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BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:

MARIO J. CRUZ,

Respondent.

Case No. C-20-01-VET

**CONSENT AGREEMENT AND
ORDER**

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona Veterinary Medical Examining Board (“Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §§ 32- 2237(E) and 41-1092.07(F)(5), Mario J. Cruz (“Respondent”) and the Board enter into the following Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board’s file pertaining to this matter.
2. Respondent has the right to a formal administrative hearing at which Respondent can present evidence and cross-examine the State’s witnesses. Respondent hereby irrevocably waives his right to such formal hearing concerning these allegations and irrevocably waives his right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.
3. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement and has done so.
4. Respondent acknowledges and agrees that upon signing this Consent Agreement and returning it to the Board’s Executive Director, Respondent may not

1 revoke his acceptance of this Consent Agreement or make any modifications to it. Any
2 modification of this original document is ineffective and void unless mutually approved
3 by the parties in writing.

4 5. While Respondent does not admit or deny the Findings of Fact set forth in
5 this Consent Agreement, Respondent acknowledges that it is the Board's position that if
6 this matter proceeded to a formal hearing, the Board could establish sufficient evidence to
7 support a conclusion that Respondent's conduct constitutes a violation of the Board's
8 statutes and, therefore, Respondent agrees that this Consent Agreement shall reflect a
9 violation of the specific statutes identified in the Conclusions of Law solely for the
10 purpose of resolving this matter.

11 6. The findings contained in the Findings of Fact portion of this Consent
12 Agreement are conclusive evidence of the facts stated herein and may be used for
13 purposes of determining sanctions in any future matter that may arise before the Board.

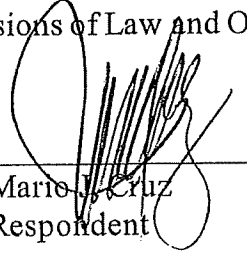
14 7. This Consent Agreement is made solely for the final disposition of the
15 matters addressed herein and any related administrative proceedings or civil litigation
16 involving Respondent and the Board. This Consent Agreement is not to be used for any
17 other regulatory agency proceedings or civil or criminal proceedings, whether in the State
18 of Arizona or any other state or federal court, except related to the enforcement of the
19 Consent Agreement.

20 8. This Consent Agreement is subject to the Board's approval and will be
21 effective only when the Board accepts it. In the event the Board in its discretion does not
22 approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of
23 no evidentiary value, nor shall it be relied upon or introduced in any disciplinary action
24 by any party hereto, except that Respondent agrees that should the Board reject this
25 Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim
26 that the Board was prejudiced by its review and discussion of this document or of any
27 records relating thereto.

1 9. Respondent understands that once the Board approves and signs this
2 Consent Agreement, it is a public record that may be publicly disseminated as a formal
3 action of the Board, and that the Consent Agreement, or portions of it, shall be posted on
4 the Board's website as required by A.R.S. § 32-3227(B).

5 10. Respondent agrees to the Board approving the following Findings of Fact,
6 Conclusions of Law and Order.

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Mario J. Cruz
Respondent

1-23-2020
Date

FINDINGS OF FACT

1 1. The Board initiated case no. C-20-01 against Respondent after receiving a
2 complaint from the owner of "Baby", a 12 year-old female mixed breed dog, alleging that
3 Respondent performed veterinary medical treatment without being properly licensed by
4 the Board.

5 2. According to the complaint, Baby was brought to Respondent on August
6 16, 2019 to be euthanized. Baby's owner reported to the Board that Respondent had
7 difficulty performing the euthanasia procedure which resulted in the euthanasia procedure
8 being prolonged and Baby experiencing complications and unnecessary suffering.

9 3. Baby's owner also reported to the Board that Respondent previously
10 performed surgery and removed mammary tumors from Baby.

11 4. Baby's owner provided the Board audio and video recordings of
12 Respondent euthanizing Baby and suturing a surgical site.

13 5. At no time has Respondent been licensed by the Board as a veterinarian or
14 in any other capacity.

15 6. Based on the information the Board received during the investigation of
16 case no. C-20-01, the Board found probable cause to believe that Respondent performed

1 acts that are required to be performed by an Arizona licensed veterinarian with respect to
2 the procedures he performed on Baby.

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter herein and over
5 Respondent pursuant to A.R.S. §§ 32-2237(E) and -3227.

6 2. Respondent's actions with respect to the procedures he performed on Baby,
7 as described in the Findings of Fact, constitute the unlicensed practice of veterinary
8 medicine in violation of A.R.S. §§ 32-2231 and -2238(A).

9 **ORDER**


10 Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS**
11 **ORDERED:**

12 1. Within thirty (30) days from the effective date of this Consent Agreement
13 and Order, Respondent shall pay a civil penalty in the amount of **five hundred dollars**
14 **(\$500.00)** payable to the Arizona Veterinary Examining Board by certified check or
15 money order.

16 2. Respondent shall not at any time engage in the practice of veterinary
17 medicine in the State of Arizona without a having a valid license issue by the Board.

18 3. This Order is effective on the date it is signed by the Board's Chairman.


19
20 Dated this 6th day of ^{March} ~~February~~, 2020.

21 By: 
22 James Loughead, Chairman
23 Arizona Veterinary Medical
24 Examining Board
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1 ORIGINAL of the foregoing e-filed
2 this 6th day of ~~February~~^{March}, 2020 with:

3 Arizona Veterinary Medical Examining Board
4 Victoria Whitmore, Executive Director
5 1740 W. Adams St., Ste. 4600
6 Phoenix, AZ 85007

6 EXECUTED COPY of the foregoing mailed
7 by U.S. mail this 6th day of ~~February~~^{March}, 2020 to:

8 Mario J. Cruz
9 
10 Phoenix, AZ
11 Respondent

11 EXECUTED COPY of the foregoing mailed
12 by U.S. Mail this 6th day of ~~February~~^{March}, 2020 to:

13 Jose L. Mendoza
14 Jose L. Mendoza, L.L.C.
15 722 East Osborn Road, Suite 400
16 Phoenix, AZ 85014
17 Attorney for Respondent

17 COPY of the foregoing Mailed/Emailed
18 this 6th day of ~~February~~^{March}, 2020 to:

19 Mary DeLaat Williams
20 Assistant Attorney General
21 SGD/LES
22 2005 North Central Avenue
23 Phoenix, Arizona 85004

23 By: 
#8484005

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