

COMPLAINT NO. 1986-10

THE STATE OF TEXAS	Y	BEFORE THE TEXAS STATE
VS.	Y	BOARD OF VETERINARY
ROBERTO N. GARCIA, D.V.M.	Y	MEDICAL EXAMINERS

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 16th day of August, 1986, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Marriott Hotel in Austin, Travis County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said ROBERTO N. GARCIA, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. EDWARD S. MURRAY, President	of Spur, TX
DR. ED B. AVERY, Vice-President	of Pearsall, TX
DR. K. D. DORRIS, Secretary	of Stephenville, TX
DR. W. L. "DUB" ANDERSON, Member	of Addison, TX
MR. JIM HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX

FINDINGS OF FACT

I.

ROBERTO N. GARCIA, D.V.M., is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License 2744 with offices at Falfurrias Veterinary Clinic, Route 2, Box 120-B, Falfurrias, Brooks County, Texas.

II.

ROBERTO N. GARCIA, D.V.M. received notice of this hearing on July 29, 1986.

III.

On or about January 27, 1986, the U. S. Department of Agriculture revoked the veterinary accreditation of ROBERTO N. GARCIA, D.V.M. for a period of one year expiring January 27, 1987.

IV.

The revocation of DR. GARCIA's federal accreditation was prompted by the finding that DR. GARCIA submitted fraudulent serum samples to the State-Federal Laboratory, Austin, TX, knowing that the serum samples were not from the twelve (12) cattle in question, and could not be confirmed as samples collected from the Schneider Brothers' cattle. Further, that Dr. Garcia failed to handle the blood samples according to instructions to ensure completion of the confirmatory tests at the laboratory. Further, that Dr. Garcia signed an official United States Origin Health Certificate, No. 1109870, fully knowing that it contained false and misleading information.

CONCLUSIONS OF LAW

ROBERTO N. GARCIA, D.V.M. has violated the Rules of Professional Conduct for the veterinary profession, Rule 25, pertaining to the loss of accreditation from the U. S. Department of Agriculture because of a violation of federal brucellosis control regulations.

ORDER

It is hereby ORDERED that Texas Veterinary License No. 2744 heretofore issued to ROBERTO N. GARCIA, D.V.M., by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for one (1) year with the entire period being PROBATED. DR. GARCIA, during the term of his probation, is to perform a minimum of forty (40) hours community service without compensation through 4-H and Future Farmers of America programs. Further, DR. GARCIA is to complete a minimum of thirty (30) hours of continuing education which includes large animals and a minimum of three (3) or four (4) hours on brucellosis. The remainder of the continuing education requirement shall be in accordance with the Texas Academy of Veterinary Practice standards. DR. GARCIA shall abide by the Veterinary Practice Act and Rules of Professional Conduct duly promulgated by the Board. DR. GARCIA is to provide the Board Offices with verification of compliance with this order.

The above Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the UNANIMOUS FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 16th day August, 1986, in Austin, Travis County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 16th day of August, 1986.

Edward S. Murray, D.V.M.
EDWARD S. MURRAY, D.V.M., President

16 AUG 86
Date

Ed B. Avery, D.V.M.
ED B. AVERY, D.V.M., Vice-President

Aug 16, 1986
Date

K. D. Dorriss, D.V.M.
(Recused)
K. D. DORRIS, D.V.M., Secretary

Date

W.L. "DUB" Anderson, D.V.M.
W.L. "DUB" ANDERSON, D.V.M., Member

Date

Jim F. Humphrey
JIM F. HUMPHREY, Member

August 16, 1986
Date

MIKE LEVI

Date

Mary E. Mainster, D.V.M.
MARY E. MAINSTER, D.V.M., Member

Aug 16, 1986
Date

(Absent)

FRANK E. MANN, JR., D.V.M., Member

Date

(Absent)

FRED K. SOIFER, D.V.M., Member

Date

COMPLAINT NO. 1986-10

THE STATE OF TEXAS	X	BEFORE THE BOARD OF VETERINARY
vs.	X	MEDICAL EXAMINERS
ROBERTO N. GARCIA, D.V.M.	X	STATE OF TEXAS

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared ERNIE CARROLL, who after being by me duly sworn, did depose and say:

"I, ERNIE CARROLL, 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 ROBERTO N. GARCIA, D.V.M., Texas Veterinary License No. 2744, 1986 Renewal Certificate No. 3517, a licensed practitioner of veterinary medicine in the State of Texas.

As an employee of the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, I, ERNIE CARROLL, do hereby present to the Executive Secretary of the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, the following complaint against ROBERTO N. GARCIA, D.V.M., who is hereinafter called Respondent.

I.

The U. S. Department of Agriculture revoked, on January 27, 1986, pursuant to a Consent Agreement, the veterinary accreditation of ROBERTO N. GARCIA, D.V.M. for a period of one year which expires January 27, 1987. See Exhibit A attached hereto. The revocation of Dr. Garcia's federal accreditation was prompted by the finding that Dr. Garcia submitted fraudulent serum samples to the State-Federal Laboratory, Austin, TX, knowing that the serum samples were not from the twelve (12) cattle in question, and could not be confirmed as samples collected from the Schneider Brothers' cattle. Therefore, he failed to handle the blood samples according to instructions to ensure completion of the confirmatory test at the laboratory. Further, that Dr. Garcia signed an official United States Origin Health Certificate, No. 1109870, fully knowing that it contained false and misleading information.

II.

By having his federal accreditation revoked for a period of one year, ROBERTO N. GARCIA, D.V.M. has violated the Rules of Professional Conduct for the veterinary profession as authorized by Article 7465a, The Veterinary Licensing Act. Rule #25, as set out below, was in full force and effect at all times mentioned herein and remains in full force and effect as follows:

"Rule 25. A licensed veterinarian whose accreditation has been or is subject to being removed by state or federal authorities may be subject to disciplinary action by the Texas State Board of Veterinary Medical Examiners on proof of the acts or omissions constituting the grounds for removal of his accreditation."

III.

Article 7465a, Section 14, Veterinary Licensing Act states in part:

". . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee. . ." who "has engaged in practice 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 July, 1986.


Further, Affiant sayeth not.



ERNIE CARROLL, Affiant

THE STATE OF TEXAS |
COUNTY OF TRAVIS |

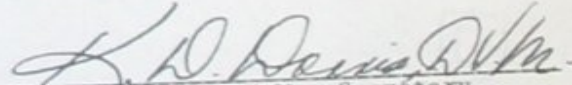
SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE CARROLL, this the 25th day of July, 1986, to certify which witness my hand and seal of office.



JUDY C. SMITH
Notary Public in and for Texas

My commission expires September 13, 1989.

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. Paul E. Hubert, D.V.M. under Docket Number 1986-6, this the 22 day of July, 1986



K. D. DORRIS, D.V.M., Secretary
Texas State Board of Veterinary
Medical Examiners

DEPARTMENT OF AGRICULTURE
OFFICE OF VETERINARY SERVICES
WASHINGTON, D.C. 20250

Veterinary
Services

611 E. 6th, Rm. 200
Austin, Texas 78701

EXHIBIT A

ORDER FOR REVOCATION OF VETERINARY ACCREDITATION

The accreditation of Dr. Roberto N. Garcia, under the provisions of the regulations in Title 9, Code of Federal Regulations, Parts 160-162, "Accreditation of Veterinarians and Suspension or Revocation of Such Accreditation" is hereby revoked. Said revocation is effective in all states in which Dr. R. N. Garcia is an accredited veterinarian. This order is final and shall have the same force and effect as if entered after a formal hearing. This order is effective ~~upon the date of receipt~~ ^{beginning January 22, 1986.} of this order by Dr. R. N. Garcia.

Eustas S. Cox
Area Veterinarian in Charge

April 23, 1986
Date

THIS IS A CERTIFIED TRUE COPY OF THE ORIGINAL

Steve Held

CONSENT AGREEMENT

EXHIBIT A

In response to my alleged violation(s) of the "Standards for Accredited Veterinarians" (9 CFR 161.2), occurring on or about October 13, 1985 :

1) I, Dr. R. N. Garcia, admit that the Secretary of Agriculture has jurisdiction in this matter.

2) I hereby consent to the revocation of my veterinary accreditation in lieu of further proceedings under the Rules of Practice Governing Revocation or Suspension of Veterinarians' Accreditation (9 CFR 162.1 et seq.), to begin upon ~~the date of my receipt~~ of the order revoking my veterinary accreditation. (January 27, 1986)

3) I understand that the order issued revoking my veterinary accreditation shall have the same force and effect as if entered after a formal hearing.

4) I understand that the order issued revoking my veterinary accreditation shall be effective in all States in which I am an accredited veterinarian upon receipt of said order.

5) I understand that effective upon my receipt of the order issued revoking my accreditation, I will not be permitted to perform any functions specified in Parts 1, 2, 3, and 11 of Subchapter A, and Subchapters B, C, and D, all of Chapter I (Animal and Plant Health Inspection Service, U. S. Department of Agriculture) of Title 9, Code of Federal Regulations, and I will not be permitted to perform functions required by cooperative State-Federal disease control and eradication programs.

6) I understand that the revocation of my veterinary accreditation will be effective for a period of not less than one (1) year.

7) I understand that at the end of one year after the effective date of the revocation of my veterinary accreditation, I may reapply for accreditation in accordance with 9 CFR 161.1(b).

Dr. R. N. Garcia
Signature

4-14-86
Date Signed

THIS IS A CERTIFIED TRUE COPY OF THE ORIGINAL

[Handwritten signature]

Owner Mike Carroll Date 3/6/86
Address RT2 Box 2368 Phone 321-1213
Cedar Creek

CERTIFICATE OF VACCINATION

This is to certify that on this date I have vaccinated the described below against:

Name Tojo Sex F/S

Color & Markings Cream

Breed Yorkie X Age 1yr Weight _____

Vaccination Tag No. 556 Vaccine Serial No. 512011

KK Campbell Veterinarian

Next Appointment

- CANINE
- Distemper
- Distemper/Measles
- (CAV-2) Hepatitis
- Lepto C & I
- Parainfluenza
- Parvo Virus
- Bordetella
- Rabies
- Other _____

- FELINE
- Panleukopenia
- Rhinotracheitis
- Calici Virus
- Rabies
- Leukemia
- Chlamydia
- Other _____

