DOCKET NO. 2000-04

IN THE MATTER
OF THE LICENSE OF
ALFRED VARDEMAN, 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 Alfred Vardeman, 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, and he appeared without counsel. 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. Alfred Vardeman, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 6535, 1999 renewal certificate number 5626. 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.
4. On or about April 23, 1999, the Board received a letter from Respondent that his

In the Matter of the License of Alfred Vardeman, D.V.M.
Docket No. 2000-04
continuing education requirements for practice year 1999 had not been met.

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

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, 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 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;

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:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Alfred Vardeman, 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.

In the Matter of the License of Alfred Vardeman, D.V.M.

Docket No. 2000-04
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 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, ALFRED VARDEMAN, 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.

______________________________
Alfred Vardeman, D.V.M.
Respondent

11-8-99
DATE

In the Matter of the License of Alfred Vardeman, D.V.M.
Docket No. 2000-04
STATE OF TEXAS
COUNTY OF Mitchell

BEFORE ME, on this day, personally appeared Alfred Vardeman, 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 8th day of Nov., 1999.

[Signature]
Jane Webb
Notary Public

This agreed order has been entered between Alfred Vardeman, 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’s Signature]
Ron Allen
Executive Director, TSBVME

November 15, 1999
DATE

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

[Signature]
Howard Head, D.V.M.
President

In the Matter of the License of Alfred Vardeman, D.V.M.
Docket No. 2000-04
DOCKETED COMPLAINT NO. 2000-04

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 6535
vs. § 1999 RENEWAL CERTIFICATE
ALFRED VARDEMAN, D.V.M. § NUMBER 5626

COMPLAINT AFFIDAVIT

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

On or about May 3, 1999, Mike Carroll, 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 Alfred Vardeman, D.V.M., Mitchell County Veterinary Clinic, 2145 South Highway 208, Colorado City, Texas, 79512, Veterinary License Number 6535, 1999 Renewal Certificate Number 5626, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Alfred Vardeman, D.V.M.

I.

Alfred Vardeman, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 6535, 1999 renewal certificate number 5626. 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 April 23, 1999, Alfred Vardeman, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.

IV.

On or about April 23, 1999, the Board received a letter from Respondent that his continuing education requirements for practice year 1999 had not been met.
V.

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

VI.

Respondent is required to comply with the provision of the Act and Board Rules.

VII.

Board Rule 573.64 of the Rules of Professional Conduct requires each license holder to attend 15 hours of approved continuing education each year.

VIII.

Based on paragraphs III through V, respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.

IX.

Based on paragraph VII, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

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(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.
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.

Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 17th day of December, 1999.

Charles A. Adkins, Notary Public for Texas

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. Alfred Vardeman, D.V.M. under Docketed Number 2000-04 this the 17 day of December 1999.

Martin E. Garcia, II, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners