

TEXAS STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

VS

FLOYD R. GARRETT, JR., D.V.M.

TEXAS VETERINARY  
MEDICAL LICENSE NO. 4245

TEXAS VETERINARY MEDICAL  
RENEWAL CERTIFICATE (1979)  
NUMBER 2611

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of December A.D. 1979, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Sheraton Marina Inn, in Corpus Christi, Nueces County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said DR. FLOYD R. GARRETT, JR., having waived Service of Citation and accepted service in said cause by sworn instrument dated the 14th day of November A.D. 1979, and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. FRANK E. MANN, JR., President	of Wharton, Texas
DR. DAN J. ANDERSON, Member	of Fort Worth, Texas
DR. DEMARIOUS K. FREY, Member	of Corpus Christi, Texas
DR. BILLY R. TRIMMIER, Member	of San Antonio, Texas
DR. JOHN E. WILKINS, JR., Member	of Greenville, Texas

WHEREUPON the President of the Board, DR. FRANK E. MANN, JR. ordered the case to proceed at which time it was ascertained that DR. FLOYD R. GARRETT, JR. was present in person and represented by Counsel, BOB PATTERSON. DR. GARRETT, through his Attorney, entered his plea of "not guilty" to said Docketed Complaint. The Board then proceeded to hear the evidence presented by the State, and by DR. FLOYD R. GARRETT, JR., in his behalf. After such hearing, the Board proceeded to consider the evidence, and after due consideration and deliberation of all of the evidence that had been presented, THE TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on the same day, Tuesday, December 4, 1979, all of the above members of said Board being present and participating, except DEMARIOUS K. FREY, D.V.M. who had recused herself, makes the following findings, to-wit:

FINDINGS OF FACT

1. The Board finds that all statutory requisites to its jurisdiction have been met.

2. The TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS finds that the cat belonging to MR. H. E. DAUGHERTY was treated by DR. GARRETT's employee on Sunday, July 8, 1979 with no veterinarian being on the premises.

3. That on or about August 19, 1979 an employee of DR. FLOYD R. GARRETT, JR. treated a calf belonging to MR. JOE A. RACKLEY, JR. of Corpus Christi, Texas without being under the direct control or supervision of DR. FLOYD R. GARRETT, JR. or any other licensed veterinarian.

4. That on or about August 19, 1979 an employee of DR. FLOYD R. GARRETT, JR. represented to MR. JAMES W. HAMMACK, SR. that she was a veterinarian and further represented, by her words and actions, that she was a veterinarian, and received compensation on behalf of the Flour Bluff Veterinary Hospital for the treatment set out in paragraph 3 above, said Flour Bluff Veterinary Hospital being premises owned and operated by DR. FLOYD R. GARRETT, JR.

#### CONCLUSIONS OF LAW

1. That the treatment of the cat belonging to MR. H. E. DAUGHERTY by an employee of DR. FLOYD R. GARRETT, JR. on Sunday, July 8, 1979, without a veterinarian being on the premises is a violation of Article 7465a, Section 14 (e) and (f), V.A.T.S. and Rules of Professional Conduct No. 14, 15, and 19, duly adopted by the Board in accordance with law.

2. That the treatment of the calf on or about August 19, 1979, belonging to MR. JOE A. RACKLEY, JR., without direct control or supervision of a licensed veterinarian is a violation of Section 14 (e) and (f), Article 7465a, V.A.T.S. and Rules of Professional Conduct No. 14, 15, and 19 duly adopted by the Board in accordance with law.

3. That the representation on or about August 19, 1979 by DR. FLOYD R. GARRETT, JR.'s lay employee to MR. JAMES W. HAMMACK, SR. that she was a veterinarian and performance of the services rendered and the receipt of compensation on behalf of the Flour Bluff Animal Hospital in payment for such services is a violation of Section 14 (e) and (f), V.A.T.S. and Rules of Professional Conduct No. 14, 15 and 19 duly adopted by the Board in accordance with law.

The Board finds that the facts and conclusions brought out at such hearing justify and require the following orders:

#### ORDERS OF THE BOARD

It is hereby ORDERED that Texas Veterinary License No. 4245 and 1979 Renewal Certificate No. 2611, heretofore issued to DR. FLOYD R. GARRETT, JR. be and the same is HEREBY SUSPENDED for a period of two (2) years from the date this order is entered, PROVIDED HOWEVER, that the execution of this Order of Suspension be and it is hereby STAYED, upon the following terms and conditions:

1. That DR. FLOYD R. GARRETT, JR. shall neither permit nor encourage the practice of veterinary medicine by any person including his own employees, who is not duly licensed to do so by the Texas State Board of Veterinary Medical Examiners.

2. That the said DR. FLOYD R. GARRETT, JR. will not engage in any dishonest or illegal practices in or connected with the practice of veterinary medicine within the State, nor violate any of the provisions of Article 7465a,

of the revised Civil Statutes of Texas, or of any Statutes of Texas or any other state or of the United States or any additions or amendments thereto pertaining to veterinary medicine.

3. The said DR. FLOYD R. GARRETT, JR. will observe and abide by each of the Rules of Professional Conduct promulgated by the State Board of Veterinary Medical Examiners in the State of Texas for licensed veterinarians now in affect, or placed in affect, during said period of suspension or any part of said period.

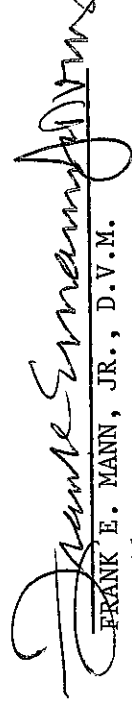
4. The said DR. FLOYD R. GARRETT, JR. shall file with the Executive Secretary of the State Board of Veterinary Medical Examiners at semiannual intervals, an affidavit to the effect that he has fully and faithfully complied with the terms and conditions of suspension herein imposed. The said affidavit shall be transmitted to the Board Office by Certified United States Mail, Return Receipt Requested. Said affidavit shall be executed by DR. FLOYD R. GARRETT, JR. so as to be received in the Board Office on or before the 1st day of June, and on or before the 1st day of January of each consecutive calendar year for the period of said suspension, the first said affidavit to be received in the Board Office on or before the 1st day of June, 1980.

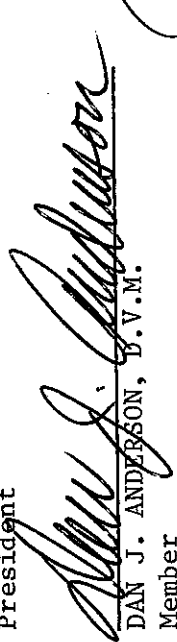
5. It is further ORDERED ADJUDGED and DECREED that upon full compliance with the terms and conditions herein set forth, and upon expiration of the term of suspension, the license of the said DR. FLOYD R. GARRETT, JR. and annual renewal certificate shall be restored to its full privileges, free and clear of the conditional terms of suspension herein imposed; PROVIDED HOWEVER, that in the event that the said DR. FLOYD R. GARRETT, JR. violates or fails to comply with any of the terms or conditions of this order during said period of suspension, the Board, upon receipt by it of satisfactory evidence thereof, may forthwith terminate said suspension, cancel and revoke the stay of execution and direct that the Order of Suspension herein may become effective immediately.

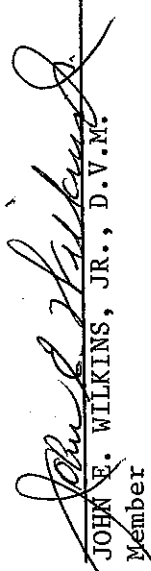
The Executive Secretary of the Board is ORDERED to prepare the Board's Findings and Orders in appropriate forms and submit the same to the members of the Board for signature and to transmit a copy to the said DR. FLOYD R. GARRETT, JR. at his address as follows to-wit:

FLOYD R. GARRETT, JR., D.V.M.  
10102 South Padre Island Drive  
Corpus Christi, Texas 78418

MADE the 4th day of December, 1979, and ENTERED the 19th day of December, 1979, which is the effective date of this Order

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

  
DAN J. ANDERSON, D.V.M.  
Member

  
JOHN E. WILKINS, JR., D.V.M.  
Member

THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

BEFORE ME, a Notary Public in and for Travis County, Texas, on this day personally appeared ERNIE M. CARROLL, who after being by me duly sworn upon oath deposes and says that:

The said ERNIE M. CARROLL, being an employee of THE TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, did in the course of his employment make certain investigations into the professional conduct of one DR. FLOYD R. GARRETT, JR., Texas Veterinary Medical License No. 4245, 1979-1980 Renewal Certificate No. 2611, a practitioner of veterinary medicine in the State of Texas, and in the course of said investigation it has come to the attention of the said ERNIE M. CARROLL that on or about the dates hereinafter specified that the said DR. FLOYD R. GARRETT, JR. did commit one or more of the following acts, and/or omissions, or a combination thereof or all of same, said acts and/or omissions being in violation of Article 7465a of the Civil Statutes of Texas (V.A.T.S.) and within the contemplation of Section 14 (e) of said statute as follows, to-wit:

1. That on or about July 7, 1979, and for several days thereafter, the said DR. FLOYD R. GARRETT, JR. left an individual by the name of LESLIE K. SCOTT in his clinic without proper supervision at 10102 South Padre Island Drive, Corpus Christi, Nueces County, Texas, for the purpose of practicing Veterinary Medicine in his absence even though the said LESLIE K. SCOTT did not have a current Texas license, in violation of Section 14 (e) Article 7465a, V.A.T.S. and Rules of Professional Conduct No. 14, 15, and 19, duly adopted by the Board in accordance with law.
2. That on or about August 19, 1979, the said LESLIE K. SCOTT, an unlicensed individual, while employed by or associated with DR. FLOYD R. GARRETT, JR in his Veterinary Clinic in Corpus Christi, did make a large animal call to the residence of MR. JOE A. RACKLEY, JR., Rt. 1, Box 366A, Corpus Christi, Texas, make a diagnosis, treat a calf, charged a \$49.00 fee and represented herself to MR. JAMES W. HAMMACK, SR., a visitor on the premises, that she was a veterinarian.

The above complaint, containing two (2) counts, is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners this the SIXTH day of NOVEMBER A.D., 1979.


  
ERNIE M. CARROLL

EXHIBIT "A"

THE STATE OF TEXAS X  
COUNTY OF TRAVIS X

SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE M. CARROLL, this the  
6th day of November, A.D. 1979, to certify which witness my  
hand and seal of office.

*Ora Lee Lindholm*  
ORA LEE LINDHOLM  
Notary Public in and for Travis  
County Texas