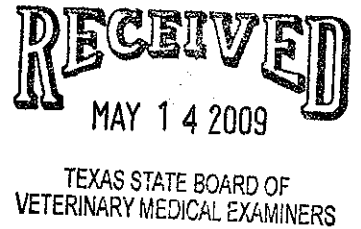


AGREED ORDER 2009-58



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

**AGREED ORDER**

On this, the 11<sup>th</sup> day of June, 2009, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of DAVID COLEMAN, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on April 22, 2009 to consider alleged violations of the Veterinary Licensing Act and the Board's Rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive an informal conference under §801.408 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff committee, and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as follows:

**Findings of Fact**

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. On February 7, 2009, Respondent held a pet vaccination clinic at Kerrville Ranch and Pet Center, Kerrville, Texas. On February 20, 2009, the Board received a complaint from Lloyd Leifeste, DVM, Kerrville, Texas, that Respondent failed to report his pet vaccination clinic to the Board. A review of the Board's files revealed that Respondent failed to report the pet vaccination clinic in accordance with Rule 573.70 OPERATION OF TEMPORARY LIMITED-SERVICE VETERINARY SERVICES. Specifically, Respondent failed to provide notification of the temporary limited-service clinic at least 48 hours before the clinic begins operation.

**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 and 2, Respondent has violated Rule of Professional Conduct Rule 573.70(b) OPERATION OF TEMPORARY LIMITED-SERVICE VETERINARY SERVICES, which requires a veterinarian to provide notification of the temporary limited-service clinic at least 48 hours before the clinic begins operation.
3. Based on Conclusions of Law 1 and 2, Respondent has violated §801.402(6) of the Veterinary Licensing Act, and 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 §801.401 if the person:

- (6) engages in practices or conduct that violates the Board's Rules of Professional Conduct.

4. Based on Conclusions of Law 2 and 3, Respondent may be disciplined in the manner set out in §801.451 of the Veterinary Licensing Act DISCIPLINARY POWERS OF THE BOARD, which authorizes the Board to:

- (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:

The Board ORDERS Respondent to pay an ADMINISTRATIVE PENALTY in the amount of five-hundred dollars (\$500.00) within 45 days of the date of this Order. If Respondent fails to comply with the terms of this Order, an enforcement action, provided for by the Act and Rules, will be initiated against Respondent.

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 provision of the Act or the Board Rules, may result in further disciplinary action.

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners. 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 hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

**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.**

**I, DAVID COLEMAN, 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.**

David Coleman Date 5/12/09  
DAVID COLEMAN, D.V.M.

STATE OF TEXAS  
COUNTY OF Kerr

BEFORE ME, on this day, personally appeared DAVID COLEMAN, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that they executed the same for the purposes stated therein.

Given under the hand and seal of office this 12 day of May 2009

Sherril Lee Gerami  
Notary Public



SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 11<sup>th</sup> day of June, 2009.

Bud E. Alldredge, Jr.  
Bud E. Alldredge, Jr., D.V.M.  
President of the Board