

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
 §
 STEPHEN P. ELORRIAGA, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 1st day of October, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Stephen P. Elorriaga, D.V.M., ("Respondent" or "Dr. Elorriaga"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On July 21, 1998, Respondent chose not to appear at an Informal Conference in response to a letter of invitation from the Board. Dr. Elorriaga submitted a signed Waiver of Conference form dated July 21, 1998. 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. Stephen P. Elorriaga, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 6219, 1998 renewal certificate number 5503+P. Respondent is not subject to prior disciplinary action by the Board.
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, 1996, Stephen P. Elorriaga, D.V.M., submitted his application to practice veterinary medicine for the 1996 license year.

4. Dr. Elorriaga did not maintain records of having received 15 hours of acceptable continuing education during the 1995 calendar year.
5. On January 16, 1996, an extension was granted to Dr. Elorriaga under the provisions of Rule 573.64 (a)(3). The terms of the extension required Dr. Elorriaga to obtain 30 hours of acceptable continuing education on or before December 31, 1996.
6. Dr. Elorriaga did not submit documentation on or before December 31, 1996, of having received 30 hours of acceptable continuing education between January 1, 1995 and December 31, 1996, due date.
7. Dr. Elorriaga has not submitted documentation of having received 30 hours of acceptable continuing education between January 1, 1995 and December 31, 1996, due date.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 3 through 7, Dr. Elorriaga has violated 573.64 - Continuing Education Requirements of the Rules of Professional Conduct.
4. Based on Conclusion of Law 3, Respondent is subject to disciplinary action by the Board under the Act §14(a) (5) and 13(g).

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Elorriaga receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall pay an administrative penalty in the amount of \$250.00, payable 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.

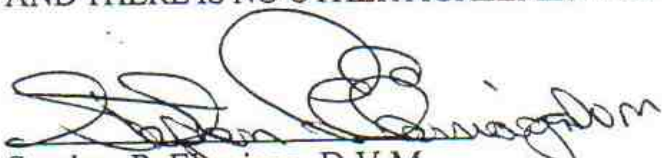
Respondent, Stephen P. Elorriaga, D.V.M., by signing this Agreed Order, agrees to its terms, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, Stephen P. Elorriaga, D.V.M., 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, STEPHEN P. ELORRIAGA, 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.


Stephen P. Elorriaga, D.V.M.
Respondent

9/14, 1998
DATE

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, on this day, personally appeared STEPHEN P. ELORRIAGA, 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 _____ day of _____, 1998.

Notary Seal

Notary Public

This agreed order has been entered between Dr. Stephen P. Elorriaga and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.



RON ALLEN
Executive Director, TSBVME

September 22, 1998
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 1st day of October, 1998.



MICHAEL J. MCCULLOCH, D.V.M.
President

DOCKETED COMPLAINT NO. 1998-16

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 6219
vs.	§	1998 RENEWAL CERTIFICATE
STEPHEN P. ELORRIAGA, D.V.M.	§	NUMBER 5503+P

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Charles Adkins, who after being duly sworn, did depose and say:

On or about April 8, 1998, Charles Adkins, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Stephen P. Elorriaga, D.V.M., American Mobile Veterinary Clinic, 3302 Crossman Street, Porter, Texas, 77365, Veterinary License Number 6219, 1998 Renewal Certificate Number 5503+P, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Stephen P. Elorriaga, D.V.M.

I.

On or before March 1, 1996, Stephen P. Elorriaga, D.V.M., submitted his application to practice veterinary medicine for the 1996 license year.

II.

Dr. Elorriaga did not maintain records of having received 15 hours of acceptable continuing education during the 1995 calendar year.

III.

On January 16, 1996, an extension was granted to Dr. Elorriaga under the provisions of Rule 573.64 (a)(3). The terms of the extension required Dr. Elorriaga to obtain 30 hours of acceptable continuing education on or before December 31, 1996.

IV.

Dr. Elorriaga did not submit documentation on or before December 31, 1996, of having received 30 hours of acceptable continuing education between the January 1, 1995 and December 31, 1996, due date.

V.

Dr. Elorriaga has not submitted documentation of having received 30 hours of acceptable continuing education between the January 1, 1995 and December 31, 1996, due date.

VI.

Based on paragraphs I through V, Dr. Elorriaga violated Rule 573.64 - Continuing Education Requirements of the Rules of Professional Conduct.

VII.

Based on the above in paragraph VI, Dr. Elorriaga also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

ARTICLE 8890, SECTION 14

(a) . . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

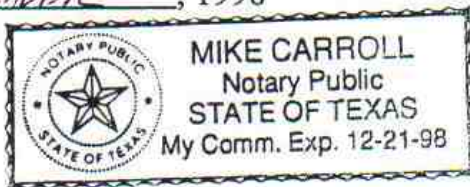
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 25TH day of SEPTEMBER, 1998.

Further, Affiant sayeth not.



Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 25TH day of SEPTEMBER, 1998




Mike Carroll, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Stephen P. Elorriaga, D.V.M. under Docketed Number 1998-16, this the 25th day of September, 1998.


Howard M. Head, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners