

LICENSURE ORDER 2016-011

IN THE MATTER	§	TEXAS STATE BOARD OF
OF THE LICENSE OF	§	VETERINARY
MICHAEL PIRRONE, D.V.M.	§	MEDICAL EXAMINERS

AGREED LICENSING ORDER

On this, the 26 day of January, 2016 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Michael Pirrone, D.V.M. ("Applicant"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on December 7, 2015. Applicant did not attend the conference and was not represented by counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Applicant, 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. Applicant agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Applicant 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 Applicant'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 Applicant. Applicant 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, Applicant 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 September 28, 2015, Michael Robert Pirrone, D.V.M., presented an application for a veterinary license to the Texas Board of Veterinary Medical Examiners ("Board").
3. On September 10, 2010, Dr. Pirrone entered into agreed Cease and Desist Order number 10-090 with the Board. However, on his 2015 licensure application, Dr. Pirrone attested that he had never been a party to any civil legal proceeding relating to the practice of veterinary medicine. Dr. Pirrone also attested that he had never been subject to any disciplinary action, including informal settlements, reprimands, administrative penalties, or other orders.
4. Upon notification of the deficiency in his licensure application, Dr. Pirrone reported that his

accountant had submitted the licensure application, and that the accountant had not been aware of the cease and desist order.

Conclusions of Law

1. Applicant 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 4, Applicant 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 in the examination process or to obtain a license.

3. Based on Conclusions of Law 1 and 2, Applicant 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 APPLICANT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board **ORDERS** that Applicant is hereby granted permission to take the state licensing examination. Applicant must take and pass the state licensing examination within one year of the date of this Order. If Applicant 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 the license of Applicant is **SUSPENDED** for **TWO YEARS**, with all of the suspension **STAYED** and Applicant placed on **PROBATION**.

The Board further **ORDERS** that:

1. Applicant 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. Applicant shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Applicant's compliance with this order.

3. Failure by Applicant 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.

Applicant, 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.

Applicant, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Applicant acknowledges that he had the right to be represented by legal counsel in this matter.

APPLICANT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. APPLICANT 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.

Signature page follows.

I, MICHAEL PIRRONE, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED LICENSING 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.

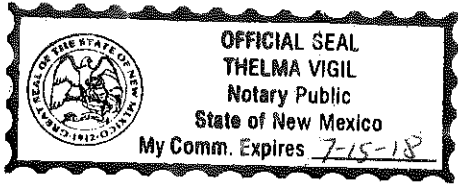
Michael Pirrone, D.V.M.
Michael Pirrone, D.V.M.

1-12-2016
DATE

STATE OF New Mexico
COUNTY OF Doña Ana

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

Given under the hand and seal of office this 12th day of January, 2016.



Thelma Vigil
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 26 January, 2016.

R. Lenarduzzi, DVM
Roland Lenarduzzi, DVM
Interim, Board President