

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
3810 Medical Parkway, Suite 119  
Austin, TX 78756  
(512) 458-1183

DOCKET NUMBER 1987-5  
MICHAEL EDWARD KELLER, D.V.M.  
LICENSE NUMBER: 3100

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Michael E. Keller, his attorney Albert C. Elliott, and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Keller, will be granted a continuance at his option.

Dr. Keller does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

1. Violation of Rule 6 by rendering service of advice directed towards the corruption of any person or persons exercising a public office or private trust, and deception or betrayal of the public.
2. Violation of Sections 14(e) of the Veterinary Practice Act by engaging in practices or conduct violative of the Rules of Professional Conduct duly promulgated by the Board.

RECOMMENDED PENALTY:

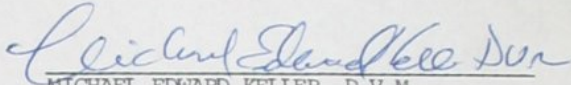
1. License suspension for one (1) year, all probated, effective June 11, 1987.

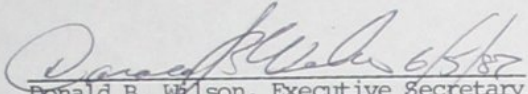
CONDITIONS:

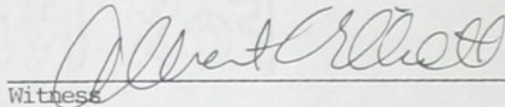
1. Obtain fifty (50) hours of Community Service during the probationary period.
2. Submit quarterly progress reports to the Executive Secretary during the probationary period reflecting the number of community service hours completed and certifying compliance with the Veterinary Practice Act and Rules of Professional Conduct. Quarterly Reports are due September 30, 1987, December 31, 1987, March 31, 1988, June 30, 1988.

Michael E. Keller, D.V.M.  
Negotiated Settlement Cont'd.  
Page two

3. Abide by Article 7465a, Veterinary Licensing Act and the Rules of Professional Conduct for the profession duly promulgated by the Texas Board of Veterinary Medical Examiners.

  
MICHAEL EDWARD KELLER, D.V.M.

  
Donald B. Wilson, Executive Secretary  
TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS

  
Witness

DOCKETED COMPLAINT NO. 1987-5-AMENDED

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMIMERS		LICENSE NO. 3100
vs.		1986 RENEWAL CERTIFICATE
MICHAEL EDWARD KELLER, D.V.M.		NUMBER 4187

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 11th day of June, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Wyndham Southpark, Austin, Travis County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said MICHAEL E. KELLER, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. ED B. AVERY, President	of Pearsall, TX
DR. W. L. "DUB" ANDERSON, Secretary	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. FRANK E. MANN, JR., Member	of Wharton, TX
DR. FRED K. SOIFER, Member	of Houston, TX

At 8:30 a.m., the appointed hour, the President of the Board, DR. ED. B. AVERY ordered the case to proceed at which time it was ascertained that MICHAEL E. KELLER, D.V.M. was present in person; and represented by Mr. Al Elliott legal counsel for MICHAEL E. KELLER, D.V.M. and on the same day, June 11, 1987, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

MICHAEL E. KELLER, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 3100, 1986 Renewal Certificate Number 4187.

II.

Dr. Keller received notice of this hearing on or about May 11, 1987.

III.

On October 3, 1985, DR. MICHAEL EDWARD KELLER wrote a letter to Alva Lee Perkins of Pitkin, IA, owner of a trucking company, involved in a cattle truck wreck on Friday, September 13, 1985 4 miles east of Sonora, stating that he euthanized 18 head that were suffering severely as a result of the accident. On October 2, 1985, Keller Veterinary Service and Supply billed Alva Lee Perkins the sum of \$90.90 for euthanizing 18 head of cattle. On November 1, 1985 DR. MICHAEL E. KELLER, again wrote to Alva Lee Perkins, owner of the trucking company, stating that the 18 head he previously stated were euthanized, were in fact not euthanized and 15 head would recover. The remaining 3 head were unmarketable.

CONCLUSIONS OF LAW

I.

Because of the acts stated in Paragraph III, stating in his October 3, 1985 letter to Alva Lee Perkins that he had euthanized 18 head of cattle and billed Mr. Perkins for this service and then on November 1 stating that 15 head were in fact alive and recovered, DR. MICHAEL E. KELLER has violated Rule 6 of the Rules of Professional Conduct which states:

Rule No. 6 -

A veterinarian shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public.

II.

Further, through the acts stated in Paragraph III, DR. MICHAEL EDWARD KELLER has violated the Veterinary Practice Act, Article 7465a, Section 14(e) which states in part:

". . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation . . . if it finds that an applicant or licensee:  
(e) 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. ."

ORDERS

DR. KELLER entered a plea of No Lo Contendre to the charges. The Board voted unanimously to accept the No Contest Plea (attached) and ORDERED that Texas Veterinary License No. 3100 heretofore issued to MICHAEL EDWARD KELLER, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of one (1) year, all probated. This Order will commence June 11, 1987 and terminate June 11, 1988. During the probationary period Dr. Keller is to perform fifty (50) hours of community service. Further Dr. Keller is to submit quarterly progress reports to the Board Offices during the probationary period reflecting the number of community service hours completed and certifying compliance with the Veterinary Practice Act and Rules of Professional Conduct duly promulgated by the Board. Quarterly reports are due September 30, 1987, December 31, 1987, March 31, 1988, June 30, 1988.

Violation of this Order shall be construed as engaging in dishonest or illegal practices in or connected with the practice of veterinary medicine and constitutes grounds for the Board to take disciplinary action as authorized in Article 7465a, Veterinary Practice Act, Section 14(c).

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 11th day June, 1987, 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 11th day of June, 1987.

Ed B. Avery, D.V.M.  
ED B. AVERY, D.V.M., President

June 11, 1987  
Date

EDWARD S. MURRAY, D.V.M., Vice-President

Date

W. L. "DUB" ANDERSON, D.V.M.  
W. L. "DUB" ANDERSON, D.V.M., Secretary

June 11, 1987  
Date

Jim F. Humphrey  
JIM F. HUMPHREY, Member

June 11, 1987  
Date

Mike Levi  
MIKE LEVI, Member

June 11, 1987  
Date

Mary E. Mainster, D.V.M.  
MARY E. MAINSTER, D.V.M., Member

June 11, 1987  
Date

Frank E. Mann, Jr., D.V.M.  
FRANK E. MANN, JR., D.V.M., Member

June 11, 1987  
Date

Fred K. Soifer  
FRED K. SOIFER, D.V.M., Member

June 11, 1987  
Date

DOCKETED COMPLAINT NO. 1987-5-AMENDED

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
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COMPLAINT AFFIDAVIT FORM

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

"I, ERNIE M. CARROLL, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one DR. MICHAEL EDWARD KELLER, D.V.M., Keller Veterinary Services, P.O. Box 301, Sonora, Sutton County, Texas, Texas Veterinary License Number 3100, 1986 Renewal Certificate Number 4187, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, ERNIE M. CARROLL, do hereby present the following complaint against MICHAEL EDWARD KELLER, D.V.M., who is hereinafter called Respondent.

I.

On October 3, 1985, DR. MICHAEL EDWARD KELLER wrote a letter to Alva Lee Perkins of Pitkin, IA (See Exhibit A), owner of a trucking company, involved in a cattle truck wreck on Friday, September 13, 1985 4 miles east of Sonora, stating that he euthanized 18 head that were suffering severely as a result of the accident. On October 2, 1985, Keller Veterinary Service and Supply billed Alva Lee Perkins (See Exhibit B) the sum of \$90.90 for euthanizing 18 head of cattle. On November 1, 1985 DR. MICHAEL E. KELLER, again wrote to Alva Lee Perkins, (See Exhibit C) owner of the trucking company, stating that the 18 head he previously stated were euthanized, were in fact not euthanized and 15 head would recover. The remaining 3 head were unmarketable.

II.

Because of the acts stated in Paragraph I, stating in his October 3, 1985 letter to Alva Lee Perkins that he had euthanized 18 head of cattle and billed Mr. Perkins for this service and then on November 1 stating that 15 head were in fact alive and recovered, DR. MICHAEL E. KELLER has violated Rule 6 of the Rules of Professional Conduct which states:

Rule No. 6 -

A veterinarian shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public.

III.

Further, through the acts stated in Paragraph I, DR. MICHAEL EDWARD KELLER has violated the Veterinary Practice Act, Article 7465a, Section 14(e) which states in part:

". . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation . . . if it finds that an applicant or licensee:

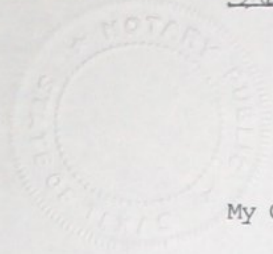
(e) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law. ."

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 30th day of June, 1987.

Further, Affiant sayeth not.

Ernie M. Carroll  
ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 3rd day of June, 1987.



Judy C. Smith  
JUDY C. SMITH,  
Notary Public in and for Texas

My Commission Expires: September 13, 1989.

The foregoing Amended 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 EDWARD KELLER, D.V.M., under Docket Number 1987-5, this the \_\_\_\_\_ day of June, 1987.

11511  
W. L. "DUB" ANDERSON, D.V.M., Secretary  
Texas State Board of Veterinary  
Medical Examiners

KELLER VET SERVICE  
P.O. Box 301  
Sonora, Texas 76950

October 3, 1985

Alva Lee Perkins  
Rt. 1, Box 29  
Pitkin, La 70656

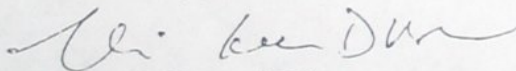
Attention: Insurance Adjuster

To the best of my knowledge this is the dispositions of the cattle that were involved in the truck wreck, owned by Alva Lee Perkins; on or about 4:00 a.m. Friday, September 13th on Interstate 10 approximately 4 miles east of Sonora.

Bob Caruthers was summoned by the DPS to help clear the cattle from the wreck site. He and several others brought 123 head of Brahma cross heifers to the Sonora Stockpens--my office is located there and I operate the stockpens, 47 head were dead at the scene. Subsequently, after examining the cattle, I euthanized 18 head that were suffering severely (broken backs, massive internal bleeding, etc.) Over the next 4 days 10 more died of secondary problems (concussions, broke legs & pelvis, bruised or punctured lungs & other organs.) The remaining 95 head were picked up.

If more information is needed please contact me at my office.  
(915) 387-3621 or 387-3639-

Sincerely,



Mike Keller, DVM

Kenneth Walsh  
Walsh Animal  
387-3621



MIKE KELLER, D.V.M.  
Sonora, Texas 76950

November 1, 1985

RECEIVED

MAY 1985

TSCRA

Alva Lee Perkins  
Box 29  
Pitpin, Louisiana 70656

Re: Cattle Truck Accident  
Sutton County, Texas

Dear Ms. Perkins:

On October 3, 1985, I wrote you a letter regarding the health and condition of a truck load of cattle that were involved in an accident in Sutton County, Texas. At your request, I specified in my letter that 18 cows were euthanized. At the time of my letter, it appeared that many, if not all, of the 18 injured cows would die. At your request, I stated that they would be put to sleep, even though, it was our understanding that we would save these injured cows, if at all possible.

Since that time, it appears that 15 of these cows will recover. The other 3 are so injured that they will be unmarketable. Bob Caruthers, who picked up the cows at the scene of the accident, and I are holding this livestock for you in Sutton County, Texas; however, we make no ownership claim on the cows that belong to you. We have both presented bills for our services and would expect to be paid when the cows are picked up.

Please notify us when you would like to pick up the cows and we will make them available to you.

Yours very truly,

Mike Keller, D.V.M.

MK:jk

CERTIFIED MAIL/RETURN  
RECEIPT REQUESTED  
#P554 644 108