



South Carolina Department of Labor, Licensing and Regulation

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Director

South Carolina Board of Veterinary Medical Examiners

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Minutes of the South Carolina Board of Veterinary Medical Examiners
Business Meeting with Reinstatement, MOA, and Consent Agreement Presentations
July 30, 2009

Synergy Business Park, Kingstree Building, Room 105
110 Centerview Drive, Columbia, South Carolina

Board members present were:

James M. Harris, D.V.M. - Chairman
Albert W. Platt, III, D.V.M. - Vice-Chairman
David M. Oliver, D.V.M. - Secretary
Vanessa B. Brooks, D.V.M.
Stephen G. Colquhoun, D.V.M.
Christine Hartman, L.V.T.
Glen B. Haynes, D.V.M.
Cindy W. Nord, Ph.D.
Paul D. Patrick, D.V.M.

Staff and Others present were:

Jennifer Angoorja and Tina Behles, Court Reporters
Ed Booth, City Manager - Myrtle Beach
Robert Cook, D.V.M.
Kate K. Cox, Board Administrator
Sharon Dantzier, Advice Attorney to the Board
Rachael S. Easterly, D.V.M.
P.C. Faglie, LLR Investigations and Enforcement
Susan Harrington, LLR Administrative Assistant
F. Lynn Hawkins, D.V.M.
Ken Kitts, Inspector for the Veterinary Board
Eddy Lane, LLR Advice Counsel
Gary and Rhonda Larson
Bobby Long, D.V.M.
Rhonda Larson and Mr. Larson
Pat Hanks, LLR Legal Counsel
Kenneth R. Moss, Esquire - The McGougan Law Firm, LLC
Magdalene W. Moton, Board Administrative Assistant
Yolanda Rodgers, LLR Investigations and Enforcement
Louis Rosen, Esquire
Marcia Rosenberg
Sheridon Spoon, Advice Attorney to the Board
William Tetterton, Esquire
Officer Nancy Monroig-Vargas
Officer Robert Singleton

CALL TO ORDER:

The Regular Session of the South Carolina Board of Veterinary Medical Examiners was held at the Synergy Office Park, Kingstree Building, 110 Centerview Drive, Room 105, in Columbia, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provided to THE

STATE NEWSPAPER and ASSOCIATED PRESS and proper notice also having been posted at the LLR Office Building 24 hours prior to the time scheduled for the meeting and a quorum having been noted as present, Chairman Dr. Harris called the meeting to order at 9:02 a.m. All votes referenced herein were unanimous unless otherwise noted.

APPROVAL OF AGENDA:

Motion: A motion was made by Dr. Colquhoun to approve the Agenda as presented. Dr. Platt seconded the motion. The motion carried.

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. Haynes to accept the April 16, 2009 minutes of the last meeting as printed. Dr. Patrick seconded the motion. The motion carried.

CHAIRMAN REMARKS:

Dr. Harris introduced Louis Rosen who made a presentation on the hearing process as legal advice/education for the Board in Executive Session.

Motion: A motion was made by Dr. Platt to go into Executive Session for a hearing process presentation. Dr. Patrick seconded the motion. The motion carried. Time recessed was 9:08 a.m.

Motion: A motion was made to come out of Executive Session. The motion received a second. The motion carried. The meeting reconvened at 10:30 a.m.

REINSTATEMENT APPEARANCE:

Rachel S. Easterly, D.V.M., License #2205, Case # 2007-59, appeared before the Board to petitioned reinstatement of her license as stipulated in her Final Order. A court reporter was present.

Dr. Harris presented the opening statement in the case of the Respondent Rachel S. Easterly, D.V.M. The respondent was represented by Kenneth R. Moss, Esquire, of the McGougan Law Firm, LLC. The Respondent stipulated and admitted to the facts of the Final Order.

Kenneth R. Moss, Esquire, summarized the credentials of the Respondent, presented a copy of a blank contract with stipulations and guidelines from the Department of Corrections' work program; and he petitioned the Board to reinstate the Respondent's license and therefore for her to be allowed to participate in the Work Program.

Respondent Dr. Easterly was sworn in and presented a statement petitioning the Board for reinstatement of her license. Ed Booth, Town Administrator of Surfside Beach and witness for the Respondent, was sworn in and gave statements of work ethics on behalf of the Respondent and of the need in his community for the Work Program.

Kenneth R. Moss, Esquire presented a closing statement again asking the Board to reinstate the Respondent's license; and he requested the Respondent not be considered for the Recovering Professional Program (RPP) in addition to the four (4) year probationary term that the Respondent would receive upon release from prison. The Board asked appropriate questions.

Motion: A motion was made by Dr. Nord to go into Executive Session to deliberate. Dr. Patrick seconded the motion. The motion carried. Time recessed was 11:05 a.m.

Motion: A motion was made to reconvene in public session. The motion received a seconded. The motion carried. The meeting reconvened at 12:05 p.m.

Motion: A motion was made to go into Executive Session for further deliberation. The motion received a second. The motion carried. Time recessed was 12:10 p.m.

Motion: A motion was by Dr. Colquhoun to reconvene in public session. Dr. Haynes seconded the motion. The motion carried. The meeting reconvened at 12:34 p.m.

Motion: A motion was made by Dr. Patrick to reinstate the Respondent's license with strict limitations with practice to be limited to a public employment setting under a South Carolina Department of Corrections' Work Program agreement and, at such time as a change in practice setting may occur, Respondent may apply for modification of the Order. The motion was seconded with two nays. The motion passed. It was stated that a written Order is to follow.

DISCIPLINARY ISSUES:

IRC Report:

The Investigative Review Committee Report (IRC) was given by Chairman Dr. Harris. The IRC report, as per the July 15, 2009 IRC meeting, was to dismiss fifteen (15) alleged complaints, to dismiss two (2) complaints with Letters of Caution, and to authorize one (1) formal complaint.

Motion: A motion was made by Dr. Patrick to accept the July 30, 2009 IRC recommendation Report. Dr. Oliver seconded the motion. The motion carried.

Presentation of Consent Agreement:

Mr. Hanks, Board's Litigation Attorney, summarized Case #2007-62 and presented a signed Consent Agreement for Bobby Long, D.V.M., License #1741. The Respondent was present and not represented by counsel. The Respondent stipulated and admitted to the facts of the Consent Agreement by having signed the Agreement. It was noted that Dr. Oliver was recused in the matter.

Motion: A motion was made by Dr. Patrick to go into Executive Session to deliberate. Dr. Haynes seconded the motion. The motion carried. Time recessed was 12:50 p.m.

Motion: A motion was made by Dr. Patrick to reconvene in public session. Dr. Platt seconded the motion. The motion carried. The meeting reconvened at 1:00 p.m.

Motion: A motion was made by Dr. Colquhoun to accept the Consent Agreement for Dr. Long, Case# 2007-62. Dr. Patrick seconded the motion. The motion carried.

Presentation of MOA:

Dr. Harris presented the opening statement in the case of the Respondent Robert Donald Cook, D.V.M. The Respondent was represented by William Tetterton, Esquire.

Mr. Hanks, Board's Litigation Attorney, summarized Case #2007-06 and presented a Memorandum of Agreement and Stipulations for Respondent Robert Donald Cook, D.V.M., License # 1001. Respondent waived his rights of a sixty (60) day notice for this hearing. The Respondent stipulated and admitted to the facts of the Memorandum of Agreement and Stipulations.

William Tetterton, Esquire, summarized the credentials of the Respondent and presented a copy of the Respondent's continuing education records. Respondent Dr. Cook was sworn in and presented statements of explanation for the complaint. Board asked appropriate questions.

P.C. Faigle, LLR Office of Investigations, was sworn in and responded to appropriate questions. F. Lynn Hawkins, D.V.M., witness for the Respondent, was sworn in and responded to appropriate questions.

William Tetterton, Esquire presented a closing statement petitioning the Board to consider minimum sanction in Case # 2007-06. Attorney Hanks presented a closing statement.

Motion: A motion was made by Dr. Nord to go into Executive Session to deliberate. Dr. Platt seconded the motion. The motion carried. Time recessed was 1:51 p.m.

Motion: A motion was made by Dr. Platt to reconvene in public session. Ms. Hartman seconded the motion. The motion carried. The meeting reconvened at 2:24 p.m.

Motion: A motion was made by Dr. Colquhoun to accept the Memorandum of Agreement and Stipulations agreed upon by the Respondent; to have the Respondent attend four (4) hours of continuing education in pharmacology; two (2) hours of continuing education in record keeping; recreate thirty (30) record keeping cases, with five (5) records being presented to the Board monthly; and a \$500.00 fine in addition to investigative costs. Dr. Platt seconded the motion. The motion carried. It was stated that an Order will be written in this matter.

ADMINISTRATOR'S REPORTS:

Administrative Report:

Mrs. Cox reported on the number of active licenses to date; congratulated Chris Hartman, LVT Board member, on receiving Veterinary Technician of the Year during the Charleston Low Country Conference; reviewed the new database system development; reported on complaint issues reported into the Board's office; gave the District One Board seat nomination results of five nominees; described LLR's new telephone system; discussed facility inspections report and introduced Ken Kitts, Facilities Inspector; discussed credentialing of NAVLE applicants; and reported on the success of online jurisprudence exams. The report was provided in the Board members' Board book. Mrs. Cox requested any address changes/contact information and she informed the Board about the October 22, 2009 Board meeting date.

Mrs. Cox reported on Legislation of interest to the Board for 2009: S 328 has crossed over from the Senate to the House; S 223 has crossed over from the Senate to the House; S 102 was introduced in the Senate and remains there; H 3319 was introduced in the House and remains there; and S 453 regarding the care of polo horses was vetoed by the Governor but was over ridden.

Mrs. Cox presented the Complaint Status Report and each Board member was given a copy in their Board book.

Financial Report:

Mrs. Cox reported that financial information is available upon request. She reported that revenue is collected biennially and is expended over a two-year period; the Board is audited annually; and it is financially sound with no audit exceptions. She stated that the financial reports regarding the Board are kept in the LLR Finance Office and monthly statements are also maintained in the Board's office.

LEGAL:

Mr. Spoon, LLR's Advice Counsel, attended the meeting for Ms. Dantzler. He reported for Ms. Dantzler that the staff was following the guidelines suggested by the Board on knowledge of past discipline for use in the complaint and disciplinary processes. He said he had not gotten a written guideline for the Board from Ms. Dantzler; however, she may have it at the next Board meeting.

UNFINISHED BUSINESS:

There was no Unfinished Business on the Agenda.

NEW BUSINESS:

There was no New Business scheduled before the Board.

DISCUSSION TOPICS:

Dr. Colquhoun reminded Board members of the upcoming AAVSB Conference to be held September 24-26, 2009 in Minnesota and that two Board members should attend the conference. Dr. Platt and Dr. Oliver were asked to attend the AAVSB Conference. Dr. Oliver stated he would check his schedule and then notify the administrator of his availability to attend the conference.

Dr. Harris announced that Dr. Colquhoun was nominated to American Association of Veterinary State Boards' Board of Directors.

PUBLIC COMMENT:

There was no comment from the public.

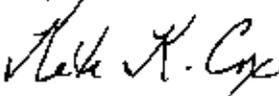
ANNOUNCEMENTS:

It was announced the next meeting of the South Carolina Board of Veterinary Medical Examiners will be held on Thursday, October 22, 2009.

ADJOURNMENT:

There being no further business the meeting was adjourned at 2:50 p.m.

Respectfully submitted,



Kate K. Cox
Administrator