

DOCKET NO. 1999-19

IN THE MATTER
OF THE LICENSE OF
TOM W. GARY, D.V.M.

§ TEXAS STATE BOARD OF
§
§ VETERINARY MEDICAL EXAMINERS

State Board of Veterinary
Medical Examiners

SEP 10 1999

RECEIVED

AGREED ORDER

On this the 7 day of October, 1999, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Tom W. Gary, D.V.M., (Respondent). Pursuant to the Veterinary Licensing Act (Act) § 18F and Board Rule 575.27, Respondent was sent a letter of invitation to appear at an Informal Conference that was held on August 12, 1999. Respondent waived his appearance at the Conference. 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. Tom W. Gary, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 7744, 1999 renewal certificate number 5507. 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.

In the Matter of the License of Tom W. Gary, D.V.M.
Docket No. 1999-19

3. On or before March 1, 1999, Tom W. Gary, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.
4. On or about March 25, 1999, the Board received a request from Dr. Gary to waive the continuing education requirements for practice year 1999. The basis for this request did not meet the requirements set out in Rule 573.64, Continuing Education Requirements.
5. Respondent has not produced records to substantiate the satisfaction of the continuing education requirements in 1999.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a)(5) 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 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;
3. Board Rule 573.64 of the Rules of Professional Conduct requires each license holder to attend 15 hours of approved continuing education each year.
4. Based on Finding of Fact 5, respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.
5. Based on Conclusions of Law 1 through 4, Respondent is subject to disciplinary action by the Board under the Act §14(a)(5).

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Tom W. Gary, D.V.M., be assessed an administrative penalty of two hundred and fifty dollars (\$250.00) under the following terms and conditions:

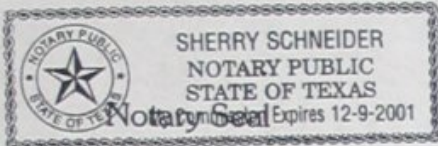
1. Respondent shall pay the administrative penalty within forty-five (45) days of the Board's approval of the Agreed Order.
2. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary

In the Matter of the License of Tom W. Gary, D.V.M.
Docket No. 1999-19

STATE OF TEXAS §
COUNTY OF Milam §

BEFORE ME, on this day, personally appeared Tom W. Gary, 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 7 day of September, 1999.



Sherry Schneider
Notary Public

This agreed order has been entered between Tom W. Gary, D.V.M. 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
RON ALLEN
Executive Director, TSBVME

Sept 13, 1999
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 7 day of October, 1999.

Robert A. Hughes, DVM
D.V.M.
President

In the Matter of the License of Tom W. Gary, D.V.M.
Docket No. 1999-19

DOCKETED COMPLAINT NO. 1999-19

| | | |
|---------------------------------|---|--------------------------|
| TEXAS STATE BOARD OF VETERINARY | § | TEXAS VETERINARY MEDICAL |
| MEDICAL EXAMINERS | § | LICENSE NO. 7744 |
| vs. | | |
| | § | 1999 RENEWAL CERTIFICATE |
| TOM W. GARY, D.V.M. | § | NUMBER 5507 |

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 March 25, 1999, 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 Tom W. Gary, D.V.M., Y7 Veterinary Services, P. O. Box 5, Milano, Texas, 76556, Veterinary License Number 7744, 1999 Renewal Certificate Number 5507, 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 Tom W. Gary, D.V.M.

I.

Tom W. Gary, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 7744, 1999 renewal certificate number 5507. Respondent is not subject to prior disciplinary action by the Board.

II.

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.

III.

On or before March 1, 1999, Tom W. Gary, D.V.M., submitted an application to renew his license to practice veterinary medicine for the 1999 calender year.

IV.

On or about March 25, 1999, the Board received a request from Dr. Gary to waive the continuing education requirements for practice year 1999. The basis for this request did not meet the requirements set out in Rule 573.64, Continuing Education Requirements.

V.

Respondent has not produced records to substantiate the satisfaction of the continuing education requirements in 1999.

VI.

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

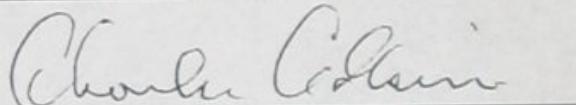
ARTICLE 8890, SECTION 14

(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;

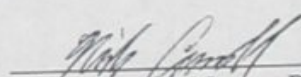
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 16th day of SEPTEMBER, 1999.

Further, Affiant sayeth not.

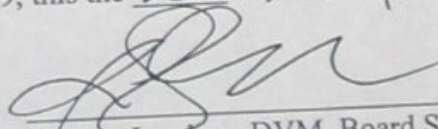

Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 16th day of SEPTEMBER, 1999




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. Tom W. Gary, D.V.M. under Docketed Number 1999-19, this the 22 day of Sept., 1999.


J. Lynn Lawhon, DVM, Board Secretary
Texas State Board of Veterinary Medical
Examiners