Texas State Board of Veterinary Medical Examiners
1946 South IH 35, Box 113
Austin, TX 78704
(512) 447-1183

Docket Number 1988-25
Charles S. Marsh, Jr., D.V.M.
License Number: 2939

Negotiated Settlement

This negotiated settlement has been entered by agreement between Dr. Marsh and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Marsh, will be granted a continuance at his/her option.

Dr. Marsh does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he/she is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

Summary of Charges:
Issuing Official Health Certificates without personally inspecting the animals and revocation of USDA Veterinary Accreditation.

Recommended Disciplinary Action:

1. Two (2) year suspension, all probated, effective immediately.
2. Pay a Civil Penalty in the sum of $1,500.00.

Conditions:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due September 1, 1988.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Take and pass the Jurisprudence Exam as scheduled by Board Staff.
4. Obtain twenty (20) hours of continuing education during each year of the probationary period.

Charles S. Marsh, Jr., D.V.M.

Donald B. Wilson, Executive Director
Texas Board of Veterinary Medical Examiners

Witness
The foregoing Agreed Settlement, entered into between Dr. Charles S. Marsh, Jr., the Board Secretary, Dr. Fred Soifer and Board Executive Staff and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on June 3, 1988 ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings, Conclusions and Orders.

W. L. "DUE" ANDERSON, D.V.M., President

June 3, 1988

Date

JIM F. HUMPHREY, Vice-President

Date

FRED K. SOIFER, D.V.M., Secretary

Date

LARRY M. DUBUISSON, D.V.M., Member

Date

(Absent)

OLIVIA R. EUDALY, Member

Date

MIGUEL LEVI, Member

Date

ROBERT D. LEWIS, D.V.M., Member

Date

MARY E. MAINSTER, D.V.M., Member

Date

EDWARD S. MURRAY, D.V.M., Member

Date
DOCKETED COMPLAINT NO. 1988-25

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

CHARLES S. MARSH, JR., D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 2939

1988 RENEWAL CERTIFICATE NUMBER 4159

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public and for Texas, on this day personally appeared THOMAS CHESHIRE, who after being duly sworn, did depose and say:

"I, THOMAS CHESHIRE, 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. CHARLES S. MARSH, JR., Route 1, Box 89-K, Devine, Medina County, Texas, Texas Veterinary License Number 2939, 1988 Renewal Certificate Number 4159, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE do hereby present the following complaint against CHARLES S. MARSH, JR., D.V.M., who is hereinafter called Respondent.

I.

On or about the dates of September 9, 1987, September 17, 1987 and September 23, 1987 the Respondent signed Health Certificates for cattle being shipped to Thailand without actually inspecting the animals and making appropriate tests of the animals being shipped, in accordance with U. S. Dept. of Agriculture Standards for Accredited Veterinarians. The cattle were tested by the owner, Mr. John H. Watson of Devine, Texas.

II.

The Respondent has failed to take the necessary measures to prevent the spread of communicable diseases of livestock by signing and issuing fraudulent Official Health Certificates.
II.
Through failure to abide by the U.S. Dept. of Agriculture's Standards for Accredited Veterinarians, the USDA Accreditation issued to Charles S. Marsh, Jr., D.V.M. was revoked for two years, effective December 28, 1987 by the U.S. Department of Agriculture.

III.
By issuing Official Health Certificates with his signature affixed thereto, without personally inspecting the animals and making the appropriate tests, the Respondent has violated Rule 16 of the Rules of Professional Conduct duly promulgated by the Board which states:

Rule 16 -
A licensed veterinarian in this State shall not issue a certificate of health unless he shall know of his own knowledge by actual inspection and appropriate tests of the animals that said animals meet the requirements for the issuance of such certificate.

IV.
By violating U.S. Dept. of Agriculture's Standards for Accredited Veterinarians and subsequently having his U.S.D.A. Veterinary Accreditation revoked, the Respondent has violated Rule 5 of the Rules of Professional Conduct duly promulgated by the Board which states:

Rule 5 -
No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise his client to observe the statute law.

V.
The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Marsh's Veterinary License under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Sections 14(c) and (e), and Rule 25 of the Rules of Professional Conduct duly promulgated by the Board which state:

Article 7465a, Section 14(a) and (e), Veterinary Licensing Act - "... the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, ... if it finds that an applicant or licensee: (c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine; or
(e) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law."

Rule 25 - A licensed veterinarian whose accreditation has been or is subject to being removed by State or Federal authority may be subject to disciplinary action by the Texas State Board of Veterinary Medical Examiners upon proof of the acts or omissions constituting the grounds for removal of his accreditation.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the ___ day of May, 1988.

Further, Affiant sayeth not.

[Signature]

THOMAS CHESIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESIRE, this the ___ day of May, 1988.

[Signature]

JUDY C. SMITH
Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Charles S. Marsh, Jr., D.V.M. under Docketed Number 1988-25, this the 9th day of May, 1988.

Fred K. Soifer, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners