



3. Based on Conclusions of Law 1 and 2, Respondent has violated §801.402(6) of the Veterinary Licensing Act 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 2 and 3, Respondent may be disciplined in the manner set out in §801.401 of the Veterinary Licensing Act DISCIPLINARY POWERS OF THE BOARD, which authorizes the Board to:
  - (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 2 and 3, Respondent may also be disciplined in the manner set out in §801.307, CONTINUING EDUCATION, of the Veterinary Licensing Act, which requires a licensee to make up missed CE hours in addition to the hours normally required to be completed in that calendar year.

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

The Board ORDERS Respondent to pay an ADMINISTRATIVE PENALTY in the amount of five-hundred dollars (\$500.00) within 45 days of the date of this Order. The Board further ORDERS Respondent to complete eight (8) hours of CE within one year of the date of this Order, in addition to the seventeen (17) hours of CE required for calendar year 2009, renewal year 2010. Documentation of the completion of the CE penalty shall be received within 45 days of the end of the period allowed for the completion of the CE. If Respondent fails to comply with the terms of this Order, an enforcement action, provided for by the Act and Rules, will be initiated against Respondent.

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

**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.**

I, JON K. MCCLAIN, 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.

[Signature]  
JON K. MCCLAIN, D.V.M.

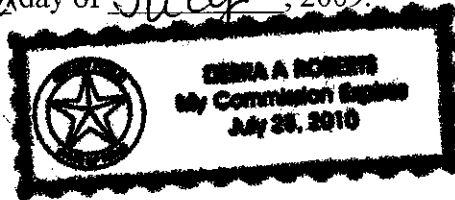
7-22-09  
Date

STATE OF TEXAS  
COUNTY OF Denton

BEFORE ME, on this day, personally appeared JON K. MCCLAIN, 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 22nd day of July, 2009.

[Signature]  
Notary Public



SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 8<sup>th</sup> day of October, 2009.

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