DOCKET NO. 2013-32

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

ALI ROHANI, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 25th day of March, 2013 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Ali Rohani, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on November 12, 2012 to consider alleged violations of the Veterinary Licensing Act and the Board’s rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff 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


2. 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).

3. On April 25, 2012, a committee of Board staff found that Respondent had violated the Board Rules and the Act by submitting annual statements to the Texas Secretary of State regarding the ownership of a professional association engaging in the practice of veterinary
medicine and attesting that "[a]ll members [of the professional association] are licensed to perform the type of professional service for which the association is formed," when individuals identified in the annual statements as a director and as an officer of the professional association, Reza Rohani and Peyman Sana, were not licensed veterinarians. In a letter dated May 9, 2012, the Board’s Enforcement Committee offered Respondent Agreed Order No. 2012-84, which ordered that Respondent receive a formal reprimand, pay an administrative penalty of $1,000, and take and pass the veterinary jurisprudence examination.


5. On June 4, 2012, the Board received a letter from Peyman Sana, stating that Respondent was:

   …demanding me to pay his $1000 fine, pay for the 20 hour he spent to answer your questions (for a total of $4000, $200/hr), and his attorney’s fees ($1250 so far). He said that he would increase these numbers even further for the time he would spend to study for the licensing exam and his trip for taking the exam in Austin (approximately $8,000). He further informed me that if he chooses to go to the hearing, the cost will be at least $15,000. Dr. Rohani believes I have to pay for these expenses, simply because I tried to correct State of Texas Public Records related to public health and well being.

6. Respondent was subject to discipline by the Board due to his position as a licensed veterinarian. As a licensed veterinarian, he has a duty under Board Rule of Professional Conduct 573.75 to cooperate with the Board, including but not limited to responding to the Board’s questions as part of an investigation of a complaint. The costs that Respondent incurred in responding to the Board in responding to the Board’s inquiries, in consulting with an attorney regarding the Board’s disciplinary process against him, and in paying the fine and taking the jurisprudence examination in accordance with Agreed Order No. 2012-84, are all costs driven by Respondent seeking to maintain his position as a licensed veterinarian.

**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 violated Rule of Professional Conduct 573.7, No Abuse of Position or Trust, by using his position as a licensed veterinarian subject to Board discipline to deliberately coerce another individual into paying costs that Respondent himself incurred because he wanted to maintain his position as a licensed veterinarian.
3. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (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:

(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:

(a) 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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

5. Based on Conclusions of Law 1 through 4, 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 receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an
ADMINISTRATIVE PENALTY of TWO THOUSAND DOLLARS ($2,000.00). 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 Agreed 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 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, ALI ROHANI, 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.

Agreed Order 2013-32
Ali Rohani, D.V.M.
BEFORE ME, on this day, personally appeared Ali Rohani, 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 1 day of December, 2012.

Signed and entered by the Texas Board of Veterinary Medical Examiners on this the 25th of March, 2013.

Agreed Order 2013-32
Ali Rohani, D.V.M.