



that had been filed against her alleging animal cruelty. Respondent did not respond. The letter was not returned to the Board.

4. On August 15, 2011, Investigator Barker spoke with Respondent regarding the investigation, and reiterated the request that Respondent provide the Board with a response to the complaint filed against her. Respondent stated that she would provide a response, and did not mention to Investigator Barker that her mailing address had changed.

5. On October 24, 2011, Investigator Barker sent a certified letter to Respondent, again reiterating the request for a response to the complaint. The letter was returned, marked "not at address, unable to forward."

6. On January 26, 2012, Investigator Barker spoke with Cynthia Rigoni, D.V.M., of All Cats Veterinary Clinic in Houston, Texas, where Respondent worked according to the Board's file. Dr. Rigoni stated that Respondent had not worked there for about a year.

7. On January 27, 2012, Investigator Barker went to Respondent's property at 31125 Hegar Road, which was the subject of the complaint but was not Respondent's address of record in the Board's file. Respondent was not on the premises, so Investigator Barker left another letter in the mailbox, requesting that Respondent respond to the allegations against her.

8. On January 30, 2012, Investigator Barker spoke with Respondent regarding the investigation, and pointed out to her that the Board had not received her response to the complaint, and that both her work and home addresses in the Board's file appeared to be incorrect. Respondent stated that she intended to update her addresses when she renewed her license for the coming year. Respondent also stated that she had received the complaint, and promised to send a response.

9. Respondent failed to provide the Board with a response to the complaint, and failed to update her addresses within 60 days after she changed addresses.

#### **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 the Findings of Fact above, Respondent has violated Rule 573.74, DUTY TO COOPERATE WITH THE BOARD, of the Board's Rules of Professional Conduct, which requires veterinarians to cooperate fully with any Board investigation and respond within 21 days of receipt to requests for information regarding complaints and other requests for information from the Board.

3. Based on the Finding of Fact above, Respondent has violated Rule 573.75, NOTIFICATION OF LICENSEE ADDRESSES, of the Board's Rules of Professional Conduct,

which requires that veterinarians report to the Board the veterinarian's physical business address, mailing address and residence address not later than the sixtieth day after the change takes place.

4. Based on Findings of Fact 1 through 9 and Conclusions of Law 1 through 3, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, 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 Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

5. Based on Conclusions of Law 1 through 4, 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: (a)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

6. Based on Conclusions of Law 1 through 5, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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 receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Agreed Order, Respondent's license may be suspended until the penalty is paid.

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 Agreed 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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. 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, KATHIE DIGILIO, 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.

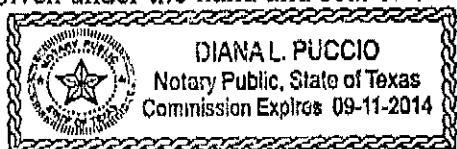
Kathie Digilio D.V.M.  
KATHIE DIGILIO, D.V.M.

2/26/2013  
DATE

STATE OF TEXAS §  
COUNTY OF Harris §

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

Given under the hand and seal of office this 26<sup>th</sup> day of February, 2013



Diana L. Puccio  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25<sup>th</sup> of March, 2013

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