

STATE BOARD OF VETERINARY MEDICAL EXAMINERS	§	STATE OF TEXAS
	§	
VS	§	
	§	
JERRY OLEN BRUMLOW, D.V.M.	§	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ernie M. Carroll, who after being by me duly sworn, did depose and say:

As an Investigator for the State Board of Veterinary Medical Examiners, I, Ernie M. Carroll, do hereby present to the Executive Director of the State Board of Veterinary Medical Examiners, the following complaint against Jerry Olen Brumlow, a practitioner of veterinary medicine in Texas licensed by the State Board of Veterinary Medical Examiners with license number 1903, hereinafter called Respondent.

I.

On or about August 4, 1981, Jerry Olen Brumlow, D.V.M., Respondent, was called to the ranch of Albert Schulze, located in the Three Oaks Community of Wilson County, Texas to provide veterinary medical services for cattle owned by Albert Schulze. Respondent travelled to the Schulze ranch and then and there administered veterinary medical services to the Schulze cattle, for which he presented a bill and was compensated in full.

II.

On or about the night of October 11, 1981, Respondent returned to the Schulze ranch in Wilson County, Texas. The gate to the Schulze ranch was locked and chained and was not open to the public. However, Respondent then and there entered onto the Schulze ranch without the permission or invitation of the property owner. Respondent continued to travel upon the Schulze ranch to the pasture where the Schulze cattle were kept, the location of which Respondent had discovered during the veterinary medical treatment.

administered on or about August 4, 1981. Respondent loaded eleven (11) head of the Schulze cattle onto his cattle carrier. Whereupon, Respondent removed the cattle from the Albert Schulze ranch with the intent to permanently deprive Albert Schulze of his ownership of the eleven (11) head of cattle.

III.

The foregoing acts constitute the conduct of dishonest or illegal practices in connection with the practice of veterinary medicine as described in Article 7465a, Section 14 (c), V.T.C.S. for which the Board may revoke or suspend Respondent's license to practice veterinary medicine.

IV.

WHEREFORE, PREMISES CONSIDERED, I, Ernie M. Carroll, do hereby suggest and request the State Board of Veterinary Medical Examiners take disciplinary action against Jerry Olen Brumlow, D.V.M. in accordance with the provisions of the laws of the State of Texas.

Ernie M. Carroll
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Ernie M. Carroll on this the 25th day of March, 1983.

Judy C. Smith
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, STATE OF TEXAS

JUDY C. SMITH
PRINTED NAME

9/13/85
MY COMMISSION EXPIRES

Filed with the State Board of Veterinary Medical Examiners on the 25th day of March 1983.

Roger D. Shipman
ROGER SHIPMAN
Executive Director
State Board of Veterinary Medical Examiners

DOCKETED COMPLAINT NUMBER 1983-1

TEXAS STATE BOARD OF	X	TEXAS VETERINARY MEDICAL
VETERINARY MEDICAL EXAMINERS	X	
VS.	X	
JERRY OLEN BRUMLOW, D.V.M.	X	LICENSE NUMBER 1903

FINDINGS OF THE BOARD

On the 25th and 26th days of October, A.D. 1983, the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS met at the LaMansion Del Norte Hotel in San Antonio, Bexar County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and captioned complaint, as well as for the consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing, Respondent, DR. JERRY O. BRUMLOW, having previously been served with citation and the following members of the Texas Board of Veterinary Medical Examiners being present, to-wit:

DR. BILLY R. TRIMMIER, President	of San Antonio, TX
DR. DEMARIOUS K. FREY, Vice-President	of Corpus Christi, TX
DR. EDWARD S. MURRAY, Secretary	of Spur, 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. FRANK E. MANN, JR., Member	of Wharton, TX
MR. JAY PUMPHREY, Member	of Fort Worth, TX
DR. JOHN E. WILKINS, JR., Member	of Greenville, TX

At 8:30 a.m., the appointed hour, the President of the Board, DR. BILLY R. TRIMMIER called the meeting to order. DR. JERRY OLEN BRUMLOW, together with his attorney was present in the meeting room on the premises at that time. After hearing the evidence presented by the State of Texas and the Respondent, DR. JERRY OLEN BRUMLOW, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on Wednesday, October 26, 1983 made 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 JERRY OLEN BRUMLOW, D.V.M. is a veterinarian licensed by the State of Texas and holds license number 1903.
3. That a sworn complaint was filed with the Board of Veterinary Medical Examiners for the State of Texas in accordance with the law.
4. That notice of hearing and complaint were sent to Jerry Olen Brumlow, D.V.M. in accordance with the law.

5. That on or about August 4, 1981, Jerry Olen Brumlow, D.V.M. was called to the ranch of Albert Schulze, located in Three Oaks Community of Wilson County, Texas, to provide veterinary medical services for cattle in which Albert Schulze, has a part interest and that Jerry Olen Brumlow traveled to the Schulze ranch and then and there administered veterinary medical services to the Schulze cattle, and presented a bill, and was compensated in full.

6. That Jerry Olen Brumlow used information gained during his veterinary practice, to wit, the location of the Schulze cattle, in order to permanently deprive Albert Schulze of his ownership of the eleven head of cattle.

7. That Dr. Brumlow gave a confession that was determined to be lawfully valid; and that this document was subsequently retracted by Dr. Brumlow; and Dr. Brumlow was found to be untruthful in making said retraction.

CONCLUSIONS OF LAW

1. The Board concluded that JERRY OLEN BRUMLOW, D.V.M. in using knowledge gained in veterinary practice in order to permanently deprive another of the ownership of cattle has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine in violation of Vernon's Annotated Civil Statutes, Article 7465a, Section 14(c).

2. The Board finds that the facts and conclusions brought out at such hearing justify and require the following orders:

ORDERS OF THE BOARD

It is hereby ORDERED that Texas Veterinary License Number 1903 heretofore issued to DR. JERRY OLEN BRUMLOW, by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of SEVEN (7) 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. JERRY OLEN BRUMLOW shall not purchase cattle or be involved in the cattle industry in any ownership capacity for the first four years of the seven (7) year probated suspension.

2. That DR. JERRY OLEN BRUMLOW 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.

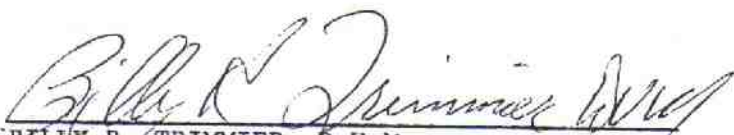
3. That he is familiar with the Veterinary Practice Act, Article 7465a, Texas Revised Civil Statutes and the Rules of Professional Conduct and that he has complied with the terms and conditions of the Veterinary Practice Act and the Rules of Professional Conduct.

It is FURTHER ORDERED, that upon full compliance with the terms and conditions set forth herein and on the expiration of seven (7) years, the license of DR. JERRY OLEN BRUMLOW 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. JERRY OLEN BRUMLOW, 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. JERRY OLEN BRUMLOW at his address as follows:

DR. JERRY OLEN BRUMLOW
Route 4, Box 5
Floresville, Texas 78114

MADE the 26th day of October, 1983, and ENTERED the 26th day of October, 1983, which is the effective date of this Order.



BILLY R. TRIMMIER, D.V.M.

President

Texas Board of Veterinary Medical Examiners