DOCKETED COMPLAINT No. 1961-1

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

V.

JOHN B. PHILLIPS, D.V.M.

APPLICANT FOR EXAMINATION FOR TEXAS VETERINARY MEDICAL LICENSE

FINDINGS AND ORDERS OF THE BOARD

On the 27th day of January, A.D., 1961, the Texas State Board of Veterinary Medical Examiners being in regular meeting at the Rice Hotel 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 the said Dr. JOHN B. PHILLIPS having waived service of citation and accepted service in said cause by sworn instrument dated the 16th day of January, 1961, and a quorum of the members of the Texas State Board of Veterinary Medical Examiners being present, to-wit:

DR. CHARLES A. THOMPSON, President of Delhart, Texas
DR. J. W. MCCOY, Vice-President of Paris, Texas
DR. BILLIE C. ROBISON, Secretary of Abilene, Texas
DR. EDWARD D. DRELL, Member of Alice, Texas
DR. VICTOR L. KOTHMANN, Member of Waco, Texas
DR. MAX A. JARCH, Member of Orange, Texas

whereupon the President of the Board, DR. CHARLES A. THOMPSON, ordered the hearing to proceed at which time it was ascertained that DR. JOHN B. PHILLIPS was present in person. The Board then proceeded to hear all the evidence presented by the State and by the said Dr. JOHN B. PHILLIPS. After such hearing, the Board went into executive session to consider the evidence and after consideration and deliberation of all the evidence that had been presented, the Texas State Board of Veterinary Medical Examiners, on the same day, Friday, January 27, 1961, all of the above members of said Board being present and participating made the following findings to-wit:

FINDINGS

1. The Board finds that all statutory requisites to its jurisdiction have been met.
2. The Board is of the opinion that the charges contained in counts number 1, 2, 3, 4, 5, 6, 8, and 9 of the complaint are true and find that the said DR. JOHN B. PHILLIPS, applicant for examination for a Texas Veterinary Medical License, has practiced veterinary medicine in the State of Texas without first having obtained a valid license to do so and has engaged in dishonest and/or illegal practices in or connected with the practice of veterinary medicine and 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 law within the contemplation of Sections 4, 14, and 15 of Article 7465a, Revised Civil Statutes of Texas, as charged in said complaint, which complaint is by reference incorporated herein and by such reference is made a part hereof as fully and completely as if here set forth verbatim.

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

ORDERS

IT IS ACCORDINGLY, ORDERED, ADJUDGED and DECREED that the said applicant DR. JAMES B. PHILLIPS be permitted to take the veterinary licensing examination being conducted by the Board commencing on January 28, 1961, at the Rice Hotel in Houston, Harris County, Texas, PROVIDED that should said applicant successfully complete said examination and be granted a license to practice veterinary medicine in the State of Texas said license shall be and by this order it is HEREBY SUSPENDED for a period of THREE (3) years from the date said license is granted, PROVIDED HOWEVER that the execution of this order of suspension be and it is HEREBY STAYED and the said DR. JOHN B. PHILLIPS is placed upon PROBATION for a period of THREE (3) years from said date upon the following terms and conditions:

1. The said DR. JOHN B. PHILLIPS will not engage in any dishonest or illegal practices 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. JOHN B. PHILLIPS will observe and abide by each of the rules of professional conduct promulgated by the State Board of Veterinary Medical Examiners of the State of Texas for licensed veterinarians now in effect or placed in effect during said period of suspension or any part of said period.

3. The said DR. JOHN B. PHILLIPS shall file with the Executive Secretary of the State Board of Veterinary Medical Examiners at semi-annual intervals, an affidavit to the effect that he has fully and faithfully complied with the terms and conditions of probation herein imposed. Said affidavits shall be transmitted to the Board offices by certified United States mail return receipt requested. Said affidavits shall be executed by DR. JOHN B. PHILLIPS so as to be received in the Board offices on or before the 1st day of January and on or before the 1st day of July of each consecutive calendar year for the period of said probation, the first said affidavit to be received in the Board offices on or before the 1st day of July, 1961.

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. JOHN B. PHILLIPS and the annual renewal certificate then in effect shall be restored to its full privileges, free and clear of the terms of probation herein imposed; PROVIDED HOWEVER, that in the event the said DR. JOHN B. PHILLIPS violates or fails to comply with any of the terms or conditions of this order during said period of probation, the Board, 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.

Entered this the 27th day of January, A.D., 1961.

[Signatures]

Dr. Charles A. Thompson, President
Dr. Edward B. Dooley, Member
Dr. W. M. Clay, D.V.M.
Dr. Victor L. Rotherham, Member
Dr. J. W. McCoy, Vice-President
Dr. Mark A. Fuchs, D.V.M.
Dr. Billie C. Robertson, Secretary
Dr. Max A. Vachar, Member
BEFORE ME, a notary Public in and for Travis County, Texas, on this
day personally appeared IVAN C. SMITH, who after being by me duly sworn
upon oath deposes and says that:

The said IVAN C. SMITH, being an employee of the Texas State Board
of Veterinary Medical Examiners, did in the course of his employment
make certain investigations into the conduct of one JOHN B. PHILLIPS, D.V.M.,
an applicant for examination for a license to practice veterinary medicine
in the State of Texas, and in the course of said investigations it has come
to the attention of the said IVAN C. SMITH and he believes and here alleges
that on or about the dates hereinafter specified the said JOHN B. PHILLIPS,
D.V.M., has practiced veterinary medicine in the State of Texas without first
having obtained a valid license to do so and has engaged in dishonest and/or
illegal practices in or connected with the practice of veterinary medicine,
and 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 law within the
contemplation of Sections 4, 14, and 15 of Article 7465a of the Revised
Civil Statutes of Texas, in that the said JOHN B. PHILLIPS, D.V.M., did com-
mit the following acts, and or omissions, as follows, to-wit:

1. That during the period of time from on or about July 14, 1960 to
on or about August 29, 1960, the said JOHN B. PHILLIPS did engage in the
practice of veterinary medicine by placing or causing to be placed signs
advertising an animal hospital and pet clinic on the building and/or
premises located at 2307 Red Bluff in Pasadena, Harris County, Texas, and
by placing the names on the door "J. B. PHILLIPS, L.V.M., S. J. SMITH, D.V.M.,"
in this manner representing that he was qualified, licensed, and engaged in
the practice of veterinary medicine at said address.

2. That on or about August 15, 1960, the said JOHN B. PHILLIPS did
engage in the practice of veterinary medicine by mailing or causing to be
mailed through the United States mail - bulk rate permit No. 1 - cards
announcing the animal animal hospital at 2307 Red Bluff, Pasadena, Texas,
listing there on the cards, telephone number and the names "S. J. SMITH, D.V.M.,"
and J. R. PHILLIPS, D.V.M., in this manner representing that he was
qualified, licensed and engaged in the practice of veterinary medicine
at said address.

3. That for a period of time from on or about January 1, 1961,
and continuing to date said JOHN B. PHILLIPS did engage in the practice
of veterinary medicine by placing or causing to be placed a listing in
the Houston, Texas, Telephone Directory dated January 1961, a listing
for the Red Bluff Animal Hospital, 2507 Red Bluff, GR 2-0754, if no
answer call Dr. J. R. PHILLIPS OL 4-2725, DR. J. R. TUCKER MA 3-2072
in this manner representing that he was qualified, licensed and engaged
in the practice of veterinary medicine at said address.

4. That on or about August 19, 1960, the said JOHN B. PHILLIPS
did engage in the practice of veterinary medicine at 2507 Red Bluff, in
Pasadena, Texas in that he did for a valuable consideration conduct cer-
tain laboratory tests, diagnose, treat, prescribe for, vaccinate, and
issued a certificate of vaccination signed by one J. J. SMITH, D.V.M.,
a dog belonging to Mrs. NONNIE HART of Pasadena, Texas. That on the
same day the said JOHN B. PHILLIPS did give a business card to Mrs.
Hart listing the Red Bluff Animal Hospital with the hours, address,
technical numbers and the names "J. B. PHILLIPS, D.V.M.; J. R. TUCKER,
D.V.M.".

5. That on or about August 19, 1960, the said JOHN B. PHILLIPS did
engaged in the practice of veterinary medicine at 2507 Red Bluff, Pasadena,
Texas, in that he did for a valuable consideration administer a rabies
vaccination to a dog belonging to C. E. PLEKERT of Pasadena, Texas, and
issued a certificate of vaccination signed by one S. J. SMITH, D.V.M.

6. That on or about August 19, 1960, the said JOHN B. PHILLIPS did
engage in the practice of veterinary medicine at 2507 Red Bluff, Pasadena,
Texas, in that he did for a valuable consideration administer a rabies
vaccination to a dog belonging to STEVE HOLLIN of Pasadena, Texas, and
issued a certificate of vaccination signed by one S. J. SMITH, D.V.M.

7. That on or about August 19, 1960, the said JOHN B. PHILLIPS did
engage in the practice of veterinary medicine at 2507 Red Bluff, Pasadena,
Texas in that he did for a valuable consideration administer an injection
to induce heat in a female dog belonging to MR. LYNN CHOW of Pasadena, Texas.
8. That on or about August 20, 1960, the said JOHN B. PHILLIPS did engage in the practice of veterinary medicine at 2507 Red Bluff, Pasadena, Texas, in that he did for a valuable consideration administer a rabies vaccination to a dog belonging to IVAN SMITH, of Austin, Texas, and issued a certificate of vaccination signed by one S. J. SMITH, D.V.M.

9. That on or about August 19, 1960, the said JOHN B. PHILLIPS did engage in the practice of veterinary medicine at 2507 Red Bluff, Pasadena, Texas in that he did for a valuable consideration examine, treat and administer a distemper injection to a dog brought in by H. J. MAGEE OF Deer Park, Texas, said dog being owned by MA. ED MAGEE of Pasadena, Texas. That on or about August 27th, 1960, the dog was returned to 2507 Red Bluff whereupon said JOHN B. PHILLIPS again examined said dog and recommended further treatment.

That at all times material hereof as alleged in paragraphs number 1, 2, 3, 4, 5, 6, 7, 8, and 9 the said JOHN B. PHILLIPS, D.V.M., was not licensed to practice veterinary medicine in the State of Texas as provided by law.

The above complaint, containing nine (9) counts, is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners, at the Board offices in Austin, Travis County, Texas, this the 16th day of January, A.D. 1961.

STATE OF TEXAS

COUNTY OF TRAVIS

SWORN AND SUBSCRIBED TO before me by IVAN C. SMITH, this the 16th day of January, A.D. 1961, to certify which witness my hand and seal of office.

Ivan C. Smith

[Signature]

[Name]

Travis County, Texas