DOCKETED COMPLAINT NO. 1975-2

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VS

CHARLES DAVID MINNIS, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NUMBER 1958

TEXAS VETERINARY MEDICAL RENEWAL CERTIFICATE (1975) NUMBER 83

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 13th day of December, A.D., 1975, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at RAMADA INN WEST in Houston, Harris 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 business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said DR. CHARLES DAVID MINNIS, having waived service of citation and accepted service in said cause by sworn instrument dated the 20th day of November, 1975, and the entire membership of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. JOHN E. WILKINS, JR., President of Greenville, Texas

DR. DAN J. ANDERSON, Vice-President of Fort Worth, Texas

DR. WALLACE H. CARDWELL, Secretary of Elgin, Texas

DR. CHARLES W. EDWARDS, JR., Member of Marfa, Texas

DR. JAMES CANDY, Member of Brownwood, Texas

DR. FRANK E. MANN, JR., Member of Wharton, Texas

whereupon the President of the Board, DR. JOHN E. WILKINS, JR., ordered the case to proceed at which time it was ascertained that DR. CHARLES DAVID MINNIS was present in person and represented by Counsel. Whereupon the Board then proceeded to hear the evidence presented by the State, and by the said DR. CHARLES DAVID MINNIS, in his behalf. After such hearing the Board recessed and reconvened in Brownsville, Texas, where it went into executive session to consider the evidence and after consideration and deliberation of all the evidence that has been presented, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, on the 15th day of December, 1975, all of the above members of said Board being present and participating, makes the following findings, to-wit:
FINDINGS OF FACT

1. The Board finds that all statutory requisites to its jurisdiction have been met.

2. That on or about July 10, 1975, the said DR. CHARLES DAVID MINNIS did contact JOHANNA B. TANNER by telephone and solicit an opportunity to present a program to the Afghan Hound Club of Greater Houston, Inc.

3. That on or about July 23, 1975, the said DR. CHARLES DAVID MINNIS did in fact advertise his clinic as an animal vaccination clinic before the Afghan Hound Club of Greater Houston, Inc.

4. That on or about July 23, 1975, the said DR. CHARLES DAVID MINNIS did distribute his business cards to those individuals in attendance at the Afghan Hound Club of Greater Houston meeting in Houston, Texas.

5. That the professional cards distributed by the said DR. CHARLES DAVID MINNIS did contain unauthorized information thereon.

6. That on or about August 14, 1975, the said DR. CHARLES DAVID MINNIS did present a program to the members of the Pekingnese Club of Houston and distributed pamphlets on vaccinations which contained his name, his clinic name, address and telephone number thereon.

7. That on or about September 5, 1975, the said DR. CHARLES DAVID MINNIS did appear before the South Texas Collie Club and informed the President, DR. DENNIS E. O'BRIEN, that he could give DR. MINNIS' name and clinic location to the members of said Club.

8. Following the meeting with the members of the South Texas Collie Club, business cards were made available to the members of the Club.

CONCLUSIONS OF LAW

1. That the telephone solicitation of JOHANNA B. TANNER to present a program to the Afghan Hound Club of Greater Houston, Inc., is a violation of Rule 23 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners.

2. That the advertisement of the clinic as an animal vaccination clinic before the Afghan Hound Club of Greater Houston, Inc., is a violation of Rule 23 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners.
3. That the distribution of his business cards to the members of the Afghan Hound Club of Greater Houston, Inc., is a violation of Rule 23 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners.

4. That the cards containing unprofessional and unauthorized information is a violation of Rule 23E of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners.

5. That the distribution of pamphlets containing the name of DR. CHARLES DAVID MINNIS, his clinic name, address and telephone number to the Pekingese Club of Houston is a violation of Rule 23 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners.

6. That authorizing the President of the South Texas Collie Club to give his clinic name and location and practice limitation is a violation of Rule 23 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners.

7. That the distribution of his business cards to the members of the South Texas Collie Club is a violation of Rule 23 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners.

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

ORDERS OF THE BOARD

It is ORDERED that the Texas Veterinary Medical License No. 1958 and 1975-76 Renewal Certificate No. 83 heretofore issued by the Texas State Board of Veterinary Medical Examiners to DR. CHARLES DAVID MINNIS be and the same are hereby SUSPENDED for a period of twelve (12) months beginning on the 1st day of January, 1976, PROVIDED, HOWEVER, that the execution of this ORDER OF SUSPENSION be and it is HEREBY STAYED for all but the FIRST MONTH hereof, and the said DR. CHARLES DAVID MINNIS is placed on PROBATION for the following consecutive eleven (11) months, said PROBATION commencing on the 1st day of February, 1976, upon the following terms and conditions:
1. The said DR. CHARLES DAVID MINNIS will not engage in any dishonest or illegal practice in or connected with the practice of veterinary medicine within the State nor violate any of the provisions of Article 7465a of the Revised Civil Statutes of Texas, or any of the Statutes of Texas or any additions or amendments thereto pertaining to veterinary medicine.

2. The said DR. CHARLES DAVID MINNIS shall read the Rules of Professional Conduct duly adopted by the Texas State Board of Veterinary Medical Examiners at least once every sixty (60) days during the period of this suspension and probation.

3. The said DR. CHARLES DAVID MINNIS will observe and abide by each of the Rules of Professional Conduct promulgated by the Texas State Board of Veterinary Medical Examiners of the State of Texas for licensed veterinarians now in effect or placed in effect during the said period of suspension or any part of said period.

4. The said DR. CHARLES DAVID MINNIS shall file with the Executive Secretary of the Texas State Board of Veterinary Medical Examiners within seven (7) days after termination of the one month’s suspension, an affidavit that he has fully and faithfully complied with the terms and conditions of the suspension and has not engaged in practice of Veterinary Medicine. Said affidavit shall be transmitted to the Board Office by Certified U. S. Mail, Return Receipt Requested.

Following said one-month suspension, the said DR. CHARLES DAVID MINNIS shall file with the Executive Secretary of the Texas State Board of Veterinary Medical Examiners each two months during the period of the eleven (11) months’ suspension and probation an affidavit that he has fully and faithfully complied with the terms and conditions of probation herein imposed. Said affidavit shall be transmitted to the Board Office by Certified U. S. Mail, Return Receipt Requested. Said affidavits shall be executed by DR. CHARLES DAVID MINNIS so as to be received in the Board Office each two months except that the last affidavit shall be for the final one month and shall be received in the Board Office within seven (7) days following termination of the Order of Suspension and Probation. The first affidavit following the one-month suspension affidavit shall be submitted so as to be received in the Board Office on or before two months after date of termination of the thirty-day suspension.
It is further ORDERED, ADJUDGED and DECREED that upon full compliance with the terms and conditions herein set forth, and upon expiration of the term of probation, the license of the said DR. CHARLES DAVID MINNIS and the annual renewal certificate then in effect shall be restored to its full privileges, free and clear of the terms and conditions of probation herein imposed; PROVIDED, HOWEVER, that in the event the said DR. CHARLES DAVID MINNIS violates or fails to comply with any of the terms or conditions of this Order during said period of probation, the Board may after proper notice, set a date for hearing the alleged violation of terms of probation, and upon receipt by it of satisfactory evidence thereof, may forthwith terminate said probation, cancel and revoke said stay of execution and direct that the Order of Suspension herein made become effective immediately.

MADE the 15th day of December, 1975, and entered the 24th day of December, 1975.

JOHN E. WILKINS, JR., D.V.M.
President

CHARLES W. EDWARDS, JR., D.V.M.
Member

DAN J. ANDERSON, D.V.M.
Vice-President

JAMES GANDY, D.V.M.
Member

W. H. CARDWELL, D.V.M.
Secretary

FRANK E. MANN, JR., D.V.M.
Member
BEFORE ME, a Notary Public in and for Travis County, Texas, on this day personally appeared BUDDY L. TODD, who after being by me duly sworn upon oath deposes and says that:

The said BUDDY L. TODD, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of his employment make certain investigations into the professional conduct of one DR. CHARLES DAVID MINNIS, Texas Veterinary Medical License No. 1958, 1975-1976 Renewal Certificate No. 83, a practitioner of veterinary medicine in the State of Texas, and in the course of said investigation it has come to the attention of the said BUDDY L. TODD that on or about the dates hereinafter specified that the said DR. CHARLES DAVID MINNIS did commit one or more of the following acts, and/or omissions, or a combination thereof or all of same said acts and/or omissions being in violation of Article 7465a of the Civil Statutes of Texas (V.A.T.S.) and within the contemplation of Section 14 and 15 of said statute, as follows, to-wit:

1. That on or about July 10, 1975, DR. CHARLES DAVID MINNIS did contact JOHANNA B. TANNER by telephone and request an opportunity to present a program to the Afghan Hound Club of Greater Houston, Inc., on preventative medicine and his new vaccination clinic and wholesale pharmacy in violation of Rule 23 of the Rules of Professional Conduct duly adopted by the Board in accordance with law.

2. On July 23, 1975, DR. CHARLES DAVID MINNIS, accompanied by a "detail" man, appeared on the program of the Afghan Club of Greater Houston, Inc., and presented a very brief and elementary program on immunology, followed by a "commercial message" for his soon to open "Vaccination Center for Pets, 4803 Katy Freeway, Houston, Texas 77007," describing the services to be offered as follows: Animal vaccinations service, wholesale veterinary pharmaceuticals, and the availability of a library of current literature on veterinary supplies, and at the conclusion distributed business cards to those in attendance in violation of Rule 23 of the Rules of Professional Conduct duly adopted by the Board in accordance with law.
3. That on or about July 23, 1975, the said DR. CHARLES DAVID MINNIS did make available to the members of the Afghan Hound Club of Greater Houston, Inc., a professional card containing unauthorized information in violation of Rule 23E of the Rules of Professional Conduct duly adopted by the Board in accordance with law.

4. On or about August 14, 1975, the said DR. CHARLES DAVID MINNIS appeared before the Pekingnese Club of Greater Houston and explained his "Preventative Clinic", at the conclusion of which DR. MINNIS distributed pamphlets on vaccinations which had his name, title, and clinic name printed thereon in violation of Rule 23 of the Rules of Professional Conduct duly adopted by the Board in accordance with law.

5. On or about September 5, 1975, the said DR. CHARLES DAVID MINNIS appeared before the South Texas Collie Club and discussed preventative medicine for dogs. He informed DENNIS E. O'BRIEN that although DR. MINNIS could not mention his practice he, DR. O'BRIEN, could give his location and distribute his professional cards to the members. During the meeting, the location of DR. MINNIS' clinic was given and said cards were made available to the members of the club at the front of the room, in violation of Rule 23 of the Rules of Professional Conduct duly adopted by the Board in accordance with law.

The above complaint, containing five (5) counts, is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners this the 18 day of November, A.D., 1975.

Buddy L. Todd

THE STATE OF TEXAS
COUNTY OF TRAVIS

SWORN AND SUBSCRIBED TO BEFORE ME BY BUDDY L. TODD, this the 18 day of November, A.D., 1975, to certify which witness my hand and seal of office.

Billee Lee McIntire
Notary Public in and for Travis County, Texas