

Mark W. Bierschwale, D.V.M., Fredericksburg, Texas, had failed to obtain any of his required continuing education (CE) hours during 2001 for renewal year 2002. Dr. Bierschwale stated that he erroneously thought that he could carry over previous years' CE to satisfy the requirements for renewal year 2002.

3. The Respondent did not request a hardship extension of the CE requirements for the year 2002.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. In 2002, Board Rule 573.64 of the Rules of Professional Conduct required each license holder to acquire 15 hours of approved continuing education each year.
3. Based on Findings of Fact 2 and 3, Respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.
4. Based on Findings of Fact 2 and 3 and Conclusions of Law 1 through 3, Respondent is subject to disciplinary action by the Board under Section 801.402 (6) of the Texas Occupations Code for engaging in "practices or conduct that violates the board's rules of professional conduct" and is therefore subject to a civil penalty under Sec. 801.401.

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Mark Bierschwale, D.V.M., be assessed a civil penalty of TWO HUNDRED AND FIFTY dollars (\$250.00) under the following terms and conditions:

1. Respondent shall pay the 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, MARK BIERSCHWALE, 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.

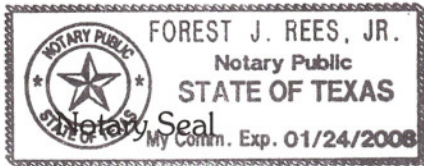

Mark Bierschwale, D.V.M.

5/19/04
DATE

STATE OF TEXAS §
COUNTY OF Gillespie §

BEFORE ME, on this day, personally appeared Mark Bierschwale, 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 19th day of April, 2004.



Forest Rees Jr
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17 day of June, 2004.

Dee A. Pederson
Dee Pederson, D.V.M.
President