DOCTOR SEYMOUR J. SMITH

TEXAS VETERINARY MEDICAL
MEDICAL CERTIFICATE (1960)
NUMBER 1078

PUBLICATION AND ORDER OF THE BOARD

On this the 27th day of January, A.D., 1961, the Texas State Board of Veterinary Medical Examiners being in regular meeting at the Elks 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. SEYMOUR J. SMITH having waived service of citation and accepted service in said cause by sworn instrument dated the 10th 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 Delbart, Texas
DR. J. W. HDOY, Vice-President of Paris, Texas
DR. MARVIN D. HODGES, Secretary of Abilene, Texas
DR. RAYMOND D. WELKER, Member of Alice, Texas
DR. VICTOR L. HURDLE, Member of Nacogdoches, Texas
DR. RAY A. RACUS, 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. SEYMOUR J. SMITH was present in person. The Board then proceeded to hear all the evidence presented by the State and by the said Dr. SEYMOUR J. SMITH. 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 27th day, Friday, January 27, 1961, all of the above members of said Board being present and participating made the following findings and orders to-wit:

FINDINGS

1. The Board finds that all statutory requisite to its jurisdiction have been met.
the Board is of the opinion that the charges contained in counts number 1, 3, 4, and 9 are true. The Board further finds that upon deletion of the words "conduct certain laboratory tests" in counts number 5, 6, and 7, that the charges contained therein are true and finds that the said Dr. SEYMOUR J. SMITH is guilty of dishonest or illegal practice 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, and has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this State for the purpose of treating, or offering to treat, sick, injured or afflicted animals within the contemplation of Sections 11 and 15 of Article 745a, 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:

IT IS ACCORDINGLY ORDERED, ADJUDGED and DECEDED that the Texas Veterinary Medical License No. 1614 and 1960 General Certificate No. 1078 herebefore issued by the Texas State Board of Veterinary Medical Examiners to Dr. SEYMOUR J. SMITH be and the same are HEREBY SUSPENDED for a period of four (4) years from and after the date of entry of this order, PROVIDED, HOWEVER, that the execution of this order of suspension to and it is HEREBY STATED, and the said Dr. SEYMOUR J. SMITH is placed upon PROBATION for a period of four (4) years upon the following terms and conditions:

1. The said Dr. SEYMOUR J. SMITH 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 745a, 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. SEYMOUR J. SMITH 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
of said period.

3. The said DR. SEYMOUR J. SMITH 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. SEYMOUR J. SMITH 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, 1981.

It is further ORDERED, ADJUDGED and DECREE 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. SEYMOUR J. SMITH 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 FURTHER, that in the event the said DR. SEYMOUR J. SMITH 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., 1981.

DR. CHARLES A. THOMSON, President
DR. LEWARD D. DWEIL, Treasurer

DR. J. W. HUDSON, Vice-President
DR. VICTOR L. ROHNER, Member

DR. BILLIE C. ROHNER, Secretary
DR. MAX A. PAEPKE, Member
3. The said DR. SEYMOUR J. SMITH 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. SEYMOUR J. SMITH 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. SEYMOUR J. SMITH 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 NOTWITHSTANDING, that in the event the said DR. SEYMOUR J. SMITH 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.

DR. CHARLES A. THOMSON, President

DR. WILLIAM S. COFF
Vice-President

DR. VICTOR L. BONHAM, Secretary

DR. LAWRENCE D. KESSLER, Member

DR. BILLIE C. HOWARD, Secretary

DR. WAI A. PACHAR, Member
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Entered this the 27th day of January, A.D., 1961.

FR. EDWARD D. O'FELIA, President

FR. J. W. MCGOW, Vice-President

FR. W. F. BOUTCHER, Treasurer

FR. BILLIE C. ROBERSON, Secretary

FR. W. A. PACIAR, Member
of said period.

3. The said DR. SEYMOUR J. SMITH 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 affidavit shall be transmitted to the Board office by certified United States mail return receipt requested. Said affidavit shall be executed by DR. SEYMOUR J. SMITH 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. SEYMOUR J. SMITH and the annual renewal certificate thereon 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. SEYMOUR J. SMITH violates or fails to comply with any of the terms or conditions of this order during said period of probation, the Board, upon receipt 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.

DR. CHARLES A. THOMPSON, President
DR. EDWARD D. DAVILA, Member

DR. J. W. MCCOY, Vice-President
DR. VICTOR L. KENTHURST, Member

DR. BILLIE C. ANDERSON, Secretary
DR. MAX A. PACHELE, Member
of said period.

3. The said DR. SEYMOUR J. SMITH 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 affidavit shall be transmitted to the Board offices by certified United States mail return receipt requested. Said affidavits shall be signed by DR. SEYMOUR J. SMITH 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. SEYMOUR J. SMITH and the annual renewal certificate thereto 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. SEYMOUR J. SMITH violates or fails to comply with any of the terms or conditions of this order during said period of probation, the Board, upon receipt 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.

DR. CHARLES A. THOMPSON, President
DR. EDWARD D. DUNDEE, Member
DR. J. W. MCCARY, Vice-President
DR. VICTOR L. ROHMANN, Member
DR. BILLIE W. REID, Secretary
DR. RAY A. RANCHER, Member
STATE OF TEXAS

COUNTY OF TRAVIS

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
unto oath deposeth and saith 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 professional conduct of one DR.
SUTHERLAND J. SMITH, Texas Veterinary Medical License No. 1644, 1960 Re-
served Certificate No. 1078, a practitioner of 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 DR. SUTHERLAND J.
SMITH 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, and has permitted or allowed another to
use his license, or certificate to practice veterinary medicine in this
state, for the purpose of treating, or offering to treat, sick, injured
or afflicted animals within the contemplation of Sections 14 and 15 of
Article 7665a of the Revised Civil Statutes of Texas, in that the said
DR. SUTHERLAND J. SMITH did commit the following acts, and/or omissions, as
follows, to-wit:

1. That on or about July 29, 1960, said DR. SUTHERLAND J. SMITH did
enter into a partnership, or a business arrangement with one JOHN B.
PHILLIPS, D.V.M., a person who was not then nor has he ever been licensed
to practice veterinary medicine in the State of Texas, which fact was well
known to said SUTHERLAND J. SMITH at said time, for the purpose of conducting
a veterinary practice at 2507 Red Bluff, in Pasadena, Harris County, Texas,
and that subsequent thereto the said JOHN B. PHILLIPS, D.V.M., was held out
as a practitioner of veterinary medicine at said address. Said acts and
omissions by DR. SUTHERLAND J. SMITH being in violation of Rule of Professional
Conduct No. 9.
3. That for the period of time from or about July 29, 1960, to on or about August 29, 1960, the said Dr. SEYMOUR J. SMITH did hold out and/or represent to the public that one JOHN B. PHILLIPS was a qualified, licensed practitioner of veterinary medicine in that he did place or cause to be placed signs on the building and/or premises at 2507 Red Bluff, Pasadena, Texas, advertising an animal hospital and pet clinic and by placing a sign on the door listing "J. B. PHILLIPS, D.V.M., B. J. SMITH, D.V.M.", said acts and/or omissions by Dr. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 9, 15, 16 and 17.

3. That on or about August 15, 1960, the said Dr. SEYMOUR J. SMITH did hold out and/or represent to the public that one JOHN B. PHILLIPS was a qualified, licensed practitioner of veterinary medicine by mailing or causing to be mailed through the United States Mail on Bulk Rate Permit No. 1, cards announcing the Red Bluff Animal Hospital at 2507 Red Bluff, Pasadena, Texas, listing thereon the hours, telephone numbers, and the name "B. J. SMITH, D.V.M." and "J. B. PHILLIPS, D.V.M.".

4. That on or about August 19, 1960, said Dr. SEYMOUR J. SMITH did leave the veterinary hospital located at 2507 Red Bluff, in Pasadena, Texas, in the care, custody and control of the said JOHN B. PHILLIPS, the during the absence of the said Dr. SEYMOUR J. SMITH did accept for treatment at said hospital a dog belonging to MR. HERMAN HART of Pasadena, Texas, whereupon the said JOHN B. PHILLIPS did for a valuable consideration conduct certain laboratory tests, diagnose, treat, prescribe for, and vaccinate said dog for rabies and issue a certificate of vaccination for rabies and issue a certificate of vaccination bearing the name of the said Dr. SEYMOUR J. SMITH. Said certificate certified that Dr. SEYMOUR J. SMITH had vaccinated said dog as therein described. Said acts and omissions by Dr. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 16, 17 and 18.

8. That on or about August 18, 1960, said Dr. SEYMOUR J. SMITH did leave the veterinary hospital located at 2507 Red Bluff in Pasadena, Texas in the care, custody and control of the said JOHN B. PHILLIPS, who during the absence of the said Dr. SEYMOUR J. SMITH did accept for treatment at said hospital a dog belonging to C. R. PLANKETT of Pasadena, Texas, whereupon the said JOHN B. PHILLIPS did for a valuable consideration conduct
certain laboratory tests, diagnose, treat, prescribe for, and vaccinate said dog for rabies and issue a certificate of vaccination for rabies and issue a certificate of vaccination bearing the name of the said Dr. SEYMOUR J. SMITH. Said certificate certified that DR. SEYMOUR J. SMITH had vaccinated said dog as therein described. Said acts and omissions by DR. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 19, 16, 17 and 18.

8. That on or about August 19, 1960, said Dr. SEYMOUR J. SMITH did leave the veterinary hospital located at 2507 Red Bluff, in Pasadena, Texas, in the care, custody and control of the said JOHN B. PHILLIPS, who during the absence of the said Dr. SEYMOUR J. SMITH did accept for treatment at said hospital a dog belonging to STEVE MOLLIN of Pasadena, Texas, thereupon the said JOHN B. PHILLIPS did for a valuable consideration conduct certain laboratory tests, diagnose, treat, prescribe for, and vaccinate said dog for rabies and issue a certificate of vaccination for rabies and issue a certificate of vaccination bearing the name of the said DR. SEYMOUR J. SMITH. Said certificate certified that DR. SEYMOUR J. SMITH had vaccinated said dog as therein described. Said acts and omissions by DR. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 19, 16, 17 and 18.

9. That on or about August 20, 1960, said Dr. SEYMOUR J. SMITH did leave the veterinary hospital located at 2507 Red Bluff, in Pasadena, Texas, in the care, custody and control of the said JOHN B. PHILLIPS, who during the absence of the said Dr. SEYMOUR J. SMITH did accept for treatment at said hospital a dog belonging to IVAN SMITH of Austin, Texas, thereupon the said JOHN B. PHILLIPS did for a valuable consideration conduct certain laboratory tests, diagnose, treat, prescribe for, and vaccinate said dog for rabies and issue a certificate of vaccination for rabies and issue a certificate of vaccination bearing the name of the said Dr. SEYMOUR J. SMITH. Said certificate certified that Dr. SEYMOUR J. SMITH had vaccinated said dog as therein described. Said acts and omissions by Dr. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 19, 16, 17 and 18.

10. That on or about August 19, 1960, the said Dr. SEYMOUR J. SMITH did leave the veterinary hospital located at 2507 Red Bluff in Pasadena, Texas, in the care, custody and control of the said JOHN B. PHILLIPS who
at said hospital a dog belonging to Mrs. LYNN CHOW of Pasadena, Texas, whereupon the said JOHN B. PHILLIPS did for a valuable consideration administer an injection to induce heat in said female dog. Said acts and omissions by Dr. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 15, 16 and 17.

9. That on or about August 19, 1960, the said Dr. SEYMOUR J. SMITH did leave the veterinary hospital located at 2507 Red Bluff in Pasadena, Texas in the care custody and control of the said JOHN B. PHILLIPS who during the absence of said Dr. SEYMOUR J. SMITH did accept for treatment at said hospital a dog belonging to Mr. ED HAGEN of Pasadena, Texas, whereupon the said JOHN B. PHILLIPS did for a valuable consideration examine, treat, prescribe for and administer a distemper injection. Said acts and omissions by Dr. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 15, 16 and 17.

10. That on or about August 27, 1960, the said Dr. SEYMOUR J. SMITH did leave the veterinary hospital located at 2507 Red Bluff in Pasadena, Texas in the care custody and control of the said JOHN B. PHILLIPS who during the absence of said Dr. SEYMOUR J. SMITH did accept for treatment at said hospital a dog belonging to Mr. ED HAGEN of Pasadena, Texas, whereupon the said JOHN B. PHILLIPS did examine said dog and recommend no further treatment at that time. Said acts and omissions by Dr. SEYMOUR J. SMITH being in violation of Rules of Professional Conduct No. 15, 16 and 17.

That at all times material herein as alleged in counts No. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, the said JOHN B. PHILLIPS was not then nor has he ever been licensed to practice veterinary medicine in the State of Texas which fact was well known to the said Dr. SEYMOUR J. SMITH at said times.

The above complaint, containing ten (10) counts, is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners, at its Board offices in Austin, Travis County, Texas, this the 16th day of January, A.D. 1961.

[Signature]
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.

[Signature]

Notary Public in and for Travis County, Texas