

5

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 506
Austin, TX 78704

DOCKET NUMBER 1994-03, DAVID L. BRISTER, D.V.M.
LICENSE NUMBER 4416

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Brister, the Texas State Board of Veterinary Medical Examiners staff, and in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Brister will be granted a continuance at his option.

Dr. Brister does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

Allowed an unlicensed employee to practice veterinary medicine.

RECOMMENDED DISCIPLINARY ACTION:

1. Official Reprimand

CONDITIONS:

1. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

David L. Brister, DVM
DAVID L. BRISTER, D.V.M.

11-24-93
Date

Ron Allen
Ron Allen, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

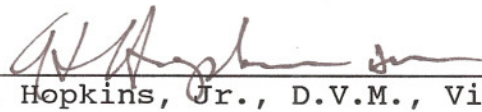
The foregoing Agreed Settlement, entered into between Dr. Brister, Dr. Brister's legal counsel, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 2nd day of February, 1994, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 2nd, day of February, 1994.



Mr. Clark S. Willingham, President

February 2, 1994
Date

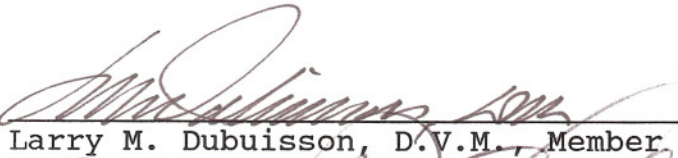


Al Hopkins, Jr., D.V.M., Vice- President

" Date

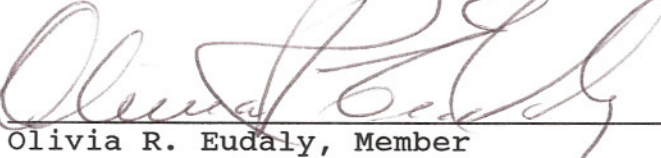
John A. Wood, D.V.M., Secretary

" Date



Larry M. Dubuisson, D.V.M., Member

" Date



Olivia R. Eudaly, Member

Date




James N. Gomez, D.V.M., Member

" Date

Robert D. Lewis, D.V.M., Member

" Date



Joyce G. Schiff, Member

" Date



Guy A. Sheppard, D.V.M., Member

" Date

DOCKETED COMPLAINT NO. 1994-03

TEXAS STATE BOARD OF VETERINARY () TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS () LICENSE NO. 4416
vs. () 1993 RENEWAL CERTIFICATE
David L. Brister, D.V.M. () NUMBER 1327

COMPLAINT AFFIDAVIT

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Matthew Wendel, who after being duly sworn, did depose and say:

On or about August 6, 1993, Matthew Wendel, 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 David L. Brister, Route 5, Box 250, Stephenville, TX 76401, Veterinary License Number 4416, 1993 Renewal Certificate Number 1327, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against David L. Brister, D.V.M.

I.

David L. Brister, DVM, employed Patrick Tyree, an unlicensed person, to practice veterinary medicine in Dr. Brister's clinic from July 1, 1993 to August 5, 1993.

II.

By allowing Patrick Tyree to practice unauthorized veterinary medicine within the scope of his employment by Dr. Brister, as described in paragraph I, Dr. Brister violated Rules of Professional Conduct 573.11 and Sections 14(a) (3) and (5) of the Texas Veterinary Licensing Act, V.A.C.S., Article 8890.

III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Brister's Veterinary License under the Texas Veterinary Licensing Act, V.A.C.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

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:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(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;

ARTICLE 8890, SECTION 14B

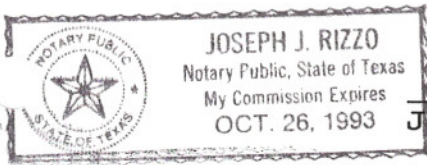
(a) The Board may impose an administrative penalty against a person who violates a provision of this Act or a rule or order adopted under this Act.

The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the 1st day of October, 1993

Further, Affiant sayeth not.

Matthew Wendel
Matthew Wendel, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel this the 1st day of October, 1993.



Joseph J. Rizzo
Joseph J. Rizzo, 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. David L. Brister, D.V.M. under Docketed Number 1993-03, this the 8 day of oct, 1993.

Alton F. Hopkins
ALTON F. HOPKINS, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners

