

Received

OCT 16 2014

DOCKET NO. 2014-201

IN THE MATTER OF § TEXAS BOARD OF ~~Veterinary~~ ^{Texas State Board} ~~Medical~~ ^{Medical} ~~Examiners~~ ^{Examiners}

THE LICENSE OF § VETERINARY

CHARLES JAMESON, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 21 day of October, 2014, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Charles Jameson, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on September 15, 2014. Respondent attended the informal conference and was not represented by counsel. The Board was represented at the conference by the Board's 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 Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the 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. Respondent, Charles Jameson, D.V.M. of League City, Texas, holds Texas veterinary license 3097.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 ("Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).
3. On November 12, 2013, during an informal conference, Charles Jameson, D.V.M. ("Respondent") informed the Board that his mobile veterinary services consisted of euthanasia

services he provided to clients referred to him by Lap of Love. He further stated that he paid a fee to Lap of Love for those referrals. Lap of Love is an organization based out of Florida. The founders of Lap of Love, Dr. Dani McVety and Dr. Mary Gardner are not licensed in Texas.

4. The agreements between Respondent and Lap of Love include the following terms:
 - a. Respondent "will charge the clients fees according to the Fee Schedule established by Operator (Lap of Love)"
 - b. Lap of Love will pay Respondent according to a compensation schedule created by Lap of Love;
 - c. Lap of Love must approve all holiday and emergency fees;
 - d. Fees cannot be altered without Lap of Love approval;
 - e. Respondent will pay 38% of each appointment fee and 30% of all other fees to Lap of Love; and
 - f. Lap of Love designates the maximum or minimum retail prices for the products or services Respondent offers or sells and Respondent agrees to only sell those products and services previously approved by Lap of Love.

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 573.37, BAN ON USE OF SOLICITORS, of the Board's Rules of Professional Conduct, which states that a licensee shall not participate in arrangements which share the proceeds from professional services with individuals who may have been instrumental in his having been selected to perform the particular services.
3. Based on Findings of Fact 1 through 4, Respondent has violated Section 801.402(11) of the Act, which states that licensee shall be subject to discipline if the licensee pays or receives a kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary or equine dental services or goods.
4. Based on Findings of Fact 1 through 4 and Conclusions of Law 1 through 3, Respondent has violated Sections 801.402 (6) and (11) 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 801.401 if the person:...

(6) engages in practice or conduct that violates the board's rules of professional conduct...

(11) pays or receives a kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary or equine dental services or goods

5. Based on Conclusions of Law 1 through 4, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may: (a)

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive an FORMAL REPRIMAND.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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 Agreed Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing 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, and Findings of Fact and Conclusions of Law set forth herein, 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 Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, CHARLES JAMESON, D.V.M., 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.

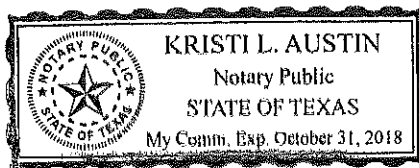

CHARLES JAMESON, D.V.M.

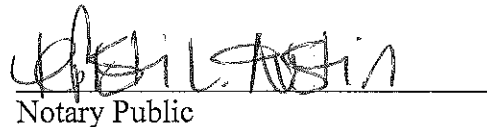
10-18-14
DATE

STATE OF TEXAS §
COUNTY OF Galveston §

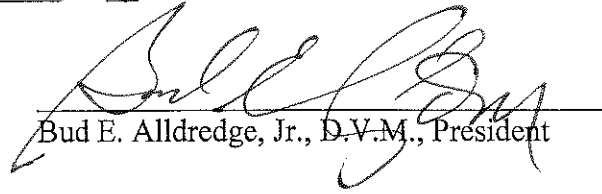
BEFORE ME, on this day, personally appeared Charles Jameson, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 10th day of October, 2014.




Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 21 October, 2014.


Bud E. Alldredge, Jr., D.V.M., President