



DPS, and received a renewal certificate dated November 14, 2001 and effective through March 31, 2002. He stated that he renewed his certificate again and his current certificate expires on March 31, 2003. The Board requested that the DPS substantiate Dr. Gerdes' statement that he was issued a renewal certificate dated November 14, 2001, with an expiration date of March 31, 2002. The DPS stated that the agency did not have a record of issuing such a renewal certificate. According to the DPS, the only renewal certificate issued to Dr. Gerdes is dated April 30, 2002, (issue date) with an expiration date of March 31, 2003.

4. Based on the information from the DPS, Dr. Gerdes dispensed and administered controlled substances in his veterinary practice without a DPS certification during the period March 1999 to April 30, 2002, the date of issuance of his current DPS certificate

#### Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's rules.
2. Based on Findings of Fact 1 through 4, Respondent has violated Rule 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, of the Board's Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the DEA and the DPS.
3. Based on Finding of Fact 2, Respondent has violated Rule 573.74, DUTY TO COOPERATE WITH BOARD, of the Board's Rules of Professional Conduct, because Respondent did not respond to written requests for information from the Board.
4. Based on Conclusions of Law 1 through 3, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:
  - 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.402 if the person:
    - (6) engages in practices or conduct that violates the board's rules of professional conduct.
5. Based on Conclusion of Law 4, Respondent may be disciplined in the manner set out in Section 801.401, DISCIPLINARY POWERS OF BOARD, of the Veterinary Licensing Act, Texas Occupations Code, which may include revocation or suspension of a license, probation of a person whose license has been suspended, a reprimand, or a civil penalty.

DPS, and received a renewal certificate dated November 14, 2001 and effective through March 31, 2002. He stated that he renewed his certificate again and his current certificate expires on March 31, 2003. The Board requested that the DPS substantiate Dr. Gerdes' statement that he was issued a renewal certificate dated November 14, 2001, with an expiration date of March 31, 2002. The DPS stated that the agency did not have a record of issuing such a renewal certificate. According to the DPS, the only renewal certificate issued to Dr. Gerdes is dated April 30, 2002, (issue date) with an expiration date of March 31, 2003.

4. Based on the information from the DPS, Dr. Gerdes dispensed and administered controlled substances in his veterinary practice without a DPS certification during the period March 1999 to April 30, 2002, the date of issuance of his current DPS certificate

#### Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's rules.
2. Based on Findings of Fact 1 through 4, Respondent has violated Rule 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, of the Board's Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the DEA and the DPS.
3. Based on Finding of Fact 2, Respondent has violated Rule 573.74, DUTY TO COOPERATE WITH BOARD, of the Board's Rules of Professional Conduct, because Respondent did not respond to written requests for information from the Board.
4. Based on Conclusions of Law 1 through 3, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:  
801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.402 if the person:  
(6) engages in practices or conduct that violates the board's rules of professional conduct.
5. Based on Conclusion of Law 4, Respondent may be disciplined in the manner set out in Section 801.401, DISCIPLINARY POWERS OF BOARD, of the Veterinary Licensing Act, Texas Occupations Code, which may include revocation or suspension of a license, probation of a person whose license has been suspended, a reprimand, or a civil penalty.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

The Board ORDERS that Respondent be officially REPRIMANDED.

The Board further ORDERS that Respondent pay within 45 days of the date of this Order, a CIVIL PENALTY of Five Hundred Dollars (\$500.00).

The Board further ORDERS that the Respondent take and pass the Board's Jurisprudence Examination within 45 days of the date of this Order.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

RECEIVED

NOV 15 2002

State Board of Veterinary  
Medical Examiners

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

I, MATTHEW GERDES, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

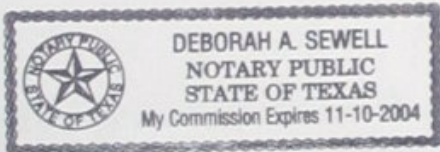
Matthew Gerdes DVM  
Matthew Gerdes, D.V.M.

11/12/02  
Date

STATE OF TEXAS  
COUNTY OF Hopkins

BEFORE ME, on this day, personally appeared Matthew Gerdes, 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 12 day of November, 2002



Deborah A. Sewell  
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the \_\_\_\_\_ day of \_\_\_\_\_, 2003

J. Lynn Lawhon  
J. Lynn Lawhon, D.V.M.  
President of the Board