

DOCKETED COMPLAINT NO. 1982-3

TEXAS STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

VS.

SAMUEL C. BOTTENFIELD, D.V.M.

TEXAS VETERINARY  
MEDICAL LICENSE NO. 3233  
TEXAS VETERINARY MEDICAL  
RENEWAL CERTIFICATE (1982)  
NUMBER 2129

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 6th day of November, 1982, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Amfac Hotel, DFW Regional Airport, Tarrant County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and the Respondent, DR. SAMUEL C. BOTTENFIELD having appeared in person and without Attorney, and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. JOHN E. WILKINS, JR., President	of Greenville, TX
DR. BILLY R. TRIMMIER, Vice-President	of San Antonio, TX
DR. DEMARIOUS K. FREY, Secretary	of Corpus Christi, TX
DR. DAN J. ANDERSON, Member	of Fort Worth, TX
DR. ED B. AVERY, Member	of Pearsall, TX
MR. JOE J. BALLARD, JR., Member	of Fort Worth, TX
DR. EDWARD S. MURRAY, Member	of Spur, TX
MR. JAY PUMPHREY, Member	of Fort Worth, TX

WHEREUPON the President of the Board, DR. JOHN E. WILKINS, JR. ordered the case to proceed at which time the Board proceeded to hear the evidence presented by the State and by DR. SAMUEL C. BOTTENFIELD in his behalf. After such hearing, the Board proceeded to consider the evidence, and after due consideration and deliberation of all of the evidence that had been presented, THE TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on the same day, Saturday, November 6, 1982, all of the above members of said Board being present and participating, make the following findings, to-wit:

FINDINGS OF FACT

1. The Board finds that all statutory requisites to its jurisdiction have been met.
2. The Board finds that DR. SAMUEL C. BOTTENFIELD is a licensed veterinarian in the State of Texas, and holds Texas License Number 3233, 1982 Renewal Certificate Number 2129.
3. The Board finds that Notice of Hearing and complaint were sent to DR. SAMUEL C. BOTTENFIELD in accordance with the law.

4. The Board finds that on or about August 19, 1982, that APOLONIO SANTOS did administer a rabies vaccination to a cat presented to him by ERNIE M. CARROLL at the veterinary clinic of DR. SAMUEL C. BOTTENFIELD in Laredo, Webb County, Texas.

5. That APOLONIO SANTOS did issue a certificate of vaccination from Border Animal Clinic to ERNIE M. CARROLL with the purported signature of SAMUEL C. BOTTENFIELD, D.V.M.

6. That APOLONIO SANTOS did issue a metal dog tag with the inscription "Border Clinic, Dr. Bottenfield, Laredo, Texas", to ERNIE M. CARROLL.

7. That ERNIE M. CARROLL paid \$13.50 to the receptionist at the veterinary clinic of DR. SAMUEL C. BOTTENFIELD for said rabies vaccination.

8. That APOLONIO SANTOS was not licensed to practice veterinary medicine in the State of Texas on or about August 19, 1982.

9. That APOLONIO SANTOS has never been licensed to practice veterinary medicine in the State of Texas.

10. That on or about August 19, 1982, DR. SAMUEL C. BOTTENFIELD was not present on the premises of his veterinary clinic in Laredo, Webb County, Texas.

11. That on or about August 19, 1982, no licensed veterinarian was present on the premises of the veterinary clinic of DR. SAMUEL C. BOTTENFIELD in Laredo, Webb County, Texas.

#### CONCLUSIONS OF LAW

1. The TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS concluded that SAMUEL C. BOTTENFIELD, D.V.M. has allowed another to use his license or certificate to practice veterinary medicine in the State of Texas in violation of Article 7465a, Section 14(f), Texas Revised Civil Statutes.

2. That SAMUEL C. BOTTENFIELD, D.V.M. has promoted, aided or abetted the practice of veterinary medicine by an unlicensed person in violation of Rule 14 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners and Article 7465a, Section 14(f), Texas Revised Civil Statutes.

3. That DR. SAMUEL C. BOTTENFIELD has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the Rules of Professional Conduct as duly promulgated by the Texas State Board of Veterinary Medical Examiners in violation of Article 7465a, Section 14(f), Texas Revised Civil Statutes.

#### ORDERS OF THE BOARD

It is hereby ORDERED that Texas Veterinary License Number 3233 and 1982 Renewal Certificate Number 2129, heretofore issued to DR. SAMUEL C. BOTTENFIELD be and the same is HEREBY SUSPENDED for a period of THREE (3) YEARS from the date this order is entered, PROVIDED HOWEVER, that the execution of this Order of Suspension be and it is HEREBY PROBATED, upon the following terms and conditions:



1. That DR. SAMUEL C. BOTTENFIELD shall neither permit nor encourage the practice of veterinary medicine by any person including his own employees, who are not licensed to do so by the Texas State Board of Veterinary Medical Examiners in or about his veterinary clinic.

2. That DR. SAMUEL C. BOTTENFIELD will not engage in any dishonest or illegal practices in or connected with the practice of veterinary medicine within the State, nor violate the provisions of Article 7465a, Texas Revised Civil Statutes, or any of the Statutes of Texas or any other state or of the United States or any additions or amendments thereto pertaining to veterinary medicine.

3. That DR. SAMUEL C. BOTTENFIELD shall file with the Executive Secretary of the Texas State Board of Veterinary Medical Examiners an affidavit semi-annually, to the effect that he has fully and faithfully complied with the terms and conditions herein imposed.

4. That he is familiar with the Veterinary Practice Act, Article 7465a, Texas Revised Civil Statutes and the Rules of Professional Conduct and that he has complied with the terms and conditions of the Veterinary Practice Act and of the Rules of Professional Conduct.

It is FURTHER ORDERED, that upon full compliance with the terms and conditions set forth herein and on the expiration of a term of three years, the license of DR. SAMUEL C. BOTTENFIELD will be restored to its full privileges, free and clear of any of the conditional terms of the probation herein imposed; PROVIDED HOWEVER, that in the event satisfactory evidence of a violation or failure to comply with any of the terms or conditions of this order during said period of probation by DR. SAMUEL C. BOTTENFIELD, the Board, may seek termination of said probation, cancel and revoke the probation and direct the term of suspension herein to become effective.

The Executive Secretary of the Board is ordered to prepare the Board's Findings and order an appropriate form and submit the same to the President of the Board for signature and transmit a copy to DR. SAMUEL C. BOTTENFIELD at his address as follows:

DR. SAMUEL C. BOTTENFIELD  
200 Los Isauros  
Laredo, TX 78041

MADE the 6th day of November, 1982, and ENTERED the 23rd day of December, 1982, which is the effective date of this Order.

  
JOHN E. WILKINS, JR., D.V.M.  
President  
Texas Board of Veterinary Medical Examiners

TEXAS STATE BOARD OF  
VETERINARY MEDICAL  
EXAMINERS

STATE OF TEXAS

VS

SAMUEL C. BOTTENFIELD, D.V.M.

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for Travis County, Texas, on this day personally appeared ERNIE M. CARROLL, who after being by me duly sworn, did depose and say:

"I, ERNIE M. CARROLL, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one DR. SAMUEL C. BOTTENFIELD, Texas Veterinary License Number 3233, 1982 Renewal Certificate Number 2129, a practitioner of veterinary medicine in the State of Texas.

As an employee of the Texas Board of Veterinary Medical Examiners, I, ERNIE M. CARROLL, do hereby present to the Executive Secretary of the Texas Board of Veterinary Medical Examiners, the following complaint against DR. SAMUEL C. BOTTENFIELD, who is hereinafter called Respondent.

I.

On August 19, 1982, I arrived at the clinic of DR. SAMUEL C. BOTTENFIELD, at 200 Los Isauros, Laredo, Webb County, Texas. I asked the receptionist there if I could get a rabies vaccination for a cat which I had with me. The receptionist at DR. BOTTENFIELD's clinic informed me that DR. BOTTENFIELD was out of town on vacation, but that his technician was able to administer vaccinations. A rabies vaccination was administered to the cat in my presence by MR. APOLONIO SANTOS. I determined that DR. BOTTENFIELD was not on the premises nor was any other licensed veterinarian on the premises. I paid the receptionist a total of \$13.50 for an office call, first time visit, and for the vaccination. I was issued a certificate of vaccination, a copy of which is attached hereto and marked Exhibit A for identification. Said certificate of vaccination contains the purported signature of DR. S. BOTTENFIELD, veterinarian. In addition to receiving the certificate of vaccination, I received a metal dog tag with number 0869 stamped on it, together with the name Border Vet. Clinic, Dr. Bottenfield, Laredo, Texas.

II.

I made thorough search of the records of the Texas Board of Veterinary Medical Examiners and I found that MR. APOLONIO SANTOS, the man who administered the rabies vaccine to the cat as described in paragraph one and who issued the certificate of rabies vaccination, Exhibit A, is not a licensed veterinarian in the State of Texas.



### III.

The Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes, Section 2b, states as follows:

"Any person shall be deemed in the practice of veterinary medicine who represents himself as engaged in the practice of veterinary medicine; or uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, or any person who performs a surgical or dental operation or who diagnosis, treats, immunizes or prescribes any drug, medicine, application or veterinary appliance for any physical ailment, injury, deformity or condition of domestic animals, for compensation."

Article 7465a, Vernon's Annotated Texas Statutes, Section 4 states as follows:

"No person shall practice, offer or attempt to practice veterinary medicine in this state without first having obtained a valid license to do so from the Texas Board of Veterinary Medical Examiners."

### IV.

DR. SAMUEL C. BOTTENFIELD is a licensed veterinarian in the State of Texas, having received license number 3233 on August 4, 1972 from the Texas Board of Veterinary Medical Examiners. DR. BOTTENFIELD has renewed his license each year since its issuance and on February 3, 1982, he received renewal certificate number 2129. By MR. APOLONIO SANTOS, a person who is not licensed to practice veterinary medicine in the State of Texas, performing acts which constitute the practice of veterinary medicine in the State of Texas, i.e. immunizing a cat for rabies, in DR. BOTTENFIELD's veterinary facility located at 200 Los Isauros, Laredo, Texas, and by MR. APOLONIO SANTOS issuing a certificate of rabies vaccination, marked Exhibit A, and by MR. SANTOS collecting a fee of \$13.50 for veterinary services, DR. BOTTENFIELD violated Article 7465a, Section 14f, Vernon's Annotated Texas Statutes in that he "permitted or allowed another to use his license, or certificate to practice veterinary medicine in this State, for purposes of treating or offering to treat sick, injured or afflicted animals." Additionally, DR. BOTTENFIELD violated Article 7465a, Section 14c in that he engaged in dishonest or illegal practices in connection with the practice of veterinary medicine, and additionally violated Article 7465a, Section 14e, in that he "engaged in practices or conduct with the practice of veterinary medicine which were violative of the Standards of Professional Conduct as duly promulgated by the Board in accordance with the laws."

Rule 14 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners which was in full force and effect on the date in question, states:

"A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or illegal or unethical act on the part of a veterinarian."

DR. BOTTENFIELD did allow MR. SANTOS to use his facilities for the practice of veterinary medicine in the State of Texas during the absence of DR. BOTTENFIELD to treat, or immunize animals in violation of the Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes."

WHEREFORE, PREMISES CONSIDERED, I, ERNIE M. CARROLL, do hereby suggest and request that the Texas Board of Veterinary Medicine Examiners do immediately take appropriate action to revoke, suspend, or reprimand the license of DR. SAMUEL C. BOTTENFIELD, Texas Veterinary License Number 3233, of Laredo, Webb County, Texas, in accordance with the provisions of the laws of the State of Texas.

The foregoing complaint is submitted to the Executive Secretary of the Texas Board of Veterinary Medical Examiners on this the 15<sup>th</sup> day of ~~September~~<sup>October</sup>, 1982.

Ernie M. Carroll  
Affiant

SUSCRIBED and SWORN TO before me by said ERNIE M. CARROLL, this the 15 day of ~~September~~<sup>October</sup>, 1982.

Judy C. Smith  
Notary Public in and for Travis County,  
Texas

Judy C. Smith  
(Printed Name)

My Commission Expires:  
9/13/85

Filed this 15 day of ~~September~~<sup>October</sup>, 1982, Texas Board of Veterinary Medical Examiners.

Roger D. Shipman  
ROGER D. SHIPMAN, Executive Secretary