

DOCKET NO. 2012-80

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
IVAN CHAPARRO, D.V.M.	§	MEDICAL EXAMINERS

**AGREED ORDER**

On this the 30<sup>th</sup> day of October 2012 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Ivan Chaparro, D.V.M. Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on July 23, 2012. Respondent attended the conference and was represented by counsel, Kevin Bell. The Board was represented at the conference by the Board's 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 Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the 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. Respondent, Ivan Chaparro, D.V.M., of Houston, Texas holds Texas veterinary license 12283.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice and due process required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Title 4 (the "Act"). By executing this Order, Respondent waives any judicial review, defect in notice, hearing and/or due process and/or any further right to judicial review, notice, hearing and/or due process under the Act, TEX. GOV'T CODE ANN. §§ 2001.051 through .054, and the Rules of the Texas Board of Veterinary Medical Examiners (22 TEX. ADMIN. CODE Chapter 575).

3. On June 20, 2011, the Board received an application for veterinary licensure from Respondent.
4. On the application, Respondent stated that he had not ever been a party to, or a witness in, an administrative hearing or proceeding regarding the practice of veterinary medicine or veterinary education, including any hearings held before other boards, the racing commission, or other licensing jurisdictions.
5. Respondent told the Board's Enforcement Committee that his weak English language skills caused him to misinterpret the question on the application form. Respondent believed the question referred only to ongoing investigations and open cases, and did not require him to disclose information about prior administrative actions that were now closed or resolved.
6. On the basis of this statement in his application, the Board granted Respondent a license to practice veterinary medicine in Texas on August 15, 2011.
7. In fact, Respondent had been a party to more than one administrative proceeding regarding the practice of veterinary medicine. On October 26, 2009, the Board adopted a Cease and Desist Order against Respondent, forbidding him from continuing to practice veterinary medicine without a license. Respondent did not include this information on his application to the Board for licensure.
8. On July 24, 2008, the Texas Racing Commission suspended Respondent's veterinary assistant license because Respondent was found in possession of veterinary syringes, needles, controlled substances and other veterinary medication, and was found to be practicing veterinary medicine without the presence or direct supervision of a properly licensed veterinarian. Respondent did not include this information on his application to the Board for licensure.

### **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 7, Respondent has violated Section 801.402 (2) Veterinary Licensing Act, Texas Occupations Code and therefore is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(2) commits fraud or deception in the examination process or to obtain a license

3. Based on Conclusions of Law 1 and 2, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent is INFORMALLY REPRIMANDED.

The Board further ORDERS that:

1 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.

2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

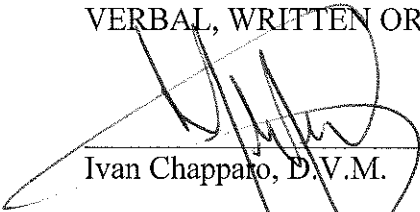
Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate 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 had the right to be represented by legal counsel in this matter.

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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, IVAN CHAPARRO, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

  
Ivan Chapparro, D.V.M.

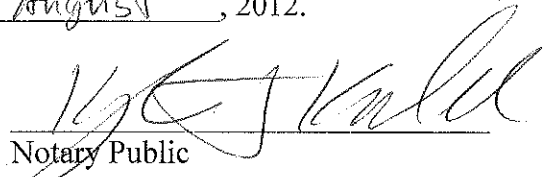
08/14/2012  
Date

STATE OF TEXAS §  
COUNTY OF Gillespie §

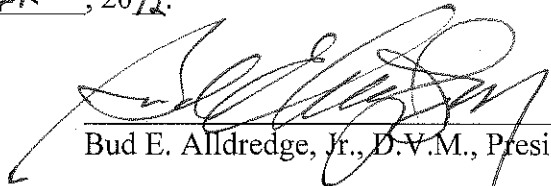
BEFORE ME, on this day, personally appeared Ivan Chapparro, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 14 day of August, 2012.



  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 30 day of October, 2012.

  
Bud E. Alldredge, Jr., D.V.M., President