

DOCKET NO. 1999-18

IN THE MATTER
OF THE LICENSE OF
JOEL B. AKIN, D.V.M.

§ TEXAS STATE BOARD OF
§
§ VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 7 day of October, 1999, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Joel B. Akin, D.V.M., (Respondent). Pursuant to the Veterinary Licensing Act (Act) § 18F and Board Rule 575.27, Respondent was sent a letter of invitation to appear at an Informal Conference that was held on August 12, 1999. Respondent waived his appearance at the Conference. 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. Joel B. Akin, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 6921, 1999 renewal certificate number 5374. 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.

3. On or before March 1, 1999, Joel B. Akin, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.
4. On or about March 25, 1999, the Board received a letter from Respondent that his 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 1999.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a)(5) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings that a licensee:
 - (5) 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 law;
3. Board Rule 573.64 of the Rules of Professional Conduct requires each license holder to attend 15 hours of approved continuing education each year.
4. Based on Finding of Fact 5, respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.
5. Based on Conclusions of Law 1 through 4, Respondent is subject to disciplinary action by the Board under the Act §14(a)(5).

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Joel B. Akin, 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.

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, JOEL B. AKIN, 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.



Joel B. Akin, D.V.M.
Respondent

9/8, 1999
DATE

STATE OF TEXAS §
COUNTY OF Dallas §

BEFORE ME, on this day, personally appeared Joel B. Akin, 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 08 day of September, 1999.



Susan English
Notary Public

This agreed order has been entered between Joel B. Akin, 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
RON ALLEN
Executive Director, TSBVME

September 10, 1999
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 7 day of October, 1999.

Robert L. Hughes, D.V.M.
President

DOCKETED COMPLAINT NO. 1999-18

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 6921
vs. § 1999 RENEWAL CERTIFICATE
JOEL B. AKIN, D.V.M. § NUMBER 5374

COMPLAINT AFFIDAVIT

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

On or about March 12, 1999, Charles Adkins, 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 Joel B. Akin, D.V.M., 9869 Kingsman, Dallas, Texas, 75228, Veterinary License Number 4592, 1999 Renewal Certificate Number 4859, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Melissa S. Vallee, D.V.M.

I.

Joel B. Akin, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 6921, 1999 renewal certificate number 5374. 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 March 1, 1999, Joel B. Akin, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calender year.

IV.

On or about March 25, 1999, the Board received a letter from Respondent stating 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 1999.

VI.

Based on paragraphs III through V, Dr. Akin violated Rule 573.64, - Continuing Education Requirements of the Rules of Professional Conduct.


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:

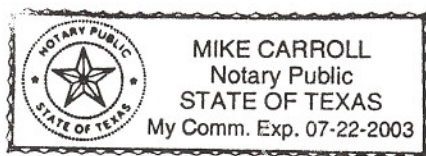
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 16TH day of SEPTEMBER, 1999.

Further, Affiant sayeth not.



Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 16TH day of SEPTEMBER, 1999




Mike Carroll, 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. Joel B. Akin, D.V.M. under Docketed Number 1999-18, this the 22 day of Sept., 1999.


J. Lynn Lawhon, DVM, Board Secretary
Texas State Board of Veterinary Medical
Examiners