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MAY 18 2001

DOCKET NO. 2001-10

IN THE MATTER
OF THE LICENSE OF
JAMES S. BROWN, D.V.M.

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TEXAS STATE BOARD OF *State Board of Veterinary
Medical Examiners*
VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 21st day of June, 2001 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of James S. Brown, D.V.M. (Respondent). Pursuant to the Veterinary Licensing Act (Act), §801.408, Texas Occupations Code, and Board Rule 575.27, Respondent was sent a letter of invitation to appear at an Informal Conference that was held on May 10, 2001. 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. James S. Brown, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 3237. Respondent is not subject to prior disciplinary action by the Board.

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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 January 19, 2001 the Board received a letter from the Respondent stating that he had failed to obtain any continuing education (CE) for calendar year 2000, renewal year 2001. He had planned to obtain the necessary hours at a conference in November, 2000 but was unable to attend.

4. The Respondent requested a hardship extension of the CE requirements for 2000, but his request was received after the cutoff date of December 15, 2000.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.

2. Board Rule 573.64 of the Rules of Professional Conduct requires each license holder to attend 15 hours of approved continuing education each year.

3. Based on Findings of Fact 3 and 4, Respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.

4. Based on Findings of Fact 3 and 4 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 James S. Brown , 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, JAMES S. 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

James S. Brown
James S. Brown, D.V.M.
Respondent

May, 17, 2001
DATE

STATE OF TEXAS §
COUNTY OF Texas §

BEFORE ME, on this day, personally appeared James S. 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 17th day of May, 2001.



Cindy Schulze
Notary Public

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

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

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