

AGREED ORDER 2009-14

IN THE MATTER	§	TEXAS BOARD
	§	
OF THE LICENSE OF	§	OF VETERINARY
	§	
JOEL B. AKIN, D.V.M.	§	MEDICAL EXAMINERS

**AGREED ORDER**

On this, the 12<sup>th</sup> day of February, 2008, 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 Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on November 6, 2008 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 a conference under Section 801.2056 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 the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to them.

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. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. As the result of notification from Respondent's father, the Board determined that Respondent had not obtained the required continuing education (CE) hours (17) during calendar year 2007. On August 13, 2008, written notification was sent to Dr. Akin requesting any additional documentation regarding CE for 2007. Dr. Akin admitted to his failure to obtain the CE requirements for 2007, citing lack of funds, lack of a car, and medical issues.

**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 Facts 1 through 3, Respondent has violated Rule 573.64, CONTINUING EDUCATION REQUIREMENTS, of the Board's Rules of Professional Conduct, which require a veterinarian to annually acquire 17 hours of acceptable CE.
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 2 and 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:

- (4) reprimand a license holder

5. Based on Conclusions of Law 2 and 3, Respondent may be disciplined in the manner set out in Section 801.307, CONTINUING EDUCATION, of the Veterinary Licensing Act, which authorizes a licensee to make up missed CE hours in addition to the hours normally required to be completed in that calendar year.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

The Board ORDERS that Respondent receive a FORMAL REPRIMAND.

In addition, the Board ORDERS that Respondent complete an additional SEVENTEEN (17) hours of continuing education within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within 45 days of the end of the period allowed for the completion of the continuing education requirement. If Respondent fails to provide documentation of completion within the above-described time period, Respondent's license shall be suspended until the continuing education penalty is completed and documentation is received by the Board.

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 order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision 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 by the Board.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that they are entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

**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 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 THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Joel B. Akin  
JOEL B. AKIN, D.V.M.

12/1/08  
Date

STATE OF ~~TEXAS~~ COLORADO  
COUNTY OF Larimer

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 they executed the same for the purposes stated therein.

Given under the hand and seal of office this 4<sup>th</sup> day of December 2008.

Christopher Daniel Campbell  
Notary Public

CHRISTOPHER DANIEL CAMPBELL  
NOTARY PUBLIC  
STATE OF COLORADO  
EX: 09/03/2012

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12<sup>th</sup> day of February 2009.

Bud E. Alldredge, Jr.  
Bud E. Alldredge, Jr., D.V.M.  
President of the Board