

**BEFORE THE STATE OF NEW MEXICO
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID
DISPENSING PRACTICES BOARD**

**IN THE MATTER OF:
DANIEL THRONEBURG,
License #0660
Respondent.**

Board Case No. HA-10-04-16

SETTLEMENT AGREEMENT, WAIVER OF HEARING, AND CONSENT TO DISCIPLINE

I, Daniel Throneburg (“Respondent”), accept and agree to the proposal of the New Mexico Board of Speech Language Pathology, Audiology & Hearing Aid Dispensing Practices (“Board”) to settle this matter before hearing under the Uniform Licensing Act, NMSA 1978, Section 61-1-1 et seq. (“ULA”). As such, I waive my right to a hearing under the ULA, and further consent to discipline on the following terms/conditions:

1. This agreement is subject to Board approval and upon approval is binding on the Board and the Respondent. In the event the Board does not approve this agreement, the Board may proceed with prosecution of the Notice of Contemplated Action (“NCA”) issued in this matter, Respondent reserves all rights under the ULA, and Respondent’s proposed admissions contained in this agreement cannot be considered by the Board or used against Respondent in a hearing of this complaint.

2. At all relevant times the Respondent was a licensee of the Board and the Board has jurisdiction over the Respondent and the subject matter of this action.

3. Respondent acknowledges that he is familiar with the complaint and NCA.

4. Respondent acknowledges that the Board has filed an NCA against him for failing to disclose his 1992 Florida disciplinary action with the Board upon his initial 2003 application with the Board, and in his 2007, 2008, and 2009 license renewal applications filed with the Board. Such deceit and failures to disclose form the basis of violations of the New Mexico Speech-Language

Pathology and Hearing Aid Dispensing Practices Act (“Practices Act”), NMSA 1978, § 61-14B-21(A)(1) (1996), and also constitute an ethical violation under Rule 16.26.9.8(A) (06/07/10).

5. For the purposes of resolving this complaint without the expense and uncertainty of further proceedings, Respondent does not contest, and gives up any right to contest, that the allegations contained in the complaint form a factual basis to impose discipline under the ULA and the Practices Act.

6. For the purposes of resolving this complaint without the expense and uncertainty of further proceedings, Respondent waives all his right to a hearing under the ULA.

7. **Respondent and the Board agree to the following terms of discipline:**

a. *Respondent agrees to accept a Letter of Reprimand written by the Board.*

b. *Respondent must retake and successfully pass the Jurisprudence Examination within ninety (90) days of the Board’s approval of this agreement.*

c. *Respondent shall pay a civil fine of \$300 to the Board within ninety (90) days of Board approval of this agreement.*

8. Respondent fully and completely understands that the proposed discipline is a “disciplinary action.” Respondent acknowledges that this disciplinary action is reported to the National Practitioners Data Bank (NPDB) and may be reported to the Healthcare Integrity & Protection Data Bank (HIPDB).

9. The complaint, Respondent’s written response to the complaint, the Notice of Contemplated Action, and this Settlement, Waiver, and Consent to Discipline are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-6 (E) (1993).

10. Respondent waives all actions known or unknown against the Board and any of its members as a result of the approval of this Settlement, Waiver, and Consent to Discipline.

11. Upon execution of this Settlement, Waiver, and Consent to Discipline, Respondent releases the Board from any and all claims arising out of the Board's decision to investigate the complaint and take the actions prescribed therein.

12. This Settlement, Waiver, and Consent to Discipline is a settlement of the Board case number articulated above and only the specific allegation made in that case.

13. Respondent understands and acknowledges that he has a right, at his own expense, to consult with an attorney of his own choosing about this proposed settlement before agreeing to accept this proposed settlement.

14. Respondent understands that the entire terms of settlement are contained in this document, and no other promises or representations exist outside of the terms of this document.

15. Respondent has read this entire agreement and fully understands each provision. His signature below acknowledges that he knowingly, intelligently and freely agrees with the terms and conditions of this Settlement, Waiver, and Consent to Discipline and consents thereto.

Signature of Acceptance:


Respondent Daniel Throneburg License No 0660 Date 3/8/12

Prepared by Board Prosecutor, as directed in Board's referral of the matter:


Brian VanDenzen, Assistant Attorney General Date 2/28/2012

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ORDER

This matter comes before the Board upon receipt of proposed Settlement Agreement, Waiver, and Consent to Discipline. With a quorum present and a majority voting, this Settlement Agreement, Waiver, and Consent to Discipline is:

_____ ✓

Accepted

Rejected

If accepted, the terms of this Settlement, Waiver, and Consent to Discipline are fully adopted and incorporated by this Order, and are fully binding on the parties. If rejected, the parties should request a hearing pursuant to the Uniform Licensing Act.

6/11/14
DATE

Wesley Miller
Wesley Miller
Wesley Miller, Chairperson
Board of Speech Language Pathology, Audiology &
Hearing Aid Dispensing Practices