SOAH Docket No. 578-10-4690.MED
DOCKET NO. 2008-37

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS,
Petitioner

vs.

SIDNEY ZARGES, D.V.M.
Respondent

BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS

AGREED ORDER

On this the 13th day of December, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Sidney Zarges, D.V.M. ("Respondent").

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 Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement Committee, 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. 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's rules. All jurisdictional requirements have been satisfied.

2. In 1990, Dr. Sidney Zarges was convicted of a felony crime. Dr. Sidney Zarges was convicted of unlawfully, knowingly and intentionally causing another person to furnish false material information on a record, which he was required to maintain as a registrant under Subsection II of the Texas Controlled Substances Act. Dr. Zarges is unable to possess a DPS registration for controlled substances due to his felony conviction under the Controlled Substances Act. Dr. Sidney Zarges's DEA and DPS registrations were revoked in 1990. On November 3, 1992, TBVME reinstated Dr. Sidney Zarges's veterinary license. Under that order, Dr. Sidney Zarges may not apply for his DEA or DPS registration.

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3. Around July 25, 2007, Dr. Sidney Zarges applied for a DPS controlled substances registration, and DPS denied his application on the grounds that he had been convicted of a felony.

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 1-3, Respondent has violated Rule 573.62, VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS, of the Board's Rules of Professional Conduct, which requires all persons that are the subject of a Board Order shall abide by the terms of the order.

3. Based on 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 and 2, 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:

      (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 an administrative penalty.
NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, in lieu of any administrative penalties or reprimands associated with a finding of a violation of the Board’s rules and the Veterinary Licensing Act, Respondent agrees to voluntarily surrender his veterinary license and not seek reinstatement by the Board.

The Board ORDERS that:

1. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this Order.

2. 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 herein 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 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, SIDNEY ZARGES, 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.

Sidney Zarges, D.V.M.  

[Signature]

November 27, 2010  
Date

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Sidney Zarges, D.V.M.
STATE OF TEXAS

COUNTY OF __________________________

BEFORE ME, on this day, personally appeared SIDNEY ZARGES, 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 27th day of November, 2010.

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 13th day of December, 2010.

[Signature]
Bud E. Allredge, Jr., D.V.M., President

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