

DOCKET NO. 2000-06

IN THE MATTER OF THE LICENSE OF JOSEPH W. BURKETT III, D.V.M.	§ § §	TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
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AGREED ORDER

On this the 17th day of February 2000, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Joseph W. Burkett III, 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 January 12, 2000. 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. Joseph W. Burkett III, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 3057, year 2000 renewal certificate number 0221. Respondent is not subject to prior disciplinary action by the Board.

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State Board of Veterinary
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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 or before March 1, 1999, Joseph W. Burkett, III, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.

4. On or about March 17, 1999, the Board received a letter from Respondent that his continuing education requirements for practice year 1998 had not been met. There is no evidence in the Board's records of a request for a waiver by Dr. Burkett.

5. Respondent has not produced records to substantiate the satisfaction of the continuing education requirements in 1998.

Conclusions of Law

1. Respondent is required to comply with the provision 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 Finding of Fact 5, respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.

4. Based on Findings of Fact 5 and Conclusions of Law 1 through 3, Respondent is subject to imposition of an administrative penalty under Section 801.451, Texas Occupations Code, because Respondent has violated " . . . a rule adopted or order issued under this chapter. . . ."

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Joseph W. Burkett, III, D.V.M., be assessed an administrative penalty of two hundred and fifty dollars (\$250.00) under the following terms and conditions:

1. Respondent shall pay the administrative 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, JOSEPH W. BURKETT, 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.

In the Matter of the License of Joseph W. Burkett III, D.V.M.
Docket No. 2000-06

Joseph W. Burkett III
Joseph W. Burkett III, D.V.M.
Respondent

31 March, 2000
DATE

STATE OF TEXAS §
COUNTY OF Gillespie §

BEFORE ME, on this day, personally appeared Joseph W. Burkett III, 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 4th day of April, 2000.



Mene A. Peche
NOTARY PUBLIC STATE OF TX
Notary Seal 5-12-03

M. Peche
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 30th day of June, 2000.

Howard M. Head DVM
HOWARD HEAD, D.V.M.
President