

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, January 23, 2004**

President Herbert Justus, D.V.M., called the regular meeting of the North Carolina Veterinary Medical Board to order at 8:00 A.M. In attendance were Board members Drs. Richard Hawkins, Linwood Jernigan, Amy Lewis, David Marshall, Kenneth Padgett, Mrs. Nancy Robinson, R.V.T., and Ms. Amy Edwards. Also present were Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey.

The Executive Director read the minutes of the November 6, 2003, meeting. On a motion made by Dr. Padgett, seconded by Dr. Jernigan, the minutes were approved as corrected.

Dr. Marshall requested that a printed opening statement be prepared for future administrative hearings be created. No further action was taken.

Due to a conflict with another meeting, Dr. Padgett requested that another date be selected for the next Board meeting. Dr. Marshall made a motion to move the April 16 meeting to April 23. Dr. Jernigan seconded the motion. The motion passed unanimously.

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The Board identified a possible date for the administrative hearing requested by Bruce Simmons, D.V.M. as April 21. A back-up date of May 20 was also selected. No further action was taken.

Dr. Justus introduced the new members of the Board, Ms. Edwards and Dr. Hawkins. Ms. Edwards was appointed by Governor Easley on December 3, 2003, and serves until June 30, 2006. She replaces Ms. Rebecca Bruton who resigned on October 31, 2003. She took her oath of office on December 19, 2003. Dr. Hawkins was appointed by Governor Easley on December 3, 2003, and serves until June 30, 2008. He replaced Dr. Joseph Gordon. He took his oath of office on December 19, 2003.

The regular meeting of the Board adjourned at 9:18 A.M. for a twenty-minute break.

The regular meeting of the Board reconvened at 9:45 A.M.

At 9:50 a.m. the Board conducted a telephone conference call with Mr. Thomas Ross representing Save The Animals, Inc., and Thomas Falish representing Elizabeth Broome, D.V.M. Their purpose in talking to the

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Board was to discuss an arrangement between Save The Animals, Inc. and Dr. Broome to deliver low cost spay and neutering services. The telephone conversation continued until 10:35 a.m. They are to re-work their arrangement and get back to the Board. No further action was taken.

The Executive Director reported on activities of the Board office since the last meeting.

The regular meeting of the Board adjourned at 11:10 A.M. for a ten-minute break.

The regular meeting of the Board reconvened at 11:20 A.M.

The Executive Director distributed a financial report to the Members of the Board. Dr. Padgett made a motion to approve the report. Mrs. Robinson seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 1.

03042-1-1 Paul A. Moss, D.V.M. (Complaint of Mr. & Mrs.

Al Karlowitsch) – Dismissed, no probable cause.

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03036-1-1 Timothy Jordan, D.V.M. and Kevin Arthur Monce
(Complaint by Ms. Brenda Wells) – Disciplinary
action, Letter of Caution, Dr. Jordan. Dismissed,
no probable cause, Dr. Monce.

03050-1-1 James Melvin Howard, D.V.M. and Heidi Lynn
Hutmaker, D.V.M. (Complaint by Ms. Mary
Recupero) – Dismissed, no probable cause.

Dr. Padgett made a motion to approve the Committee on
Investigations Number 1 report. Dr. Lewis seconded the motion. The
motion passed unanimously.

Report of Committee on Investigations No. 7.

03030-1-7 Elizabeth Mills Hardie, D.V.M. and Christian
Scott Osmond, D.V.M. (Complaint of Mr. & Mrs.
Richard Rinaldo) – Dismissed, no probable cause.

03041-1-7 Robert Christian Ford, D.V.M. and Ruston Wayne
Howell, D.V.M. (Complaint by Ms. Anges
Davenport) – Dismissed, no probable cause.

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03045-1-7 Bruce Widdowson, D.V.M. (Complaint of Ms. Rosemary Coley) – Disciplinary action, Letter of Caution.

Dr. Marshall made a motion to approve the Committee on Investigations Number 7 report. Dr. Hawkins seconded the motion. The motion passed unanimously.

The Investigator presented a report on his work since the last Board meeting. No further action was taken.

The Board reviewed a letter from Ms. Margaret Jennings, Esq. concerning Joel M. Barden, D.V.M. and his late payment of the \$5,000.00 civil monetary penalty imposed by the Board. In her letter, she requested the Board accept his late payment and to request a hearing if the request is denied. Dr. Jernigan made a motion that a modified consent order be presented to Joel M. Barden, D.V.M. This is a result of his late payment of the Civil Monetary Penalty concerning complaint no. 03031-2-8. This late payment is a violation of the terms of the order. The new order would require Dr. Barden to pay an additional eight hundred dollar penalty and the

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remaining balance of his financial obligations be paid within 30 days.

Following discussion Dr. Jernigan rescinded his motion.

Dr. Hawkins made a motion that based on Dr. Barden violating one portion of the order relating to complaint no. 03031-2-8 that the terms concerning a violation of the order be activated. This would result in Dr. Barden's veterinary license being suspended for three years. Dr. Jernigan seconded the motion. The motion passed unanimously.

The Board reviewed the letter from Michael S. Clark, Ph.D. concerning his opening a company to perform molecular diagnostic testing for North Carolina Veterinarians. A letter is to be sent informing him that the North Carolina Veterinary Medical Board requires no regulatory oversight and refer him to the United States Department of Agriculture for concerns regarding program diseases.

The Board reviewed the letter from Mr. Dan Phillips concerning Koi husbandry. Dr. Lewis made a motion that a response to Mr. Phillips be sent that states his work must be limited to husbandry and that other work beyond

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husbandry is required to be performed by a veterinarian. Mrs. Robinson seconded the motion. The motion passed unanimously.

Dr. Lewis made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(5), to discuss current and future employment compensation of Board staff. Mrs. Robinson seconded the motion. The motion passed unanimously. At 1:49 p.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 2:15 p.m.

On a motion by Dr. Padgett, seconded by Mrs. Robinson, the Board approved the actual expenses for this meeting.

The meeting was adjourned by unanimous vote upon a motion by Dr. Lewis and seconded by Dr. Padgett at 2:25 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director