DOCKET NO. 2010-31

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
GARY F. PARKER, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 24th day of March, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of Gary F. Parker, D.V.M. an informal conference was held on November 30, 2009. The Respondent did not appear after receiving sufficient notice. 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. Respondent, Gary F. Parker, D.V.M., of Lufkin, Texas holds Texas veterinary license 4359,

2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all 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 (the “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 through .054; and the Rules of the Texas Board of Veterinary Medical Examiners (22 TEX. ADMIN. CODE Chapter 575).

2. On October 26, 2009, Respondent entered into Board Order 2009-83. The Board Order required Respondent to enroll in a ninety day residential treatment program. Respondent notified the Board on November 9, 2009 that he would be unable to comply with the Board Order.
3. On November 12, 2009, Dr. Gary F. Parker signed a voluntary statement agreeing to voluntarily surrender his veterinary license and not seek reinstatement of his license through the Board for five years in lieu of disciplinary action for failure to comply with the requirement of Board Order 2009-83.

4. Dr. Parker has failed to fully comply with Board Order 2009-83.

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 Finding of Facts 1 through 4, Respondent has violated Rule 573.62, VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS, of the Board’s Rules of Professional Conduct, which requires all persons that are the subject of a Board Order shall abide by the terms of the order.

3. Based on Finding of Facts 1 through 4 and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (3) and (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:
   (3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs; or
   (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.

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

Based on the above Findings of Fact and Conclusions of Law, in lieu of any administrative penalties or reprimands associated with a finding of a violation of the Board’s rules and the Veterinary Licensing Act, Respondent agrees to voluntarily surrender his veterinary license and not seek reinstatement by the Board for five years from the date of this Order.

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 provisions of the Licensing 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, and Findings of Fact and Conclusions of Law herein set forth herein, 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 formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

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 effective date of this Agreed Order shall be the date it is adopted by the Board.
I, GARY F. PARKER, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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]
Gary F. Parker, D.V.M.

Date
15 Dec 2009

STATE OF TEXAS

COUNTY OF Angelina

BEFORE ME, on this day, personally appeared Gary F. Parker, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 15th day of December, 2009.

[Signature]
Carol B. Dunman
Notary Public

CAROL B. DUNMAN
Notary Public, State of Texas
My Commission Expires
June 02, 2013

[Seal]

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Gary F. Parker, D.V.M.
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 22 day of March, 2010.

Bud E. Alldredge, Jr., D.V.M., President

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