

DOCKETED COMPLAINT NO. 1991-22

TEXAS STATE BOARD OF VETERINARY	( )	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	( )	LICENSE NO. 5753
vs.	( )	1991 RENEWAL CERTIFICATE
MICHAEL R. HOUSER, D.V.M.	( )	NUMBER 3373

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 20th day of June, 1991, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Wyndham Hotel, 4140 Governor's Row, Austin, Travis County, Texas, to determine whether cause exists under Section 14(a) of Article 8890, Revised Civil Statutes of Texas, to discipline License Number 5753 heretofore issued to Michael R. Houser, D.V.M. pursuant to Texas law.

At the hearing, Robert L. Lewis, D.V.M., President of the Board presided and Guy A. Sheppard, D.V.M., was recused from voting. The following members were present:

Dr. Robert D. Lewis, President	of Elgin, TX
Dr. Mary E. Mainster, Vice President	of San Antonio, TX
Dr. Guy A. Sheppard, Secretary	of San Angelo, TX
Dr. Larry M. Dubuisson, Member	of Weslaco, TX
Dr. Alton F. Hopkins, Jr., Member	of Dallas, TX
Mr. Mike Levi, Member	of Spicewood TX
Mr. Clark S. Willingham, Member	of Dallas, TX

The Texas State Board of Veterinary Medical Examiners was represented by Jennifer S. Riggs, Assistant Attorney General. The Respondent, Michael R. Houser, D.V.M., was present but was not represented by legal counsel, despite having been notified of his rights regarding same. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

I.

That a Sworn Complaint was filed with the Texas State Board of Veterinary Medical Examiners.

II.

Notice of Hearing and Complaint were served on Michael R. Houser, D.V.M. in accordance with law.

III.

Michael R. Houser, D.V.M. hereinafter referred to as "Respondent", is currently licensed to practice veterinary medicine in the State of Texas.

IV.

During the 1985 licensing examination of the Board of Veterinary Medical Examiners Respondent was unable to respond to one question during the slide portion of the test, a slide showing a cow's eye, because Respondent could not recall the answer to the question.

V.

During that examination, Respondent looked on the paper of the examinee sitting next to Respondent, saw his answer and wrote that answer on Respondent's answer sheet.

VI.

Respondent cheated on one question on the 1985 licensing examination of the Board of Veterinary Medical Examiners.

VII.

The above actions are in violation of Section 14(a) of Article 8890, Veterinary Licensing Act, which authorizes the Board to discipline a licensee who has been guilty of deception in the process of examination.

CONCLUSIONS OF LAW

I.

Pursuant to Articles 6252-13a, and 8890, Texas Revised Civil Statutes, Annotated, the Board of Veterinary Medical Examiners has jurisdiction over this matter, having complied with all applicable notice and procedural requirements in those statutes.

II.

The evidence received by the Board, of the Respondent's cheating on the 1985 examination, was undisputed, and conclusive to prove deception in the process of examination under Section 14(a)(1) of Article 8890.

III.

The facts of deception on the 1985 examination presented, support disciplinary action under Section 14(a)(1) of Article 8890, Veterinary Licensing Act.

ORDERS

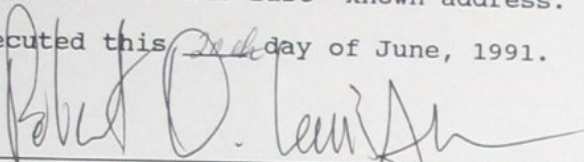
It is therefore ORDERED that License Number 5753, heretofore issued to MICHAEL R. HOUSER, D.V.M. by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, with the agreement of MICHAEL R. HOUSER, D.V.M., is hereby REPRIMANDED, and Dr. Houser agrees and the Board hereby ORDERS, that Dr. Houser perform fifty (50) hours of Community Service, the details of which shall be arranged with the Board staff.

Facts, Conclusions of Law, and Order of the Board represents the final decision duly made by the Board of Veterinary Medical Examiners on the 20th day of June, 1991. Each Findings of Fact herein, that could be deemed Conclusions of Law, and all Conclusions of Law that could be deemed Findings of Fact, are hereby adopted as such.

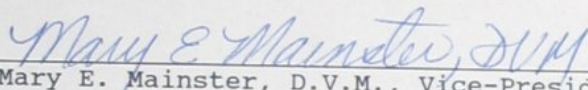
The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 20th day June, 1991, 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 20th day of June, 1991.

  
Robert D. Lewis, D.V.M., President

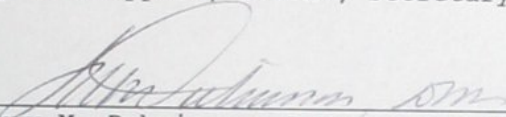
6-20-91  
Date

  
Mary E. Mainster, D.V.M., Vice-President

6/20/91  
Date

Recused  
Guy A. Sheppard, D.V.M., Secretary

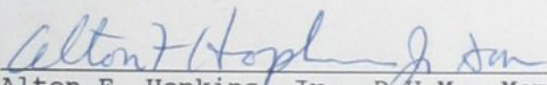
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Larry M. Dubuisson, D.V.M., Member

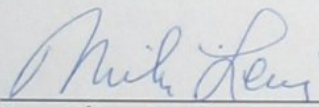
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Absent  
Mrs. Olivia R. Eudaly, Member

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Date

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

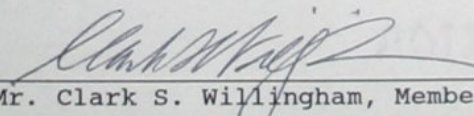
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Mr. Mike Levi, Member

6/20/91  
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Absent  
Fred K. Soifer, D.V.M., Member

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Date

  
Mr. Clark S. Willingham, Member

6/20/91  
Date

DOCKETED COMPLAINT NO. 1991-22

TEXAS STATE BOARD OF VETERINARY	( )	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	( )	LICENSE NO. 5753
vs.	( )	1991 RENEWAL CERTIFICATE
MICHAEL R. HOUSER, D.V.M.	( )	NUMBER 3373

COMPLAINT AFFIDAVIT FORM

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

On or about February 21, 1991, Donald B. Wilson, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, receive information from MICHAEL R. HOUSER, D.V.M., 4432 Merida, Fort Worth, Tarrant County, Texas Veterinary License Number 5753, 1991 Renewal Certificate Number 3373, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Donald B. Wilson, do hereby present the following complaint against MICHAEL R. HOUSER, D.V.M., who is hereinafter called Respondent.

I.

On or about February 21, 1991, a letter was received from the Respondent stating "I am writing to confess that I cheated on one question on the test. There was one question during the slide portion of the test to which I knew the answer but could not at the time remember it. I looked on the person's paper next to me, saw his answer, and wrote it down."

II.

Through his deception during the 1985 Examination for licensure, Respondent has violated Article 8890, Veterinary Licensing Act, Section 14(a)(1) which states:

**Article 8890, Sec. 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 license . . . if it finds that an applicant or licensee:

(1) has presented to the Board dishonest or fraudulent evidence of qualification or has been guilty of fraud or deception in the process of examination, or for the purpose of securing a license; or

III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Michael R. Houser's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(1) which states:

**Article 8890, Sec. 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 license . . . if it finds that an applicant or licensee:

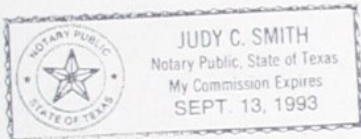
(1) has presented to the Board dishonest or fraudulent evidence of qualification or has been guilty of fraud or deception in the process of examination, or for the purpose of securing a license; or


The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 11 day of June, 1991.

Further, Affiant sayeth not.

  
DONALD B. WILSON, Affiant

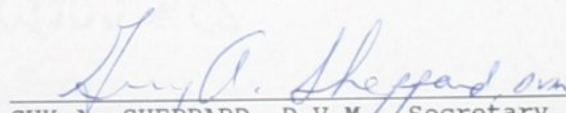
SUBSCRIBED and SWORN TO before me by the said DONALD B. WILSON, this the 11th day of June, 1991.



  
JUDY C. SMITH  
Notary Public in and for Texas

My Commission Expires: September 13, 1993

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. MICHAEL R. HOUSER, D.V.M. under Docketed Number 1991-22, this the 11th day of June, 1991.

  
GUY A. SHEPPARD, D.V.M., Secretary  
Texas Board of Veterinary Medical Examiners