

DOCKET NO. 578-94-1778

TEXAS STATE BOARD OF	§	BEFORE THE STATE OFFICE OF
VETERINARY MEDICAL EXAMINERS	§	ADMINISTRATIVE HEARINGS
	§	TEXAS VETERINARY MEDICAL
VS.	§	LICENSE NO. 2186
	§	1994 RENEWAL CERTIFICATE
E. E. EPPERSON, D.V.M.	§	NUMBER 4065

AGREED SETTLEMENT

This negotiated Agreed Settlement has been entered into by agreement between E.E. Epperson and the Staff of the Texas State Board of Veterinary Medical Examiners. Petitioner Veterinary Board was represented by Mab Fitz-Gerald, Assistant Attorney General, and Respondent Epperson was represented by James V. Hoeffner.

The Veterinary Board agrees not to seek any legal redress in addition to that detailed in this Settlement Agreement against E.E. Epperson for his violation of Rule of Professional Conduct 573.62 in failing to pay a \$2,500 fine. The Veterinary Board agrees not to take any further disciplinary action against Dr. Epperson's Veterinary License under the Texas Veterinary Licensing Act for this violation and agrees to dismiss the complaint against E.E. Epperson in the above titled complaint in exchange for his acceptance of this negotiated settlement.

Mr. Epperson agrees not to request, from the Board, reinstatement of his veterinary license until he pays the \$2,500.00 fine, which must be paid on or before September 11, 2002. His license will not be reinstated unless he makes payment of the fine by that date. Regardless of the date of any payment, however, Mr. Epperson's license will remain suspended at least until September 11, 2002, due to previous action against his license.

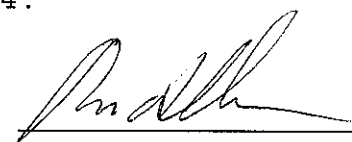
The undersigned have carefully reviewed this document and agree to its terms.

Signed and Accepted
this ___ day of December,
1994. 2/2/95

By: 
E.E. EPPERSON

Respondent

Signed and Accepted
this 21 day of December,
1994.

By: 
RON ALLEN

Executive Director for the
Texas State Board of
Veterinary Medical Examiners

The foregoing Agreed Settlement, entered into between Dr. Epperson, his attorney, James V. Hoeffner, and the Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 8th day of June, 1995, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Finding and Order issued.

Executed this the 8th day of June, 1995.

Alton F. Hopkins, Jr.
Alton F. Hopkins, Jr., D.V.M., President

Date

John A. Wood
John A. Wood, D.V.M., Vice-President

Date

James N. Gomez
James N. Gomez, D.V.M., Secretary

Date

Robert I. Hughes, Jr.
Robert I. Hughes, Jr., D.V.M., Member

Date

Sharon O. Matthews
Sharon O. Matthews, Member

Date

Michael J. McCulloch
Michael J. McCulloch, D.V.M.

Date

Joyce G. Schiff
Joyce G. Schiff, Member

Date

Guy A. Sheppard
Guy A. Sheppard, D.V.M., Member

6/8/95

Date

Clark S. Willingham, Member

Date

DOCKETED COMPLAINT NO. 1994-10

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 2186
VS.	§	1994 RENEWAL CERTIFICATE
E. E. EPPERSON, D.V.M	§	NUMBER 4065

COMPLAINT AFFIDAVIT

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Ron Allen, who after being duly sworn, did depose and say:

From on or about January 4, 1994 to on or about June 7, 1994, Ron Allen, 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 E. E. Epperson, D.V.M., 5814 Abilene Trail , Austin, Travis County, Texas, 78749, Veterinary License Number 2186, 1994 Renewal Certificate Number 4065, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Ron Allen, do hereby present the following complaint against E. E. Epperson, D. V. M., who is hereinafter called Respondent.

I.

On February 12, 1992, Docketed Complaint No. 1992-12, Texas State Board of Veterinary Medical Examiners vs. E. E. Epperson, D.V.M., was filed by the Secretary of the Texas State Board of Veterinary Medical Examiners.

II.

On October 23, 1992, after considering the Hearings Examiner's Proposal for Decision and Findings of Fact and Conclusions of Law, the Texas State Board of Veterinary Medical Examiners adopted the Findings of Fact and Conclusions of Law. The Board then ordered the respondent's veterinary license be suspended for five years. The Board also ordered him to pay a civil penalty in the sum of \$2,500.00 within 45 days of the date of hearing.

III.

The respondent then sought judicial review of the decision of the Board in district court in Travis County, Texas. On November 19, 1993, Judge Peter M. Lowry, of the 261st District Court, Travis County, Texas, rendered a final judgment, in which he found that the decision of the Texas State Board of Veterinary Medical Examiners suspending the respondent's license for a period of five years and ordering him to pay a \$2,500.00 fine should be affirmed.

IV.

On or about January 4, 1994, Texas State Board of Veterinary Medical Examiner Executive Director Ron Allen wrote the respondent a letter, in which he requested the respondent to pay the \$2,500.00 fine to the Texas State Board of Veterinary Medical Examiners by January 14, 1994. The respondent failed to pay the fine or communicate with Mr. Allen.

V.

On or about May 12, 1994, Executive Director Ron Allen mailed the respondent a second letter, by certified mail, in which he requested Dr. Epperson to pay the \$2,500.00 fine to the Texas State Board of Veterinary Medical Examiner by June 1, 1994. On June 24, 1994, the respondent met personally with Mr. Allen and indicated that he would not pay the fine.

VI.

By refusing to pay the \$2,500.00 fine, as ordered by the Board, as described in paragraphs IV and V, the respondent violated Rule of Professional Conduct 573.62.

VII.

By violating Rule of Professional Conduct 573.62, the respondent violated Section 14(a)(5) of Article 8890, V.A.C.S, Texas Veterinary Licensing Act.

VIII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Epperson's Veterinary License under the Texas Veterinary Licensing Act, V.A.C.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

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:

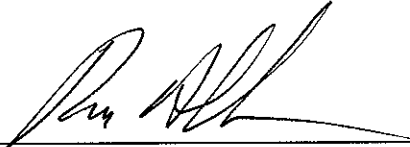
- (5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;

ARTICLE 8890, SECTION 14B

(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess an administrative penalty against that person in addition to taking action under Section 14 or 14A of this Act.

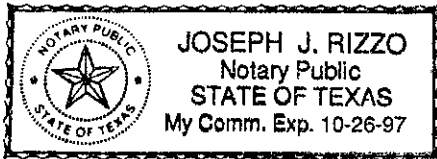
The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical
Examiners on this the 21st day of July, 1994.

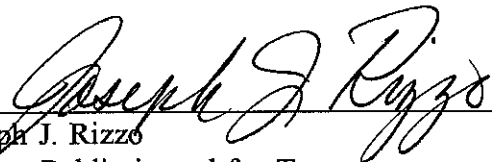
Further, Affiant sayeth not.



Ron Allen, Affiant

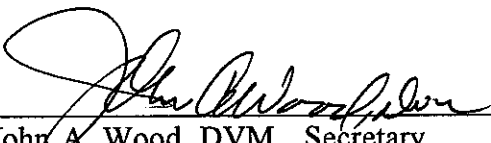
SUBSCRIBED and SWORN TO before me by the said Ron Allen this the 21st day of
July, 1994.





Joseph J. Rizzo
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. E. E.
Epperson, D.V.M. under Docketed Number 1994-10, this the 25th day of
July, 1994.



John A. Wood, DVM, Secretary
Texas Board of Veterinary Medical Examiners