

deal.” Dr. Brown further told Mr. Young that he, Dr. Brown, was traveling to Austin, but that he would be back by Saturday, December 9, in time for Mr. Young to pick up the dog. Dr. Brown did not indicate that he would take “Val” with him to Austin.

4. On Friday, December 8, Mr. Young’s wife received a call from Dr. C. R. Brieger, owner of the Alamosa Animal Hospital, telling her that “Val” was dead. Dr. Brieger informed her that Dr. Brown had taken the dog from the clinic and had taken her on his trip to Austin. On Saturday, December 9, Mr. Young was told by Dr. Brieger that Dr. Brown had been arrested in San Antonio after leading police on a high speed chase and was being evaluated in a psychiatric facility for apparent alcohol abuse and bipolar disorder. “Val” was not with Dr. Brown at the time of his arrest.

5. On December 23, Dr. T.F. Hubert, a veterinarian at the Alamosa Animal Hospital, wrote a “To Whom It May Concern” letter stating that “Val” had escaped from Dr. Brown’s custody in Three Rivers during his trip to Austin and had apparently been hit and killed by a motor vehicle.

6. The acts and/or failures to act alleged in Findings of Fact 1 through 5 do not constitute the exercise of the same degree of humane care, skill and diligence in treating and being responsible for patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medicine profession in good standing in Alice, Texas or similar communities.

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 6, Dr. Brown has violated Rule 573.22 - Professional Standard of Humane Treatment, of the Board’s Rules of Professional Conduct.

3. Based on Conclusions of Law 1 through 2, Dr. Brown is subject to disciplinary action by the Board under Sec. 801.402 (6), Texas Occupations Code, because he has engaged in “practices or conduct that violates the board’s rules of professional conduct . . .”

4. Based on Conclusions of Law 1 through 3, Dr. Brown may be disciplined by the Board in the manner provided for in Sec. 801.401, Texas Occupations Code.

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

Based on the Findings of Fact and Conclusions of Law, the Board ORDERS that Davis L. Brown, D.V.M., be REPRIMANDED.

The Board further ORDERS that the license to practice veterinary medicine held by Respondent be SUSPENDED for a period of two (2) years, commencing on the date of the Board's approval of this Agreed Order.

The Board further ORDERS that a civil penalty of five hundred dollars (\$500.00) be assessed against Respondent, said civil penalty being payable within forty-five (45) days of the Board's approval of this Agreed Order.

The Board further ORDERS that SUSPENSION OF RESPONDENT'S LICENSE IS STAYED and Respondent is put on PROBATION for the entire period of the suspension, provided that Respondent fully complies with the following conditions of probation:

1. Respondent shall timely remit the amount of the civil penalty.
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.

Failure to comply with any provision of the terms and conditions of probation will automatically suspend Respondent's license for the remainder of the period of probation from the date that the condition of probation was violated. This suspension shall be effective without the necessity for an adjudicative hearing or other administrative due process under the Veterinary Licensing Act or the Texas Administrative Procedure Act, Gov't Code §§2001.051 et seq. Respondent specifically waives any such hearing or due process requirements. Respondent agrees that upon suspension of his license, he will voluntarily surrender his license. If Respondent fails to immediately surrender his license and/or continues to practice veterinary medicine after being notified by the Board to cease and desist, Respondent agrees that his acts shall constitute the unauthorized practice of veterinary medicine.

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 formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

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, DAVIS L. BROWN, 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.

Davis L. Brown DVM

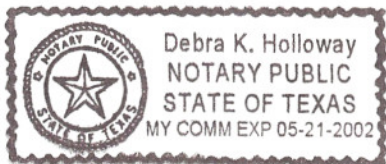
Davis L. Brown, D.V.M.
Respondent

5-9, 2001
DATE

STATE OF TEXAS §
COUNTY OF Dallas §

BEFORE ME, on this day, personally appeared Davis L. Brown, 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 9th day of May, 2001



Debra K. Holloway
Notary Public

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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 21 day of June, 2001.



J. LYNN LAWHON, D.V.M.
President