

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 113
Austin, TX 78704

DOCKET NUMBER 1992-13
JON F. ESPOSITO, D.V.M. - LICENSE NUMBER: 3744

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Esposito, the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Esposito will be granted a continuance at her option.

Dr. Esposito does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

Failure to exercise honesty, integrity and fair dealing with clients, i.e. accepting payment for services which were not performed.

RECOMMENDED DISCIPLINARY ACTION:

1. Official Reprimand
2. ~~Pay a Civil Penalty in the sum of \$500.00.~~ Amended 6/11/92 JE

CONDITIONS:

1. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.



JON F. ESPOSITO, D.V.M.



Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: _____

TEXAS STATE BOARD OF VETERINARY () TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS () LICENSE NO. 3744
vs. () 1991 RENEWAL CERTIFICATE
JON F. ESPOSITO, D.V.M. () NUMBER 4996

COMPLAINT AFFIDAVIT

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

On or about October, 1991, MATTHEW WENDEL, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one JON F. ESPOSITO, D.V.M., Dog, Cat and Bird Hospital, 3233 N. Mesa Street, El Paso, Texas 79902, Veterinary License Number 3744, 1991 Renewal Certificate Number 4996, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, MATTHEW WENDEL, do hereby present the following complaint against JON F. ESPOSITO, D.V.M., who is herein after called Respondent.

I.

On July 24, 1990, Mrs. Norman C. Peyton discussed with Dr. Jon Esposito the subject of his euthanizing her 10 year-old cat.

II.

On July 27, 1990, Mrs. Peyton took her cat to Dr. Esposito's clinic and was told by an employee that Dr. Esposito was out of town, but would perform the euthanasia on Monday, July 30, 1990.

III.

Mrs. Peyton paid the employee \$44.00 for boarding and the euthanasia.

IV.

When Dr. Esposito returned from his out of town trip, he found that his employees had become attached to the cat, so he did not euthanize the cat.

V.

About three months later, Dr. Esposito authorized his staff to give the cat to a local woman, from whom the cat apparently escaped and then returned to Mrs. Peyton's former home.

VI.

Neighbors of Mrs. Peyton then contacted her at her new residence in Houston and told her about her cat returning.

VII.

By agreeing to perform the euthanasia, by accepting payment for it, by failing to perform it, and by giving the cat away without the owner's permission, Dr. Esposito violated Rule 573.26, Honesty, Integrity, and Fair Dealing, and Section 14 (a) (5) of the Texas Veterinary Licensing Act, Article 8890, V.A.C.S., which state:

HONESTY, INTEGRITY, AND FAIR DEALING

Licensed veterinarians shall conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, facilities, appliances, and drugs.

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;

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Peyton'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 a civil 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 11th day of February, 1992.

Further, Affiant sayeth not.

Matthew Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL this the 11th day of February, 1992.



Judy C. Smith
JUDY C. SMITH, 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. Jon F. Esposito, D.V.M. under Docketed Number 1992-13, this the 14th day of February, 1992.

Larry M. Dubuisson, DVM
LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners

The foregoing Agreed Settlement, entered into between Dr. Esposito, the Board Secretary, and 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 11th day of June, 1992, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 11th, day of June, 1992.

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

June 11, 1992
Date

Clark S. Willingham, Vice-President

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Date

Larry M. Dubuisson, D.V.M., Secretary

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Date

Mrs. Olivia R. Eudaly, Member

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Date

James M. Gomez, D.V.M., Member

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Date

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

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Date

Robert D. Lewis, D.V.M., Member

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Date

Joyce G. Schiff, Member

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Date

John A. Wood, D.V.M., Member

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Date