

DOCKETED COMPLAINT NO. 1991-32

TEXAS STATE BOARD OF VETERINARY	()	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	()	LICENSE NO. 1964
vs.	()	1991 RENEWAL CERTIFICATE
SIDNEY T. ZARGES, D.V.M.	()	NUMBER 2239

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 3rd day of October, 1991, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting in the 4th floor Conference Room 1946 South IH-35, Austin, Travis 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 SIDNEY T. ZARGES, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present:

Dr. Robert D. Lewis, President	of Elgin, TX
Dr. Mary E. Mainster, Vice President	of San Antonio, TX
Dr. Guy A. Sheppard, Secretary - Recused	of San Angelo, TX
Dr. Larry M. Dubuisson, Member	of Weslaco, TX
Dr. Alton F. Hopkins, Jr., Member	of Dallas, TX
Mr. Mike Levi, Member	of Spicewood TX
Mr. Clark S. Willingham, Member	of Dallas, TX

At the appointed hour, the President of the Board, DR. ROBERT D. LEWIS ordered the case to proceed at which time it was ascertained that Sidney Zarges, D.V.M. was present, and represented by ROBERT KUEHM, legal counsel. The Board then proceeded to hear the evidence presented by the State, and on the same day, October 3, 1991, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings:

AGREED/STIPULATED
FINDINGS OF FACT

I.

Sidney T. Zarges, D.V.M., is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 1964, and 1991 Renewal Certificate Number 2239.

II.

Dr. Zarges received notice of this hearing on or about August 22, 1991.

III.

On or about November 1, 1990, Respondent was convicted of a felony in United States District Court for which he is on probation.

IV.

On or about October 7, 1990, the New Mexico Board of Veterinary Medical Examiners revoked Respondent's license to practice veterinary medicine in the State of New Mexico. Although the case was appealed, the effect of the Order was not suspended by such appeal.

V.

Respondent has the right to seek reinstatement of that license and plans to do so on October 8, 1991. Respondent sought a stay of the revocation pending that ruling.

CONCLUSIONS OF LAW

I.

By being convicted of a felony as described in Paragraph III, Respondent has violated Rule 573.4, Adherence To The Law, of the Rules of Professional Conduct and Article 8890, Section 14(a)(3) and (4) of the Veterinary Licensing Act.

II.

By having his license to practice veterinary medicine in the State of New Mexico revoked by the New Mexico Board of Veterinary Medical Examiners, as described in Paragraph IV, Respondent has violated Article 8890, Section 14(a)(16), Veterinary Licensing Act.

III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Zarges' Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(3) and (4) and Section 14B.

IV.

In addition, Article 6252-13c Section 4(a) authorizes the revocation or suspension of a veterinarian's license upon a licensee's felony conviction.

ORDERS

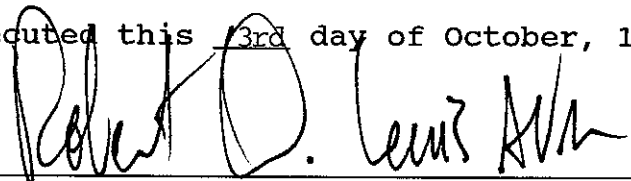
It is therefore ORDERED that License Number 1964 heretofore issued to SIDNEY T. ZARGES, D.V.M. by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS be and same is hereby REVOKED.

It is further ORDERED that each Finding of Fact found herein is adopted as a Conclusion of Law, and each Conclusion of Law is adopted as a Finding of Fact.

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 3rd day October, 1991, in Austin, Travis 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.

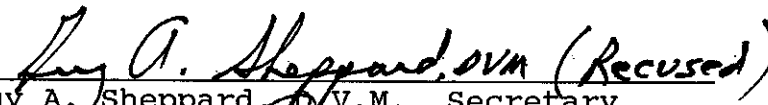
Executed this 3rd day of October, 1991.


Robert D. Lewis, D.V.M., President

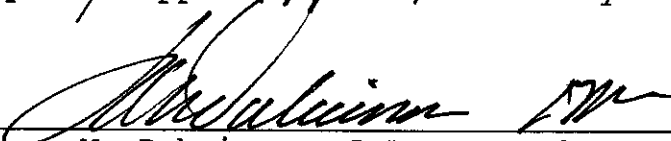
10/3/91
Date


Mary E. Mainster, D.V.M., Vice-President

10/3/91
Date


Guy A. Sheppard, D.V.M., Secretary


10/3/91
Date


Larry M. Dubuisson, D.V.M., Member


10/3/91
Date

ABSENT
Mrs. Olivia R. Eudaly, Member

Date


Alton F. Hopkins Jr., D.V.M., Member

10-3-91
Date


Mr. Mike Levi, Member

10/3/91
Date

ABSENT
Fred K. Soifer, D.V.M., Member

Date


Mr. Clark S. Willingham, Member

10/8/91
Date

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COMPLAINT AFFIDAVIT FORM

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

On or about May 23, 1990, Joseph J. Rizzo, 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 SIDNEY T. ZARGES, Zarges Animal Clinic, 5820 Doniphan Drive, El Paso, El Paso County, Texas, Veterinary License Number 1964, 1991 Renewal Certificate Number 2239, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against SIDNEY T. ZARGES, D.V.M., who is hereinafter called Respondent.

I.

On or about January 16, 1990, Respondent was convicted of a felony in United States District Court, Albuquerque, New Mexico, in Cause Number 89-376JP-01.

II.

On or about October 7, 1990, the New Mexico Board of Veterinary Medical Examiners revoked Respondent's license to practice veterinary medicine in the State of New Mexico. Although the case was appealed, the effect of the Order was not suspended by such appeal.

III.

By being convicted of a felony as described in Paragraph I, Respondent has violated Rule 573.4, Adherence To The Law, of the Rules of Professional Conduct and Article 8890, Section 14(a)(4) of the Veterinary Licensing Act which states in part:

573.04 ADHERENCE TO THE LAW

No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

ARTICLE 8890, SEC. 14(a)

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

(4) has been convicted of a felony under the laws of this or any other state of the United States or of the United States

IV.

By having his license to practice veterinary medicine in the State of New Mexico revoked by the New Mexico Board of Veterinary Medical, as described in Paragraph III, Respondent has violated Article 8890, Section 14(a)(16), Veterinary Licensing Act which states in part:

ARTICLE 8890, SEC. 14(a)(16)

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

. . . .
(16) is subject to a disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine issued by another jurisdiction.

V.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Zarges' Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14(a)

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

. . . .
(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

. . . .
(4) has been convicted of a felony under the laws of this or any other state of the United States or of the United States

ARTICLE 8890, SECTION 14B


(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

VI.

In addition, Section 3(e) of Article 6252-13c requires the revocation of a veterinarian's license upon the licensee's felony conviction. That provision is mandatory and does not allow alternative disciplinary sanctions.

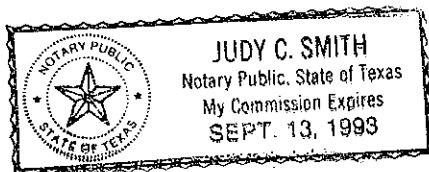
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 20th day of August, 1991.

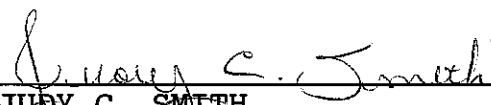
Further, Affiant sayeth not.



JOSEPH J. RIZZO, Affiant


SUBSCRIBED and SWORN TO before me by the said JOSEPH J. RIZZO this the 20th day of August, 1991.





JUDY C. SMITH
Notary Public in and 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. SIDNEY T. ZARGES, D.V.M. under Docketed Number 1991-32, this the 20th day of August, 1991.



GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners