DOCKET NO. 2000-03

IN THE MATTER
OF THE LICENSE OF
ROBERT W. READ, D.V.M.

Texas State Board of
Veterinary Medical Examiners

Agreed Order

On this the 17th day of February 2000, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Robert W. Read, D.V.M. (Respondent). Pursuant to the Veterinary Licensing Act (Act) § 801.408 and Board Rule 575.27, Respondent was sent a letter of invitation to appear at an Informal Conference that was held on September 22, 1999. Respondent waived his appearance at the Conference. Respondent had previously appeared at an informal conference on April 8, 1999. The Board was represented at the Informal Conference by the 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 Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Robert W. Read, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 4177, 1999 renewal certificate number 2674. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional
requirements have been satisfied.
3. On or before March 1, 1999, Robert W. Read, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.
4. On or about January 19, 1999, the Board received a letter from Respondent requesting a waiver of his continuing education requirements for practice year 1999. This request was denied by the Executive Directory on that date.
5. Respondent has not produced records to substantiate the satisfaction of the continuing education requirements in 1998.
7. Respondent has not produced records to substantiate the satisfaction of the continuing education requirements in 1997.
8. The present case includes the same matters as Case Number 99-055 (Docket Number 1999-09), which the parties have agreed to dismiss and incorporate into this Agreed Order, subject to approval by the Board.

Conclusions of Law
1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Board Rule 573.64 of the Rules of Professional Conduct requires each license holder to attend 15 hours of approved continuing education each year.
3. Based on Finding of Fact 5 and 7, respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.
4. Based on Findings of Fact 5 and 7 and Conclusions of Law 1 through 3, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

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:

(6) engages in practices or conduct that violates the board's rules of professional conduct;

In the Matter of the License of Robert W. Read, D.V.M.
Docket No. 2000-03
Section 801.401 provides:

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 a civil penalty.

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:
Case Number 99-055 (Docket Number 1999-09) shall be dismissed. Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Robert W. Read, D.V.M., be assessed an administrative penalty of two hundred and fifty dollars ($250.00) under the following terms and conditions:

1. Respondent shall pay the administrative penalty within forty-five (45) days of the Board’s approval of the Agreed Order.
2. 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.
3. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this order.
4. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions 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 satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of 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 WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR

In the Matter of the License of Robert W. Read, D.V.M.
Docket No. 2000-03
TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE, OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, ROBERT W. READ, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

[Signature]
Robert W. Read, D.V.M.
Respondent

11-2-99
10-27-99, 1999
DATE

STATE OF MISSISSIPPI
COUNTY OF OAKSHIRE

BEFORE ME, on this day, personally appeared Robert W. Read, 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 _12_ day of _November_, 1999.

[Signature]
Notary Public

In the Matter of the License of Robert W. Read, D.V.M.
Docket No. 2000-08
This agreed order has been entered between Robert W. Read, D.V.M. and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

RON ALLEN  
Executive Director, TSBVME

DATE  
November 11, 1999

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the ____ day of __________________, 2000.

HOWARD HEAD, D.V.M.  
President

In the Matter of the License of Robert W. Read, D.V.M.  
Docket No. 2000-03
DOCKETED COMPLAINT NO. 2000-03

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 4177

vs.

§ 1999 RENEWAL CERTIFICATE

ROBERT W. READ, D.V.M. § NUMBER 2674

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Charles Adkins, who after being duly sworn, did depose and say:

On or about May 27, 1999, Charles Adkins, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Robert W. Read, D.V.M., Professional Services, 5445 S. Alameda, #4-E, Milano, Texas, 78412, Veterinary License Number 4177, 1999 Renewal Certificate Number 2674, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Robert W. Read, D.V.M.

I.

Robert W. Read, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 4177, 1999 renewal certificate number 2674. Respondent is not subject to prior disciplinary action by the Board.

II.

The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All Jurisdictional requirements have been satisfied.

III.

On or before March 1, 1999, Robert W. Read, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.

IV.

On or about January 19, 1999, the Board received a letter from Respondent requesting a waiver of his continuing education requirements for practice year 1999. This request was denied by the Executive Director on that date.

V.

Respondent has not produced records to substantiate the satisfaction of the continuing education requirements in 1998.
VI.

On or before March 1, 1998, Robert W. Read, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1998 calendar year.

VII.

Respondent has not produced records to substantiate the satisfaction of the continuing education requirements for 1997.

VIII.

The present case includes the same matters as Case Number 99-055 (Docket Number 1999-09), which the parties have agreed to dismiss and incorporate into this Agreed Order, subject to approval by the Board.

IX.

Based on paragraphs III through VII, Dr. Read violated Rule 573.64, - Continuing Education Requirements of the Rules of Professional Conduct.

SECTION 801.402, Texas Occupations Code

A person is subject to denial or to disciplinary action . . . if the person:

(6) engages in practices or conduct that violates the board’s rules of professional conduct;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 9th day of December, 1999.

Further, Affiant sayeth not.

Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 9th day of December, 1999

Mike Carroll, Notary Public in and for Texas

MIKE CARROLL
Notary Public
STATE OF TEXAS
My Comm. Exp. 07-22-2003
Robert W. Read, D.V.M.
Docketed Case No.: 2000-03
Page 3

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Robert W. Read, D.V.M. under Docketed Number 2000-03, this the 17th day of December, 1999.

Martin E. Garcia, D.V.M., Board Secretary
Texas State Board of Veterinary Medical Examiners