

AGREED ORDER 2009-21

IN THE MATTER § TEXAS BOARD
 §
OF THE LICENSE OF § OF VETERINARY
 §
JOEL AKIN, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this, the 12th day of February, 2009, came on to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of JOEL AKIN, D.V.M. (“Respondent”). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on December 4, 2008 to consider alleged violations of the Veterinary Licensing Act and the Board’s rules by Respondent. Respondent was not present.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff committee and with Respondent’s consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. On or about March 29, 2008, Tressie McKeon, of Carrollton, Texas, presented her kitten for a possible respiratory infection to Respondent, who was employed by Addison-Beltline Animal Clinic (ABAC) in Addison, Texas. Ms. McKeon waited over an hour to have Respondent examine the kitten. Respondent examined a dog that was brought in for vaccinations while she waited. After the dog left, the receptionist presented the kitten to Respondent, but he refused to examine it. By his own admission, Respondent treated and/or scheduled for appointment at least three patients (not including Ms. McKeon’s cat) on March 29, 2008. Respondent was employed by ABAC as a veterinarian providing veterinary services to clients on March 29, 2008.

2. Respondent’s license with the Board expired on March 1, 2008. Thus, Respondent practiced veterinary medicine with an expired license on the date in question.

Conclusions of Law

1. Based on Findings 1 & 2, Respondent violated § 801.303 PROCEDURE FOR RENEWAL of the Veterinary Licensing Act:

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§801.303 PROCEDURE FOR RENEWAL (a) A person whose license has expired may not engage in activities that require a license until the license has been renewed.

2. Based on Findings 1 & 2, and Conclusion 1, Respondent has violated Rule of Professional Conduct §573.4 ADHERENCE TO THE LAW:

§573.4 ADHERENCE TO THE LAW No veterinarian shall commit any act that is in violation of the laws of the State of Texas, other states, or the United States, if the act is connected with the veterinarian's practice of medicine. ...

3. Based on Conclusions 1 & 2, Dr. Akin has violated Section 801.402 (6) of the Veterinary Licensing Act (prohibiting violations of Board rules of professional conduct) and is subject to disciplinary action by the Board under Section 801.401 of the Act.

§801.401. DISCIPLINARY POWERS OF BOARD (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

The Board ORDERS that Respondent receive a FORMAL REPRIMAND. Nothing in this order affects or waives Respondent's requirements for renewal of his license under Subchapter G, License Expiration and Renewal, of the Texas Veterinary Licensing Act.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

I, JOEL AKIN, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Dr. Joel Akin
JOEL AKIN, D.V.M.

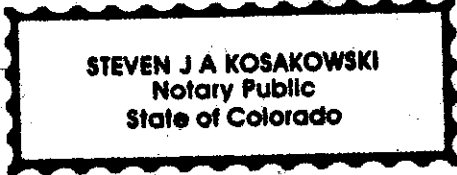
2/2/09
Date

STATE OF ~~TEXAS~~ COLORADO
COUNTY OF LARIMER

BEFORE ME, on this day, personally appeared JOEL AKIN, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that they executed the same for the purposes stated therein.

Given under the hand and seal of office this 2 day of FEBRUARY, 2009.

[Signature]
Notary Public



SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12th day of February 2009.

[Signature]
Bud E. Alldredge, Jr., D.V.M.
President of the Board