



ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., STE. 4600 ☒ PHOENIX, ARIZONA 85007

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MINUTES

August 19, 2020

Board Room A, at 8:30 a.m.

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughead, Ms. Jessica Creager, Dr. Darren Wright, Ms. Jane Soloman (telephonic), Ms. Nikki Frost, CVT, and Dr. J. Greg Byrne.

Members Absent: Dr. Sarah Heinrich and Dr. Robyn Jaynes.

Staff and Legal Counsel Present Telephonically/Electronically: Ms. Victoria Whitmore, Executive Director; Mr. Marc Harris, AAG (Assistant Attorney General); and Ms. Tracy Riendeau, CVT, Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Dr. Wright at 8:30 a.m.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES:

1. 20-68, In Re: Mark Soderstrom, DVM

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Byrne to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

2. 20-69, In Re: Annette Majoue, DVM

Dr. Wright was recused. Attorney David Stoll was present to monitor. Mr. Rodney Joshua was present telephonically and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 5 ayes, 1 recusal (Dr. Wright).

3. 20-70, In Re: William Langhofer, DVM

Dr. Wright was recused. Attorney David Stoll was present to monitor. Mr. Rodney Joshua was present telephonically and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 5 ayes, 1 recusal (Dr. Wright).

4. 20-71, In Re: Matthew Hillebrand, DVM

Dr. Hillebrand was present and made statements. After discussion and consideration, a motion was made by Ms. Frost to offer Dr. Hillebrand a Consent Agreement, finding Dr. Hillebrand in violation of:

- *ARS § 32-2232 (12) as it relates to AAC R3-11-501 (1) for failure to provide considerate treatment by releasing an animal to the pet owner that was actively bleeding.*

No second, motion failed.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to disagree with the Investigative Committee's findings and **dismiss** this issue with no violation. Motion passed 4 ayes, 2 nays (Ms. Frost, Ms. Soloman).

5. 20-72, In Re: Jolene Conley, DVM

Attorney David Stoll was present and made a statement on behalf of Dr. Conley. After discussion and consideration, a motion was made by Dr. Byrne and seconded Ms. Soloman to schedule the matter for an **Informal Interview**. Motion passed unanimously.

6. 20-73, In Re: Kathryn McAdam, DVM

Attorney David Stoll was present to monitor. Dr. McAdam was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter for an **Informal Interview**. Motion passed unanimously.

7. 20-74, In Re: Brandeice Garza, CVT

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

8. 20-75, In Re: Sandy Landry, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

9. 20-76, In Re: Lyle Robinson, DVM

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Soloman to schedule this matter for an **Informal Interview**. Motion passed unanimously.

10. 20-77, In Re: Reuben Merideth, DVM

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

11. 20-96, In Re: Veronica Spencer, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **dismiss** this issue with no violation. Motion passed unanimously.

12. 20-124, In Re: Helena Carner, DVM

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Dr. Wright to schedule this matter to an **Informal Interview**. Motion passed unanimously.

III. ADMINISTRATIVE (FORMAL) HEARING

1. 19-60, In Re: Jeri Catherine Major, CVT

Assistant Attorney General, Sabrina Kahn, represented the state, made statements and asked questions. Witness, Executive Director for the Arizona State Veterinary Examining, Victoria Whitmore, was present and answered questions.

Assistant Attorney General, Seth Hargraves, was present telephonically to provide independent procedural advice to the Board.

Respondent was not present.

After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Wright to adopt Factual Allegations 4 through 14 in the Complaint and Notice of Hearing as the Board's Findings of Fact. Roll call: Ms. Creager, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to adopt the Allegations of Unprofessional Conduct 1 through 2 as the Board's Conclusions of Law. Roll call: Ms. Creager, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to **revoke** Ms. Major's veterinary technician certificate. Roll call: Ms. Creager, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

IV. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 20-65: In Re: Matthew Hay-Roe, DVM

Dr. Hay-Roe appeared, made statements, and answered questions. Ms. Jennifer Zito was present, made statements, and answered questions. After discussion and consideration, a motion was made Dr. Wright and seconded by Ms. Creager to **dismiss** this issue with no violation. Roll call: Ms. Creager, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

2. 20-66: In Re: August Forsse, DVM

Dr. Forsse was present, with counsel David Stoll, made statements, and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to dismiss this issue with no violation and issue Dr. Forsse a **Letter of Concern** for not consistently performing examinations on animals presented to her for care. Roll call: Ms. Creager, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

V. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 20-86: In Re: Leon Ford, DVM. Quarterly appearance as required by Consent Agreement.

Ms. Frost was recused. Dr. Ford was present, made statements and answered questions in compliance with his Consent Agreement.

2. 19-71: In Re: Celeste Roy, DVM. Monthly appearance as required by Consent Agreement.

Dr. Roy was present telephonically with counsel, Larry Cohen, made statements and answered questions.

- At 9:58am, a motion was made by Ms. Soloman and seconded by Dr. Wright to go into executive session for legal advice. Motion passed unanimously.
- At 10:05am, the Board entered back into open session.
- At 10:09am, a motion was made by Ms. Soloman and seconded by Ms. Frost to go into executive session to discuss Dr. Roy's personal medical information. Motion passed unanimously.
- At 10:14am, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Frost to request Dr. Roy meet with the behavioral awareness center to review the PMP report and compel them to advise to Board, in writing, if Dr. Roy's treatment plan will remain the same or be revised based on the materials reviewed. Motion passed unanimously.

3. 20-59: In Re: Garrel Geiger, DVM. Board may review, discuss, and take action on modifying the conclusions of law contained in the proposed consent agreement.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to modify the Conclusions of Law contained in Dr. Geiger's Consent Agreement to **ARS § 32-2281 (A) (1) (d)** for failure to note route of administration on the prescription label. Roll call: Ms. Creager, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

4. 20-53: In Re: Sarah Anderson-Kain. Board may review, discuss, and take action on modifying the proposed Order with respect to the payment of restitution.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to modify Dr. Anderson-Kain's proposed Board Order by removing the restitution payment requirement. Roll call: Ms. Creager, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

5. In Re: Adriana Stinnett, DVM. Board may review, discuss, and take action on Court of Appeals denial of stay request on Superior Court decision (Court of Appeals: No. 1 CA-CV 20-2019, Superior Court: No. LC2018-000429-001, Board Case: 18-47).

Ms. Frost was recused.

- At 12:59pm, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 1:05pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **dismiss this issue without prejudice**. Roll call: Ms. Creager, aye; Ms. Frost, recused; Dr.

Byrne, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed 5 ayes, 1 refusal.

6. 20-47: In Re: Benjamin Savard, DVM. Board may review, discuss, and take action on Continuing Education plan submitted in compliance with Consent Agreement.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Frost to **approve** Dr. Savard's continuing education plan submitted in compliance with his Consent Agreement. Motion passed unanimously.

7. 20-107: In Re: Erin Hisrich, DVM. Board may review, discuss, and take action on case updated provided.

Attorney Carey Flynn was present and made statements on behalf of Dr. Hisrich. After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **pend** this matter to a future Board meeting. Motion passed unanimously.

VI. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on veterinary license applications and may approve licenses.

a. Cristian Amavizca

Mr. Amavizca was present. After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **approve** Mr. Amavizca's veterinary license. Motion passed unanimously.

b. Gabriel Cox

Mr. Cox was present, made statements, and answered questions. After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **approve** Mr. Cox's veterinary license. Motion passed unanimously.

c. Richard Slavin

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **approve** Mr. Slavin's veterinary application. Motion passed unanimously.

d. Jeremy Hoge

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to **approve** Mr. Hoge's veterinary application. Motion passed unanimously.

2. Board may review, discuss, and take action on Case C-20-08, In re: Gary Bennett, possible unlicensed practitioner.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Frost to **close** this matter. Motion passed unanimously.

3. Board may review, discuss, and take action on Case C-20-11, In re: "Alan" (Serna Alvarez), possible unlicensed practitioner.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to follow up on new information received and invite individuals to a future Board meeting to discuss services being provided with the Board. Motion passed unanimously.

4. Board may review, discuss, and take action on Case C-20-12, In re: Chelsea Pearce, possible unlicensed practitioner.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **pend** this matter to a future Board meeting after staff has an opportunity to follow up the horse owner and veterinarian. Motion passed unanimously.

5. Board may review, discuss, and take action on Case C-20-13, In re: Morgan Pearce, possible unlicensed practitioner.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **pend** this matter to a future Board meeting after staff has an opportunity to follow up the horse owner and veterinarian. Motion passed unanimously.

6. Board may review, discuss, and take action on Case C-20-14, In re: Dawn Burton, possible unlicensed practitioner.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Frost to **close** this matter. Motion passed unanimously.

7. Board may review, discuss, and take action on Case C-20-16, In re: April A. Vernon, possible unlicensed practitioner.

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Dr. Wright to **pend** this matter to a future Board meeting and invite Ms. Vernon to address the Board regarding services she provides. Motion passed unanimously.

8. Board may review, discuss, and take action on new information received regarding Wes Campbell, CEqD.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **open** an investigation regarding Mr. Campbell's conduct. Motion passed unanimously.

9. Board may review, discuss, and take action on information received from Hugh Giffords, DVM, regarding a reportable dismissed charge.

No action taken.

10. Board may review, discuss, and take action on Case C-20-10, In Re: Aria Wolf. Board may reconsider vote to issue a Cease and Desist order for alleged unlicensed practice and referral to the Attorney General and County attorney offices.

- At 1:10pm, a motion was made by Ms. Creager and seconded by Ms. Frost to go into executive session for legal advice. Motion passed unanimously.
- At 1:30pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Frost to **rescind** issuance of a Cease and Desist and referral to the County Attorney's Office and Attorney General's Office and issue an educational letter to Ms. Wolf. Motion passed 4 ayes, 2 nays (Ms. Soloman and Dr. Wright).

11. Board may review, discuss, and take action to approve Executive Director's participation in the 2020 Federation of Associations of Regulatory Boards' virtual Regulatory Law Seminar and payment of related seminar fee.

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to **approve** Executive Director's participation in the 2020 Federation of Associations of Regulatory Boards' virtual Regulatory Law Seminar and payment of related seminar fee. Motion passed unanimously.

12. Board may review, discuss, and take action on 2021 Board Meeting and Investigative Committee meeting dates.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to **approve** the 2021 Board Meeting and Investigative Committee meeting dates. Motion passed unanimously.

13. Board may review, discuss, and take action on information received on Aldo Farina possible unlicensed practitioner.

After discussion and consideration, a motion was made Ms. Soloman and seconded by Ms. Creager to **open** an investigation regarding Mr. Farina's conduct. Motion passed unanimously.

14. Board may review, discuss, and take action on Case C-21-01 Kara Keller, possibly impersonating a veterinarian.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to issue Ms. Keller a **Cease and Desist** and **refer** this matter to the County Attorney and Attorney General's Office. Motion passed unanimously.

15. Board may review, discuss, and take action on denial of veterinary technician certification for failure to pass the State exam and/or the Veterinary Technician National Exam.

a. Orozco-Ramirez, Bianca

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **deny certification** to the above applicant that failed the State and/or Veterinary Technician National Exam and appoint Ms. Whitmore to represent the Board if a settlement conference is requested, with her authority limited to denial of certification. Motion passed unanimously.

16. Board may review, discuss, and take action on premises license application issues re: Avra Veterinary Clinic.

After discussion and consideration, the Board directed staff to draft a letter to the Responsible Veterinarian of Avra Veterinary Clinic asking for a response with respect to their premises application. If no response is received, Board directed staff to request the Responsible Veterinarian to come before the Board at a future Board meeting.

17. Board may review, discuss, and take action on proposed IT project to modify and enhance the agency's online license renewal system and database.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **approve** the proposed IT project to modify and enhance the agency's online license renewal system and database. Motion passed unanimously.

18. Board may review, discuss, and take action on FY20 year-end financial reports.

Ms. Whitmore updated the Board on the FY20 year-end financial reports.

19. Board may review, discuss, and take action on lowering or removing license/certificate renewal fees for upcoming renewal cycle.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to start the process to attempt to lower or remove renewal fees for licensee and certificate holders for the upcoming renewal period. Motion passed unanimously.

20. Board may review, discuss, and take action on FY22 budget request.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **approve** the FY22 budget request. Motion passed unanimously.

21. Board may review, discuss, and take action on Arizona Integrated Planning System (AZIPS) report.

The Board **tabled** this matter to a future Board meeting.

22. Board may review, discuss, and take action on Board Member participation in the 2020 American Association of Veterinary State Boards' (AAVSB) Annual Meeting and Conference – Virtual Event and payment of group registration fee.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to **approve** Board member participation in the 2020 AAVSB Annual Meeting and Conference – Virtual Event and payment of group registration fee. Motion passed unanimously.

VII. REVIEW AND APPROVAL OF MINUTES

1. July 15, 2020 Regular Session

Matter tabled; no quorum.

VIII. CALL TO THE PUBLIC

No public present.

IX. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, September 16, 2020**, beginning at **8:30 a.m.** at 1740 W. Adams Street, Board Room "A," Phoenix, Arizona 85007. One or more Board members may appear telephonically.

X. ADJOURNMENT

Meeting was adjourned at 3:05 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director