DOCKET NO. 2014-37

IN THE MATTER OF $ TEXAS BOARD OF
THE LICENSE OF $ VETERINARY
LIAT E. ZILKHA, D.V.M. $ MEDICAL EXAMINERS

AGREED ORDER

On this the 18th day of February 2014, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of LIAT E. ZILKHA, D.V.M. (Respondent). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on November 21, 2013 to consider alleged violations of the Veterinary Licensing Act and the Board’s rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive an informal proceeding under Section 801.408 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the staff 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. Respondent, LIAT E. ZILKHA, D.V.M. of Austin, Texas, holds Texas veterinary License 10177.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (“Act”). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov’t Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).

3. On December 31, 2012, the Board received a complaint from Ms. Tiffany Thorn, Respondent’s former employee.
4. On September 18, 2012, approximately a week after receiving Ms. Thorn’s two week notice of intent to discontinue her employment with Respondent, Respondent decided to dismiss Ms. Thorn for the remaining portion of the week.

5. A loud verbal altercation between Respondent and Ms. Thorn then occurred. Respondent struck Ms. Thorn, in violation of §22.01 of the Texas Penal Code.

6. This incident was admitted to by the respondent and witnessed by at least one other person, Dr. Janet Roush.

7. Ms. Thorn reported the incident to the Travis County Sheriff’s Office. Respondent was charged with the offense of assault with bodily injury. The case was later dismissed by agreement with the prosecutor.

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 through 7, Respondent has violated Rule 573.4 ADHERENCE TO THE LAW, of the Board’s Rules of Professional Conduct, which requires that no licensed veterinarian shall commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the veterinarian’s practice of medicine, including but not limited to the acts enumerated in Rule 575.50. Rule 575.50(e)(5)(B) specifically lists assault as one of these offenses. Respondent striking Ms. Thorn constitutes assault for the purposes of the Board’s Rules.

3. Based on Findings of Fact 1 through 7 and Conclusions of Law 1 through 2, Respondent has violated Sections 801.402 (4) and (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:

(4) engages in dishonest or illegal practices in, or in connection with, the practice of veterinary medicine...

(6) engages in practices or conduct that violates the board’s rules of professional conduct.

4. Based on Conclusions of Law 1 through 3, 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:  (a)

(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, the Board orders that Respondent receive a FORMAL REPRIMAND.

The Board further ORDERS that:

1. 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.

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

3. 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she had the right to be represented by legal counsel in this matter.

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, LIAT E. ZILKHA, 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.

LIAT E. ZILKHA, D.V.M.  12/27/2013

STATE OF TEXAS  §
COUNTY OF Travis §

BEFORE ME, on this day, personally appeared LIAT E. ZILKHA, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 27 day of December, 2013.

DANIELLE ELLIS
My Commission Expires November 15, 2015
Notary Public

SIGNED AND ENTERED BY THE TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18th of February, 2014.

Bud E. Alldredge, Jr., D.V.M., President

Agreed Order 2014-37
Liat E. Zilkha, D.V.M.