

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
3810 Medical Parkway, Suite 119  
Austin, TX 78756  
(512) 458-1183

DOCKET NUMBER 1987-7  
DENNIS A. WENDT, D.V.M.  
LICENSE NUMBER: 4008

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Dennis A. WENDT, his attorney Steve Martin, and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Wendt will be granted a continuance at his option.

Dr. Wendt does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

1. Violation of Rule 14 of the Rules of Professional Conduct by aiding and abetting the practice of veterinary medicine by an unlicensed person.
2. Violation of Rule 15A of the Rules of Professional Conduct by allowing a non-licensed employee to treat an animal without a licensee being on premises and allowing an unlicensed employee to diagnose and prognose animal diseases.
3. Violation of Rule 28 of the Rules of Professional Conduct by stating in his brochure "Personal Care & Neighborhood Convenience" false, deceptive and/or misleading statements.

RECOMMENDED PENALTY:

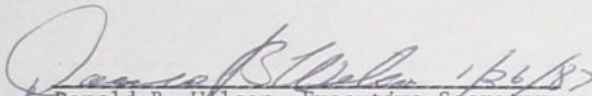
1. One year and six months suspension all probated but 15 days.
2. The 15 days downtime to begin within 45 days of the agreement being accepted by the Board.

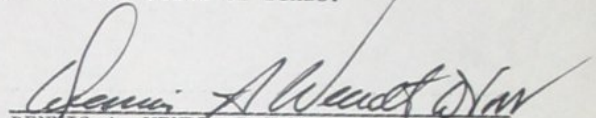
CONDITIONS:

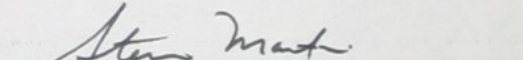
1. Dr. Wendt is to serve 75 hours of community service in the field of veterinary medicine, with quarterly status reports to the Executive Secretary commencing April 1, 1987. The details of the community service will be coordinated through the Board Secretary.
2. Dr. Wendt is to take the State Board Examination on Jurisprudence at the Board Offices in Austin during his 15 days of downtime. The examination will be taken to demonstrate Dr. Wendt's knowledge of the Veterinary Practice Act. It will not be administered on a pass/fail basis but as a means to identify

deficiencies in Dr. Wendt's understanding of the Act. The examination will be critiqued and corrected to 100% with Dr. Wendt, to enhance his understanding of the Act.

3. Dr. Wendt is not to derive any financial gain from the practice of veterinary medicine during his 15 day suspension.
4. Dr. Wendt will provide for the care of his current patients and those requiring extended care either through referral or some other arrangement.
5. Dr. Wendt agrees to direct his assistant, Ms. Chris Zavadny to present herself at the State Board Offices in Austin within sixty (60) days of this hearing, to meet with the Executive Secretary, to receive a review and discussion of the Veterinary Practice Act and Rules of Professional Conduct.
6. Dr. Wendt will abide by the laws and rules of the State of Texas.

  
Donald B. Wilson, Executive Secretary  
TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS

  
DENNIS A. WENDT, D.V.M.

  
Witness

DOCKETED COMPLAINT NO. 1987-7

TEXAS STATE BOARD OF VETERINARY	Y	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	Y	LICENSE NO. 4008
vs.	Y	1986 RENEWAL CERTIFICATE
DENNIS A. WENDT, D.V.M.	Y	NUMBER 2583

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 29th day of January, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Hyatt Regency Hotel in Fort Worth, Tarrant County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said DENNIS A. WENDT, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. ED B. AVERY, President	of Pearsall, TX
DR. EDWARD S. MURRAY, Vice-President	of Spur, TX
DR. W. L. "DUB" ANDERSON, Secretary	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. FRANK E. MANN, JR., Member	of Wharton, TX
DR. FRED K. SOIFER, Member	of Houston, TX

At 1:30 p.m., the appointed hour, the President of the Board, DR. ED B. AVERY ordered the case to proceed at which time it was ascertained that DENNIS A. WENDT, D.V.M. and his legal counsel, STEVE MARTIN, were present in person; the Board then proceeded to hear the evidence presented by the State, and by STEVEN MARTIN, Attorney for Dr. Wendt, and on the same day, January 29, 1987, all of the above members of said Board being present and participating, makes the following findings, to-wit:

FINDINGS OF FACT

DENNIS A. WENDT, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under

License Number 4008, 1986 Renewal Certificate Number 2583, with offices in Houston, Harris County, Texas.

II.

DENNIS A. WENDT, D.V.M. received notice of this hearing.

III.

DENNIS A. WENDT, D.V.M. was present before the Board and was represented by legal counsel.

IV.

On October 9, 1986 MIKE CARROLL arrived at the Pet Care Medical and Surgical Clinic on Airline Drive in Houston, Texas. Mr. Carroll inquired as to whether a licensed veterinarian was on the premises and was informed that none was present. MIKE CARROLL then purchased a 100 count bottle of 60mg. Filaribits from Chris Zavadny, an employee of DENNIS A. WENDT, D.V.M. and paid the sum of \$3.47.

V.

On May 3, 1986 MAUREEN JOHNSON took her cat to the Pet Care Center located at 14232 FM 149 in Houston, Harris County, Texas. The visit to this clinic was necessitated after the cat was dipped in Paramite Dip. The Pet Care Veterinary Medical and Surgical Centers are owned by DENNIS A. WENDT, D.V.M. Upon presentation of the cat, Ms. Johnson was informed by Chris Zavadny, an employee of Dr. Wendt, that Dr. Wendt was not on the premises but that she (Chris) would call Dr. Wendt and get instructions on treatment needed. Prior to any blood tests being performed, Chris Zavadny diagnosed Ms. Johnson's cat as anemic and informed Ms. Johnson that the prognosis was poor on her cat.

VI.

On Sunday, May 4, 1986 Ms. Johnson attempted to reach Dr. Wendt between the hours of 6:50 a.m. and 12:45 p.m. to inquire as to the condition of the cat. After being unsuccessful in reaching Dr. Wendt, Ms. Johnson went to the clinic on FM 149. Upon arrival Chris informed her that Dr. Wendt had just left for lunch. Ms. Johnson informed Chris

that she wanted to take the cat to another veterinary facility. After contacting Dr. Wendt concerning proper charges for treatments administered, Chris Zavadny released the cat with an IV in place, to Ms. Johnson.

VII.

On November 9, 1986 at approximately 5:30 p.m. ANITA STEPHENS presented her grey miniature Schnauzer, "Gretchen" to Pet Care Medical and Surgical Center, 14232 FM 149, Houston, Harris County, Texas. She was greeted by Chris Zavadny who proceeded to examine and diagnose the dog as having experienced a seizure of unknown origin. At no time during this visit did Ms. Stephens see or talk to any other individual in the Clinic. After signing a consent form for treatment and a credit history form Ms. Stephens left believing that "Gretchen" would receive constant monitoring and attention throughout the night as described in the brochure entitled "Personal Care and Neighborhood Convenience" published and distributed by Pet Care Veterinary Medical and Surgical Centers, owned by Dr. Dennis A. Wendt.

VIII.

On November 10, 1986, at approximately 7:55 p.m. Ms. Stephens consulted with Dr. Wendt concerning the dog's condition. Ms. Stephens explained to Dr. Wendt that her husband would be returning from out of town later that same day and inquired as to whether her husband might be permitted to see the dog on his return. Dr. Wendt refused permission stating that the visit might unnecessarily upset the animal which by that time would be sedated. At approximately 11:00 p.m. Mr. Stephens attempted to reach Dr. Wendt through his advertised telephone number to inquire as to the dog's condition. After five unsuccessful attempts to reach Dr. Wendt, Mr. Stephens contacted the Sheriff's Department to obtain release of his dog to the animals regular veterinarian. At 1:45 a.m. Mr. Stephens paid \$424.50 to Chris Zavadny, Dr. Wendt's employee, at which time his dog was released to him.

CONCLUSIONS OF LAW

I.

The Board concludes that DR. WENDT entered into a Negotiated Settlement and that he does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations and based thereon, the Board found the allegations to be true, Respondent understands and intends that by so stating, he is not admitting truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

ORDERS

It is hereby ORDERED that Texas Veterinary License No. 4008, heretofore issued to DENNIS A. WENDT, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, be and the same is HEREBY SUSPENDED for a period of one (1) year and six (6) months with all but fifteen (15) days being PROBATED, PROVIDED HOWEVER, the execution of this Order is contingent on the following conditions being met:

1. That Dr. Wendt serve seventy-five (75) hours of community service in the field of veterinary medicine, with quarterly status reports to the Executive Secretary commencing April 1, 1987. The details of the community service will be coordinated through the Board Secretary.
2. That Dr. Wendt take the State Board Examination on Jurisprudence at the Board Offices in Austin during his fifteen (15) days of downtime. The examination will be taken to demonstrate Dr. Wendt's knowledge of the Veterinary Practice Act. It will not be administered on a pass/fail basis but as a means to identify deficiencies in Dr. Wendt's understanding of the Act. The examination will be critiqued and corrected to 100% with Dr. Wendt, to enhance his understanding of the Act.
3. Dr. Wendt is not to derive any financial gain from the practice of veterinary medicine during his fifteen (15) days suspension.

4. Dr. Wendt will provide for the care of his current patients and those requiring extended care either through referral or some other arrangement.
5. Dr. Wendt is to direct his assistant, Ms. Chris Zavadny to present herself at the State Board Offices in Austin within sixty (60) days of this hearing, to meet with the Executive Secretary, to receive a review and discussion of the Veterinary Practice Act and Rules of Professional Conduct.
6. Dr. Wendt will abide by the laws and rules of the State of Texas.

The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 29th day January, 1987, in Fort Worth, Tarrant County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 29th day of January, 1987.

Ed B Avery, Jr.  
ED V. AVERY, D.V.M., President

1/29/87  
Date

(Vacant)  
Vice-President

\_\_\_\_\_  
Date

W. L. Anderson, D.V.M.  
W. L. "DUB" ANDERSON, D.V.M., Secretary

1/29/87  
Date

Jim F. Humphrey  
JIM F. HUMPHREY, Member

1/29/87  
Date

Mike Levi  
MIKE LEVI

1/29/87  
Date

Mary E. Mainster, D.V.M.  
MARY E. MAINSTER, D.V.M., Member

1/29/87  
Date

Frank E. Mann, Jr.  
FRANK E. MANN, JR., D.V.M., Member

1/29/87  
Date

Fred K. Soifer  
FRED K. SOIFER, D.V.M., Member

1/29/87  
Date

Edward S. Murray  
EDWARD S. MURRAY, D.V.M., Member

1/29/87  
Date



DOCKETED COMPLAINT NO. 1987-7

TEXAS STATE BOARD OF VETERINARY	X	TEXAS VETERINARY MEDICAL
MEDICAL EXAMIMERS	X	LICENSE NO. 4008
vs.	X	1986 RENEWAL CERTIFICATE
DENNIS A. WENDT, D.V.M.	X	NUMBER 2583

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared ERNIE M. CARROLL, who after being duly sworn, did depose and say:

"I, ERNIE M. CARROLL, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one DR. DENNIS A. WENDT, D.V.M., Pet Care Veterinary Medical & Surgical Center, 14232 FM 149, Houston, Harris County, Texas, Texas Veterinary License Number 4008, 1986 Renewal Certificate Number 2583, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, ERNIE M. CARROLL, do hereby present the following complaint against DENNIS A. WENDT, D.V.M., who is hereinafter called Respondent.

I.

On October 9, 1986 ERNIE M. CARROLL, arrived at the Pet Care Medical and Surgical Clinic on Airline Drive in Houston, Texas. ERNIE M. CARROLL inquired as to whether a licensed veterinarian was on the premises and was informed that none was present. ERNIE M. CARROLL then purchased a 100 count bottle of 60mg. Filaribits from Chris Zavadny, an employee of DENNIS A. WENDT, D.V.M. and paid the sum of \$3.47 (See Exhibit A).

II.

On May 3, 1986 MAUREEN JOHNSON took her cat to the Pet Care Center located at 14232 FM 149 in Houston, Harris County, Texas. The visit to this clinic was necessitated after the cat was dipped in Paramite Dip.

The Pet Care Veterinary Medical and Surgical Centers are owned by DENNIS A. WENDT, D.V.M. Upon presentation of the cat, Ms. Johnson was informed by Chris Zavadny, an employee of Dr. Wendt, that Dr. Wendt was not on the premises but that she (Chris) would call Dr. Wendt and get instructions on treatment needed. Prior to any blood tests being performed, Chris Zavadny diagnosed Ms. Johnson's cat as anemic and informed Ms. Johnson that the prognosis was poor on her cat.

III.

On Sunday, May 4, 1986 Ms. Johnson attempted to reach Dr. Wendt between the hours of 6:50 a.m. and 12:45 p.m. to inquire as to the condition of the cat. After being unsuccessful in reaching Dr. Wendt, Ms. Johnson went to the clinic on FM 149. Upon arrival Chris informed her that Dr. Wendt had just left for lunch. Ms. Johnson informed Chris that she wanted to take the cat to another veterinary facility. After contacting Dr. Wendt concerning proper charges for treatments administered, Chris Zavadny released the cat with an IV in place, to Ms. Johnson.

IV.

On November 9, 1986 at approximately 5:30 p.m. ANITA STEPHENS presented her grey miniature Schnauzer, "Gretchen" to Pet Care Medical and Surgical Center, 14232 FM 149, Houston, Harris County, Texas. She was greeted by Chris Zavadny who proceeded to examine and diagnose the dog as having experienced a seizure of unknown origin. At no time during this visit did Ms. Stephens see or talk to any other individual in the Clinic. After signing a consent form for treatment and a credit history form Ms. Stephens left believing that "Gretchen" would receive constant monitoring and attention throughout the night as described in the brochure entitled "Personal Care and Neighborhood Convenience" published and distributed by Pet Care Veterinary Medical and Surgical Centers, owned by Dr. Dennis A. Wendt.

V.

On November 10, 1986, at approximately 7:55 p.m. Ms. Stephens consulted with Dr. Wendt concerning the dog's condition. Ms. Stephens explained to Dr. Wendt that her husband would be returning from out of town later that same and inquired as to whether her husband might be permitted to see the dog on his return. Dr. Wendt refused permission stating that the visit might unnecessarily upset the animal which by that time would be sedated. At approximately 11:00 p.m. Mr. Stephens attempted to reach Dr. Wendt through his advertised telephone number to inquire as to the dog's condition. After five unsuccessful attempts to reach Dr. Wendt, Mr. Stephens contacted the Sheriff's Department to obtain release of his dog to the animals regular veterinarian. At 1:45 a.m. Mr. Stephens paid \$424.50 to Chris Zavadny, Dr. Wendt's employee, at which time his dog was released to him.

VI.

Because of the acts stated in Paragraph I, II and IV, allowing a non-licensed employee to sell a legend drug, Filaribits, 60 mg., and allowing a non-licensed employee to treat an animal without the licensee being on the premises and allowing an unlicensed employee to diagnose and prognose animals, DENNIS A. WENDT, D.V.M. has violated Rule 14 and Rule 15 A. of the Rules of Professional Conduct which state in part:

Rule No. 14 -

A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or any illegal or unethical act on the part of any veterinarian.

Rule No. 15 A -

General - A licensed veterinarian shall not allow an unlicensed person to . . . inoculate or treat animals unless the . . . inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery, diagnosis and prognosis of animal disease, prescribing of drugs, medicine, and appliances for domestic animals.

VII.

By stating:

"Pet Care offers the personal attention you expect from your veterinarian. Plus the neighborhood convenience of a 24-hour emergency clinic.

At Pet Care, you will be under the care of Texas licensed veterinarians who will have access to your pet's medical history. At your discretion, one specific staff doctor will be your personal veterinarian.

Pet Care's personal care is available beyond the traditional doctor's hours. We're open for extended hours every day, including weekends in addition to our 24-hour emergency service."

in his brochure entitled "Personal Care & Neighborhood Convenience" DENIS A. WENDT, D.V.M. has violated Rule 28 of the Rules of Professional Conduct which states in part:

A veterinarian may not engage in advertising that is false, deceptive or misleading. A false, deceptive or misleading statement or claim includes, without limitation, a statement or claims which:

- E. Intends to create or is likely to create an inflated or unjustified expectation;
- F. Contains an expressed or implied material misrepresentation of fact.

Further, through the acts stated in Paragraph I, II, III and IV, DR. DENNIS A. WENDT has violated Article 7465a, Veterinary Practice Act, Sections 14 (e) and (f) which state in part:

". . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation . . . if it finds that an applicant or licensee:  
(e) 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 the law; or  
(f) 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."

VIII.

The Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes, Section 14 (e) and (f) gives the Board authority to take disciplinary action against DR. WENDT's license, which state:

" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensess, . . . if it finds that an applicant or licensee:

(e) 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 the law;

(f) 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."

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 31st day of December, 1986.

Further, Affiant sayeth not.



Ernie M. Carroll

ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 31st day of December, 1986.

Judy C. Smith

JUDY C. SMITH,  
Notary Public in and for Texas

My Commission Expires: September 13, 1989.

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. DENNIS A. WENDT, D.V.M., under Docket Number 1987-7, this the 31st day of December, 1986.

*K. D. Dorris, D.V.M.*

\_\_\_\_\_  
K. D. DORRIS, D.V.M., Secretary  
Texas State Board of Veterinary Medical  
Examiners

PETCARE  
VETERINARY MEDICAL AND SURGICAL CENTER CASE # \_\_\_\_\_  
14232 FM 149 (WEST MONTGOMERY AT DANIEL W. HOUSTON)  
HOUSTON, TEXAS 77066

OWNER'S NAME Carroll DISCHARGE DATE \_\_\_\_\_  
COMPLAINT \_\_\_\_\_ PET'S NAME Puddles DR. W DATE 10/9/86

DOCTOR'S FEE	MEDICAL SERVICES & PHARMACY
( ) OFFICE VISIT/EXAM .....	( ) DRUGS DISPENSED .....
( ) RE-VISIT/EXAM .....	( ) RX - DIETS .....
( ) CONSULTATION .....	( <input checked="" type="checkbox"/> ) HEARTWORM PREVENTATIVE .....
( ) EMERGENCY .....	( ) NUTRITIONAL SUPPLEMENTS .....
( ) HEALTH CERTIFICATE .....	( ) EAR TREATMENTS .....
( ) CASE RESEARCH .....	( ) PHYSICAL THERAPY .....
( ) .....	( ) .....
( ) .....	( ) .....
( ) .....	( ) .....
( ) .....	( ) .....

3.47

TREATMENT AND PRESCRIPTION:

-----  
-----  
-----  
-----

INSTRUCTIONS FOR MEDICATION -  
-----  
-----

TOTAL PAGE #1 - VACCINATIONS/SPAY/NEUTER	:	\$
TOTAL PAGE #2 - DOCTOR'S FEES/MEDICAL SERVICES & PHARMACY	:	\$ 3.47
TOTAL HOSPITALIZATION - NUMBER OF DAYS	:	\$
TOTAL SURGICAL	:	\$

CHRIS Z.  
AIRLINE  
692-0888

TOTAL FEE	:	\$ 3.47				
DEPOSIT/AMT PAID	:	\$ 3.47				
BALANCE	:	\$ 0				
CASH	CHECK	VISA	MC	AMEX	PN	HOUSE

THANK YOU  
THE STAFF AT PET CARE