LICENSURE ORDER

IN THE MATTER

OF THE LICENSE OF

MATTHEW R. NIMMO, D.V.M.

$ TEXAS STATE BOARD OF

$ VETERINARY MEDICAL EXAMINERS

AGREED LICENSING ORDER

On this, the 3rd day of June, 2014, came to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of MATTHEW R. NIMMO, D.V.M. (“Respondent”). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on February 19, 2014. Respondent did attend the conference, but was not represented by counsel. The Board was represented at the conference by the Board’s Enforcement Committee.

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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (“Act”). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov’t Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (“Board Rules”) (22 Tex. Admin. Code, Chapter 575).

2. On October 23, 2013, Respondent, Matthew R. Nimmo, D.V.M. of Stonewall, Oklahoma, presented an application for a veterinary license to the Texas Board of Veterinary Medical Examiners (Board). On his application, Respondent attested that he had never been a party to any administrative hearings or proceedings regarding the practice of veterinary medicine or veterinary education, including hearings held before another board or other licensing jurisdiction.

3. Information the Board obtained from the Oklahoma Veterinary Board showed that
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Respondent was disciplined on September 23, 2011, for habitual use or abuse of alcohol or of a habit forming drug or chemical and for unprofessional conduct and was placed on probation for 5 years subject to certain terms and conditions, including random drug screening and payment of an administrative penalty.

4. Information the Board received from the Florida Board of Veterinary Medicine showed that Respondent was disciplined on May 27, 2011, for violation of continuing education requirements and was required to pay an administrative penalty.

5. Respondent did not include this information on his application for a veterinary license, and instead checked “No” in response to the question: “Have you ever been a party to, or a witness in, an administrative hearing or proceeding regarding the practice of veterinary medicine or veterinary education? This would include hearings held before another board, racing commission, or other licensing jurisdiction.”

6. Further, Respondent did not attach a “full explanation including dates, the court or courts, reference to the court records, if any, and the disposition of each such matter” as required by the application based upon his affirmative answer to the question: “Have you ever been convicted or indicted of a criminal offense?”. Respondent also failed to list all offenses for which he was arrested or indicted in response to the same question.

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 Fact 1 through 6, Respondent has violated Section 801.402 (2) 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:

(2) commits fraud or deception...to obtain a license.

3. Based on Conclusions of Law 1 and 2, 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

4. Based on Conclusions of Law 1 through 3, 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 the Act and 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 hereby granted permission to take the state licensing examination. Respondent must take and pass the state licensing examination within one year of the date of this order. If Respondent passes the state licensing examination, he may be granted a Texas license subject to the following terms and conditions:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the later of the date of this Order and passage of the state licensing examination, 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 may be suspended until the penalty is paid, and any payment by the Respondent to the Board to renew his license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

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
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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.

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, MATTHEW R. NIMMO, 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]
MATTHEW R. NIMMO, D.V.M.

[Signature]
DATE
3/18/14

STATE OF Oklahoma
COUNTY OF Cleveland

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

Given under the hand and seal of office this 18 day of March, 2014.

[Signature]
Katherine Lidendza
Notary Public

My Commission Expires February 06, 2017

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3 day of June, 2014.

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