DOCKET NO. 2012-86

IN THE MATTER § TEXAS STATE BOARD OF
OF THE LICENSE OF § VETERINARY.
NICOLE KOENIGSKNECHT, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this, the 24th day of July, 2012, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Nicole Koenigsknecht, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on April 23, 2012 to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement 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. Respondent Nicole Koenigsknecht, DVM, of Austin, Texas holds Texas veterinary license 10035.

2. On March 19, 2011, Respondent was working as a veterinarian at a temporary vaccine clinic in a Walgreen's parking lot at 438 West Illinois in Dallas, Texas. Elonda Chilton, a Dallas Code Enforcement officer, visited the clinic and issued a Notice of Violation for using the lot without a permit. When Ms. Chilton asked for the veterinarian in charge, Respondent did not identify herself as a veterinarian because she was only serving as a relief veterinarian. Ms. Chilton did not observe any signs displaying the name or licenses of the veterinarians on duty.

3. In response to the Board’s investigation of this matter, Respondent stated that she did not have her license on display at the vaccine clinic because it was windy outside. Respondent stated that her license was in her car at the time.
Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s rules.

2. Based on Findings of Facts 1 through 3, Respondent has violated Rule 573.35, Display of License, of the Board’s Rules of Professional Conduct, which requires that each veterinarian, including a relief veterinarian, post or display at the veterinarian’s practice location, whether mobile or fixed, his or her license to practice veterinary medicine and the most recent license renewal certificate, in a way that is visible to the public.

3. Based on Conclusions of Law 1 and 2, Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

   801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:
   (6) engages in practices or conduct that violates the board’s rules of professional conduct.

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

   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.

5. Based on Conclusions of Law 1 through 4, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of Board rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent is INFORMALLY REPRIMANDED.
The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of five hundred dollars ($500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent’s license shall be suspended until the penalty is paid.

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 her understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she 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 her right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that she is entitled to be represented by an attorney of Respondent’s choice at her 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. 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, NICOLE KOENIGSKNECT, 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.

Nicole Koenigsknect, D.V.M.  
Date 5-16-12
STATE OF TEXAS
COUNTY OF Denton

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

Given under the hand and seal of office this 14th day of May, 2012.

Tammy Evert
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 24th day of July, 2012

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