the Board shall send a copy of this Board Order to DeFrank at the Texarkana Federal Correctional Institution.
5. Upon approval of this Board Order by the Board, the Presiding Officer and the Executive Director are authorized to sign the Board Order on the Board's behalf.



**Hemant Makan
Executive Director**

10/15/2008

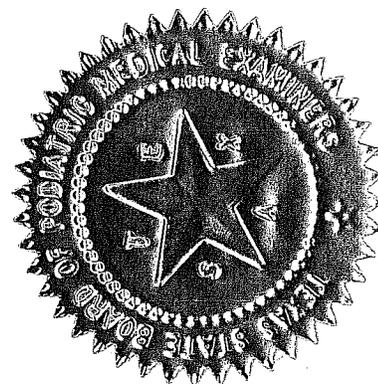
Date



**Ms. Doris Couch
Board President**

10-15-2008

Date



LOCKE LORD BISSELL & LIDDELL LLP

COPY

ATTORNEYS & COUNSELORS

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Suite 2200
Dallas, Texas 75201-6776

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Direct Number: (214) 740-8485
E-mail: jturner@lockelord.com

December 19, 2007

EXHIBIT 1

Via Certified Mail, Return Receipt
Requested & Facsimile

The Texas State Board of Podiatric
Medical Examiners
Licensure Department
P.O. Box 12216
Austin, TX 78711
(512) 305-7003 (fax)

Drug Enforcement Administration
Dallas Field Office
10160 Technology Blvd E
Dallas, TX 75220
(214) 904-8781 (fax)

Re: *United States of America v. Salvatore DeFrank, D.P.M. (3)*; No.3:06-CR-347-R,
in the United States District Court for the Northern District of Texas.

To Whom it May Concern:

Please be advised that on October 25, 2007, Dr. Salvatore DeFrank, D.P.M., plead guilty to Count One of the Superseding Indictment in the above-styled action alleging conspiracy to distribute controlled substances in violation of 21 U.S.C. § 846, and to a single count Information transferred pursuant to Rule 20 of the Federal Rules of Criminal Procedure from the Tampa Division of the Middle District of Florida to the Northern District of Texas, alleging conspiracy to distribute controlled substances in violation of 21 U.S.C. § 846.

If you have any questions, feel free to contact me at the numbers above.

Regards,

John Turner

JT

cc: DeFrank, Salvatore (via email)
Health, Candice (via email)
Klaudt, Dave [firm] (via email)

RECEIVED

JAN 02 2008

TEXAS PODIATRIC
MEDICAL EXAMINERS

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUL 18 2008
CLERK, U.S. DISTRICT COURT
By _____ Deputy

AO 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 1 TXND Mod - 09/28/04

COPY

United States District Court

Northern District of Texas - Dallas Division

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

SALVATORE DEFRANK, D.P.M.

Case Number: 3:07-CR-217-D(01)

USM Number: 36260-177

David W. Klaudt
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 1 of the information filed on July 10, 2007.
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

EXHIBIT 2

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. § 846(21 U.S.C. § 841(a)(1) & (b)(1)(D))	Conspiracy to distribute a controlled substance	April 2007	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- _____ is _____ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

July 18, 2008
Date of Imposition of Judgment

Sidney A. Fitzwater
Signature of Judge

SIDNEY A. FITZWATER
CHIEF JUDGE
Name and Title of Judge

Certified a true copy of an instrument on file in my office on 07-18-2008
Clerk, U.S. District Court,
Northern District of Texas
By BURTON Deputy

July 18, 2008
Date

RECEIVED
OCT 09 2008
TEXAS PODIATRIC
MEDICAL EXAMINERS

COPY

DEFENDANT: SALVATORE DEFRANK, D.P.M.
CASE NUMBER: 3:07-CR-217-D(01)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **forty-one (41) months.**

It is ordered that the sentence in Criminal No. 3:07-CR-217-D shall run concurrently with the sentence in 3:06-CR-347-D, except as to the mandatory special assessments, which shall run consecutively.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2:00 on Tuesday, Sept 2, 2008

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

COPY

DEFENDANT: SALVATORE DEFRANK, D.P.M.
CASE NUMBER: 3:07-CR-217-D(01)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **two (2) years.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

COPY

AO 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 5 - Criminal Monetary Penalties TXND Mod 2 - 09/28/04

Judgment - Page 4 of 5

DEFENDANT: SALVATORE DEFRANK, D.P.M.
CASE NUMBER: 3:07-CR-217-D(01)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0	\$

The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution), payable to the U.S. District Clerk to be disbursed to the following payee(s) in the amount(s) listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------------	-------------------------------

TOTALS \$ _____

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

COPY
Judgment — Page 5 of 5

DEFENDANT: **SALVATORE DEFRANK, D.P.M.**
CASE NUMBER: **3:07-CR-217-D(01)**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the U.S. District Clerk, 1100 Commerce Street, 14th Floor, Dallas, Texas 75242.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States: See Sheet 6B.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

COPY

Inmate Locator - Locate Federal inmates from 1982 to present

Name	Register Number	Age	Race	Sex	Release Date Actual / Projected	Location
1. SALVATORE DEFRANK	36260-177	57	White	M	08-24-2011	TEXARKANA FCI

[New Search](#)

[FAQs](#)

[Privacy](#)

Results 1 - 1 of 1

EXHIBIT 3

RECEIVED

OCT 09 2008

**TEXAS PODIATRIC
MEDICAL EXAMINERS**

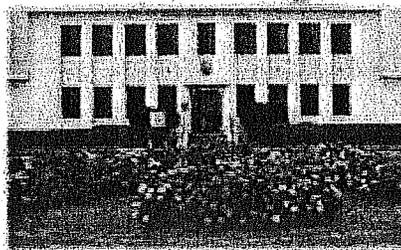
FCI Texarkana

The Federal Correctional Institution (FCI) in Texarkana is a low security facility housing male inmates. An adjacent satellite prison camp houses minimum security male offenders.

FCI Texarkana is located in northeast Texas near the Arkansas border, 70 miles north of Shreveport, Louisiana, and 175 miles east of Dallas, Texas.

Judicial District: Eastern Texas

COPY



FCI Texarkana Contact Information	
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FCI Texarkana Visiting Regulations	Type: PDF Size: 239 KB
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OCT 09 2008

**TEXAS PODIATRIC
MEDICAL EXAMINERS**

COPY

FCI Texarkana Contact Information

Prison facilities have a number of different addresses -- the one you use will depend on whether you are sending something to an inmate or to a staff member, and on the type of mail carrier you select. The United States Postal Service (USPS) is normally the exclusive means for inmates to receive mail and packages.

Inmate Mail/Parcels

Do not send funds to this address; for more information go to the [Inmate Money page](#). Use this address when sending correspondence and parcels to inmates confined at this facility.

INMATE NAME & REGISTER NUMBER
FCI TEXARKANA
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 7000
TEXARKANA, TX 75505

RECEIVED
OCT 09 2008
TEXAS PODIATRIC
MEDICAL EXAMINERS

Inmate Mail/Parcels - Camp

Do not send funds to this address; for more information go to the [Inmate Money page](#). Use this address when sending correspondence and parcels to inmates confined at this camp.

INMATE NAME & REGISTER NUMBER
FCI TEXARKANA
SATELLITE CAMP
P.O. BOX 9300
TEXARKANA, TX 75505

Physical Address (Do not use for mail unless it is the same as the mailing address listed.)

Use this address for in-person visits.

FCI TEXARKANA
FEDERAL CORRECTIONAL INSTITUTION
4001 LEOPARD DRIVE
TEXARKANA, TX 75501

[MapQuest® Map and Directions](#)¹

Phone: 903-838-4587

Fax: 903-223-4424

COPY

E-mail address: TEX/EXECASSISTANT@BOP.GOV²

¹*Discretion is advised: In some cases MapQuest® may not find the exact address.*

²*This e-mail address should be used only if you have questions that are specific to this location. For general questions, go to our [Contact Us](#) page.*

Shipping

Use this address when shipping freight and non-USPS parcels. At most facilities, freight deliveries are generally processed through the warehouse.

STAFF NAME

FCI TEXARKANA
FEDERAL CORRECTIONAL INSTITUTION
ATTN: WAREHOUSE
4001 LEOPARD DRIVE
TEXARKANA, TX 75501

Staff Mail

Use this address when sending correspondence and parcels to staff.

STAFF NAME

FCI TEXARKANA
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 9500
TEXARKANA, TX 75505