

IN THE MATTER OF

BRANT LANDRY

NUMBER: 2018-I-031

LICENSE NO. 06617

OPINION AND ORDER

On December 12, 2019, the Louisiana Physical Therapy Board (“LPTB”) held an administrative hearing in Lafayette, Louisiana, pursuant to written notice, regarding Complaint Number 2018-I-031 against Brant R. Landry (“Mr. Landry”).

I. APPEARANCES

The following Board members of the LPTB were present: Karl Kleinpeter, Judith Halverson, Kathryn Brittain, and Phillip Page, with Julie Harris recusing herself. Marie Vazquez Morgan was appointed as an ad-hoc member of the LPTB for purposes of the hearing by the Governor.

Also present were Celia R. Cangelosi, Complaint Counsel for the LPTB, and James R. Raines, general counsel to the LPTB. Mr. Landry did not appear for the hearing.

II. JURISDICTION

Jurisdiction for this hearing is vested to the LPTB pursuant to La. R.S. 37:2405(10) and La. R.S. 37:2420.

III. ADMINISTRATIVE COMPLAINT

The hearing was held pursuant to an Administrative Complaint filed by the Executive Director of the Physical Therapy Board, Charlotte Martin.

IV. PROCEDURAL HISTORY AND FACTUAL BACKGROUND

Mr. Landry was originally licensed and issued license number 06617 as a physical therapist by the LPTB on October 21, 2014. After his license expired for non-renewal on

April 30, 2016, it was reinstated after application on September 14, 2018. On October 4, 2018, the LPTB received a complaint advising that Mr. Landry was arrested for making anabolic steroids with intent to distribute. Mr. Landry was provided notice of the allegations in the complaint, and an investigation was initiated by the LPTB. Ultimately an Administrative Complaint was filed against Mr. Landry, which led to the administrative hearing on December 12, 2019.

At the administrative hearing, documentary evidence was introduced and oral testimony was provided by Charlotte Martin, Executive Director of the LPTB, and Danielle Linzer, Licensing Analyst for the LPTB. No evidence was presented, nor appearance made by or on behalf of Mr. Landry.

Considering the testimony of the witnesses, arguments of counsel, and the law, the Louisiana Physical Therapy Board made the following Findings of Fact and Conclusions of Law, and issues the following Order:

V. FINDINGS OF FACT

1. Mr. Landry was originally licensed by the LPTB as a physical therapist on October 21, 2014, License No. 06617.
2. Mr. Landry's physical therapist license expired for nonrenewal on April 30, 2016, but was reinstated after application on September 14, 2018.
3. At the time of the hearing, Mr. Landry's license was active, and if not renewed, would expire on April 30, 2020.
4. On September 27, 2018, in the matter of *United States of America v. Brant R. Landry, Mike Mosura, and Julie Landry*, Criminal Docket Number 5:18-cr-00252, United States District Court for the Western District of Louisiana, Shreveport Division, an Indictment was filed, setting forth Grand Jury Charges of violations of five counts of federal law, each of which constitutes a felony:
 - (a) Count 1 – Conspiracy, in violation of 21 U.S.C. §§841(a)(1) and 846;
 - (b) Count 2 – Possession with Intent to Distribute Anabolic Steroids, in violation of 21 U.S.C. §841(a)(1);

- (c) Count 3 – Manufacture of Anabolic Steroids, in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. 2;
 - (d) Count 4 – Possession of a Firearm in Relation to a Drug Trafficking Offense, in violation of 18 U.S.C. §924(c); and
 - (e) Count 5 – Misprision of a Felony, in violation of 18 U.S.C. §4.
5. Mr. Landry was subsequently arrested based upon the charges in the Grand Jury Indictment.
6. On August 13, 2019, Mr. Landry entered into a Plea Agreement with the government in that matter entitled *United States of America v. Brant R. Landry, Mike Mosura, and Julie Landry*, wherein he agreed to appear in court and plead guilty to counts One, Two and Three of the Indictment pending in the case against him, which include: Count 1 – Conspiracy, in violation of 21 U.S.C. §§841(a)(1) and 846; Possession with Intent to Distribute Anabolic Steroids, in violation of 21 U.S.C. §841(a)(1); and Manufacture of Anabolic Steroids, in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. 2.
7. In association with the Plea Agreement, Mr. Landry and the government filed a document entitled “Agreed Upon Factual Basis” into the record of that matter entitled *United States of America v. Brant R. Landry, Mike Mosura, and Julie Landry*. Therein the parties agreed to the following facts:

In October 2016 and continuing to May 2017, United States Postal Officials in Benton, Louisiana periodically identified large volumes of Priority Mail Parcels that they suspected contained illegal drugs. Some of the return addresses on the packages were fictitious. The origins of some of the packages were from other countries including China. On one occasion, a Postal Official observed a man, later identified as the defendant, BRANT LANDRY, using gloves and a towel to place a large number of parcels in a blue collection box. The Postal Officials obtained federal search warrants for the contents of the parcels. Postal Officials suspected that the contents retrieved from the parcels were illegal drugs. Postal Officials transferred the contents of the parcels to the Drug Enforcement Administration (DEA) Task Force (Task Force) for further investigation.

On May 22, 2018, a Bossier Parish Sheriffs deputy made a traffic stop of LANDRY near Swan Lake Road in Bossier City, Louisiana. During the course of the stop, the deputy learned that LANDRY’s driver’s license was suspended. LANDRY gave the deputy verbal permission to search his vehicle. When the deputy searched the vehicle, he discovered, among other things, a plastic baggie containing a white powdery substance. The deputy also discovered in a Walmart bag 11 vials containing a yellow liquid

substance. LANDRY stated that the vials contained steroids. LANDRY stated he got the substances from overseas.

The deputy arrested LANDRY for Driving Without a License and Reckless Driving. During his post-arrest and Miranda interviews, LANDRY admitted that he got the steroids from overseas and distributed the steroids to third parties for financial profit, and had done so since on or before January 1, 2016. LANDRY also distributed steroids to selected friends and acquaintances without payment or financial gain. LANDRY stated he had more steroids at his residence. LANDRY also admitted that he manufactured steroids at his residence. Specifically, LANDRY stated he had a pill press apparatus at his home to manufacture steroids.

On May 22, 2018, law enforcement obtained a search warrant for LANDRY's residence. During the search, law enforcement discovered numerous vials containing steroids in liquid form, empty vials, packaging materials, labels, and an industrial size pill mixer and pill press apparatus. The pill press apparatus had a white powdery residue on its surface.

The Task Force submitted samples of suspected anabolic steroids to the Crime Lab that law enforcement seized from LANDRY's automobile during the traffic stop and LANDRY's residence during the execution of the search warrant, including the white powdery residue from the pill press apparatus. The items tested positive for various anabolic steroids, Schedule III controlled substance. LANDRY did not have lawful authority to possess, distribute, or manufacture anabolic steroids.

LANDRY'S wife/co-defendant, JULIE LANDRY, was aware that anabolic steroids were being manufactured and maintained at the LANDRY's residence. JULIE LANDRY was also aware that LANDRY distributed anabolic steroids to third parties. LANDRY distributed steroids to codefendant, MIKE MOSURA, for personal use and distribution to third parties.

8. Mr. Landry was scheduled to be sentenced for the above listed crimes on December 4, 2018. However, his sentencing has been rescheduled to January 24, 2020.
9. Mr. Landry did not provide notice to the LPTB of the indictment, arrest, or guilty pleas.
10. Mr. Landry's address of record with the LPTB is 929 Blair (Xing) Crossing, Bossier City, LA 71111.

11. By correspondence dated October 31, 2018, sent by both certified mail, return receipt requested, and regular mail, the LPTB notified Mr. Landry that the Board was aware of his recent arrest based upon the Grand Jury Indictment and that his conduct may be a violation of certain statutes and Board rules. Further, it was requested that he sign an "Agreement to Abstain from Practice as a Physical Therapist", which was enclosed.
12. No response was received from Mr. Landry to the October 31, 2018 letter from the LPTB. Further, the certified mailing of the October 31, 2018 letter was returned to the LPTB office marked "Return to Sender/Unclaimed/Unable to Forward".
13. The LPTB sent Mr. Landry a second letter, dated November 14, 2018, by both regular and certified mail, which reiterated the information contained in the October 31, 2018 letter, and further requested that he discontinue the practice of physical therapy. A copy of the October 31, 2018 letter and the Agreement to Abstain from Practice as a Physical Therapist were included along with the November 14, 2018 letter.
14. No response was received from Mr. Landry in response to the November 14, 2018 letter from the LPTB. Further, the certified mailing of the November 14, 2018 letter was returned to LPTB as "Return to Sender/Unclaimed/Unable to Forward".
15. By letter dated December 18, 2018, sent to Mr. Landry by regular mail and certified mail, return receipt requested, the LPTB advised Mr. Landry that it was proceeding with the investigation of the complaint related to his arrest based on the Grand Jury Indictment filed on September 27, 2018, in the above cited case against him.
16. The certified mailing of the December 18, 2018 letter to Mr. Landry was returned to the Board office marked "Unable to Forward".
17. By letter dated September 12, 2019, sent to Mr. Landry at his address of record by both regular mail and certified mail, return receipt requested, Mr. Landry was advised that the LPTB learned of his August 18, 2019 guilty pleas, his admissions as to the factual basis for those guilty pleas, and was advised of possible violations of Board statutes and rules.
18. The September 12, 2019 letter from the LPTB to Mr. Landry further advised that an informal conference would be held in Complaint No. 2018-I-031 on September 26, 2019.
19. The September 12, 2019 letter was also sent by certified mail, return receipt requested, to Mr. Landry's attorney in the above cited criminal case pending against him, Nicole Buckle.
20. The return of the certified mailing of the September 12, 2019 letter from the LPTB sent to Ms. Buckle was received at her office. The certified letter sent to

Mr. Landry at his address of record was returned to the LPTB office marked "Return to Sender/Not Deliverable As Addressed/Unable to Forward".

21. Mr. Landry did not respond to the September 12, 2019 letter, nor did his counsel. Further, he did not attend the September 26, 2019 informal conference.
22. On or about October 22, 2019, the Administrative Complaint and Notice of Hearing, scheduling the hearing on the Administrative Complaint on December 12, 2019, at 10:00 a.m., were mailed to Mr. Landry at his address of record by both regular mail and certified mail, return receipt requested.
23. The certified mailings of both the Administrative Complaint and the Notice of Hearing were returned to the Board office marked "Return to Sender/Not Deliverable as Addressed/Unable to Forward".
24. The LPTB, through its Complaint Counsel, subsequently learned of a possible new address for Mr. Landry from his criminal attorney, of 221 Cypress Lake Circle, Benton, Louisiana 71006. The Administrative Complaint and Notice of Hearing were again mailed to Mr. Landry by certified mail, return receipt requested and by regular mail to the Benton, Louisiana address. The certified mailings were received and signed for by "B. Landry" on November 23, 2019.
25. Mr. Landry contacted the Executive Director of the LPTB, Charlotte Martin, regarding the scheduled hearing. Although he stated that he may seek a continuance of the hearing, he did not file a written request for continuance prior to the scheduled hearing of December 12, 2019, as directed.
26. Mr. Landry did not appear at the December 12, 2019 hearing.
27. In his Application for State Licensure received by the LPTB on August 27, 2018, in completing Part VI: Personal History Information, Mr. Landry answered "NO" to the following questions:
 11. Have you, within the past ten (10) years, exhibited any conduct or behavior that could call into question your ability to practice physical therapy or care for patients?
 12. Have you ever been cited for, arrested for, charged with, convicted of, or pled guilty or nolo contendere, to any violation of any law in any state or federal court, whether or not sentence has been imposed, suspended, or pardoned other than a case that was resolved in juvenile court? If YES, in addition to the affidavit, attach a certified copy of the court records regarding your conviction or plea, the nature of the offense, and date of discharge, if applicable, as well as a statement from your probation officer.
28. Further, in response to Question No. 16 of the Personal History Information regarding whether he had prior moving violations, Mr. Landry answered YES, but

only admitted that he had received a speeding ticket, and failed to notify the LPTB of his arrest in May, 2018.

29. At the hearing on December 12, 2019, the Board Complaint Counsel notified the LPTB that counts 9 and 10 of the violations listed in the Administrative Complaint were dismissed.
30. Costs of board proceedings in this matter including the following: Per diem and expenses of Board Members; Investigation costs; Stenographer costs; Attorney fees for Complaint Counsel, Hearing Officer and Board Counsel; and other reasonably associated costs. The bill for Complaint Counsel related to this matter, through December 9, 2019, totaled \$2,047.50.
31. The costs are not determined as of this date, and will be provided when determined, and be a part of the Board Order. The record was held open for that supplementation.

VI. CONCLUSIONS OF LAW

Respondent, Brant R. Landry, violated the following provisions of law:

1. La. R.S. 37:2405(A) provides:
The responsibility for enforcement of the provisions of this Chapter is hereby vested in the board, which shall have all the powers, duties, and authority specifically granted by or necessary for the enforcement of this Chapter, including:
 - (8) Establishing by rule the standards of practice.
2. La. R.S. 37:2405(B) provides:
The board may:
 - (10) Conduct disciplinary proceedings pursuant to the provisions of the Administrative Procedure Act and impose sanctions on the practice of licensees who have violated this Chapter, the rules of the board, or standards of practice. Sanctions may be imposed by means of voluntary consent orders or decisions of the board.
 - (11) Require that all costs of board proceedings relating to a specific disciplinary case, including the members' per diem and expenses, the cost of investigators, stenographers, attorney fees, and other reasonably associated costs be reimbursed to the board as a part of a consent order or board decision in that proceeding.
3. La. R.S. 37:2420(A): After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has:

- (4) Been convicted of a felony in the courts of any state, district, territory, or country. Conviction, as used in this Paragraph, shall include a plea or verdict of guilty, an admission or finding of guilt, or a plea of nolo contendere.
- (7) Been found guilty of unprofessional conduct or sexual misconduct, including but not limited to departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice, in which actual injury to a patient need not be established.
4. LAC 46:LIV §349: As used in R.S. 37:2420.A (4) of the Practice Act, a “felony” is a crime defined as such under the laws of the US, or of any state. The term “convicted”, as applied to a licensed PT or PTA, or an applicant for such license is a judgment entered against such person by a court of competent jurisdiction on the basis of a finding or verdict of guilty or a plea of guilty or nolo contendere. Such a judgment provides cause for administrative action by the board so long as it has not been reversed by an appellate court of competent jurisdiction, notwithstanding that an appeal or other application for relief from such judgment may be pending.
5. LAC 46:LIV §345(B): As used in R.S. 37:2420(A)(7) of the Practice Act and in these rules, the term unprofessional conduct does not require actual injury to a patient, and includes, but is not limited to, the following:
- (7) conviction of any crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or related to the practice of physical therapy or which constitutes behavior which could put the person or property of patients at risk of harm from a treating licensee, or failing to notify the board of the same within seven days of conviction or entry of a plea of guilty or nolo contendere;
- (8) engaging in conduct which results in an arrest and the initiation of criminal prosecution, even if criminal charges are eventually lessened or dropped, when the conduct leading to the arrest can be verified and constitutes behavior which could put the person or property of patients at risk of harm from a treating licensee;
- (15) failure to notify the board of a felony arrest or arrest related to habitual intemperance as defined in §351, institution of formal criminal charges either by indictment or bill of information, and conviction, including but not limited to, a guilty plea or a plea of nolo contendere, within seven days of such arrest, criminal charge, or conviction.

VII. OPINION AND ORDER

In light of the above listed Findings of Fact and Conclusions of Law, at the hearing on December 12, 2019, the LPTB unanimously voted and issued the following Order, having found

by a preponderance of the evidence that Brant Landry violated the statutes and rules set forth in the section above entitled Conclusions of Law:

1. The LPTB finds that Brant Landry has violated the Louisiana Physical Therapy Practice Act and Rules outlined in Counts 1, 2, 3, 4 and 7 of the Administrative Complaint filed in this matter on October 22, 2019.
2. The LPTB suspends the physical therapy license of Brant Landry, License Number 06617, to engage in the practice of physical therapy, effective December 12, 2019, for a period of not less than ten (10) years. Mr. Landry will have the opportunity to apply for reinstatement after the suspension period is completed as outlined in LAC 46:LIV §187.
3. Prior to the reinstatement of Mr. Landry's suspended license, a hearing shall be held by the LPTB to afford Mr. Landry the opportunity to present evidence that the cause for the suspension no longer exists and to provide an opportunity for the LPTB to evaluate changes in Mr. Landry and/or the conditions which caused the revocation.
4. Prior to the reinstatement of Mr. Landry's suspended license, Mr. Landry shall also complete a fitness for duty evaluation, the criteria of which will be determined by the LPTB at the time of the reinstatement consideration.
5. Mr. Landry shall pay all costs associated with the administrative process, including but not limited to attorney fees, including those of LPTB Complaint Counsel, Board general counsel and the hearing officer, court reporter fees, LPTB office expenses and expenses of the board members of the LPTB. The record pertaining to this matter shall remain open until all of said expenses are submitted to the LPTB so that they may be appropriately billed to Mr. Landry. A separate order will be issued regarding said expenses once compiled.

VIII. APPEAL RIGHTS

This decision shall become final unless an aggrieved party files a petition seeking judicial review of this matter within thirty days after transmittal of notice of this decision, in accordance with La. R.S. 49:964, *et seq.*,

1-16-2020
Date

Karl Kleinpeter, PT, DPT
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Board Chair