

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, October 31, 1998**

President Kenneth Padgett, D.V.M., called the regular meeting of the Board to order at 8:20 A.M. Others in attendance were Board members Drs. David Brooks, George Edwards, Joseph Gordon, Herbert Justus, Amy Lewis and Mrs. Nellie Jones. The Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey were also present. Also in attendance was Ms. Karen Keltz.

The Executive Director read the minutes of the June 26, 1998, meeting. On a motion made by Dr. Lewis, seconded by Dr. Brooks the minutes were approved as corrected.

Dr. Edwards made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(5), to discuss the current lease for the Board office. Dr. Brooks seconded the motion. The motion passed unanimously. At 8:45 a.m., the Board entered into closed session. Ms. Keltz left the meeting.

The regular session of the Board Meeting reconvened at 9:20 a.m. with Ms. Keltz in attendance.

Report of Committee on Investigations No. 1

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98009-1-1 Dr. Richard Gregory Burkett (Complaint of Ms. Karen Keltz) – Dismissed, no probable cause.

Ms. Keltz was allowed to comment on the Board decision.

98019-1-1 Dr. Jeffrey Burroughs (Complaint of Ms. Eleanore Helmerich) – Dismissed, no probable cause.

98028-1-1 Dr. Kimberly Saline Barth (Complaint of Mr. Sherman Collins) – Dismissed, no probable cause.

98023-1-1 Dr. Dana Jones (Complaint of Ms. Jill Overly) – Dismissed, no probable cause.

98015-1-1 Dr. Christopher Konvalinka and Dr. Jennifer Peck (Complaint of Ms. Jennifer Asvadi) – Dismissed, no probable cause.

98026-1-1 Dr. Dennis Jackson (Complaint of Mr. & Mrs. Travis Mongold) – Disciplinary action, Letter of Caution.

98011-1-1 Dr. Samuel H. Mitchell and Dr. William T. Snyder (Complaint of Mr. & Mrs. Kenzie Driggers) – No

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response from the client, the complaint was considered withdrawn.

98013-1-1 Dr. Michael E. Wood and Angela Lee, D.V.M. (not a licensed veterinarian), (Complaint of North Carolina Veterinary Medical Board) – Disciplinary action against Dr. Wood, Letter of Reprimand, \$1,000 civil monetary penalty, and a condition of the renewal of his veterinary license is his must pass the North Carolina State Veterinary Licensing Examination in December. Dr. Lee is to be sent a letter to cease and desist the practice of veterinary medicine, until such time that she meets the requirements of a temporary permit.

98033-2-1 Dr. Gwendelyn Wade Morton, Dr. William Bryant Morton and Carol Lynn Hungerford, D.V.M., (not a licensed veterinarian), (Complaint of the North Carolina Veterinary Medical Board) - Disciplinary action against Drs. Morton and Morton, Letter of Reprimand, \$500 civil monetary penalty each, and a condition of the renewal of their veterinary

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licenses is they must pass the North Carolina State Veterinary Licensing Examination in December.

Dr. Hungerford is to be sent a letter to cease and desist the practice of veterinary medicine, until such time that she receives a temporary permit.

98034-2-1 Dr. Charles T. Steinman and Carolyn M. Rivera, D.V.M., (not a licensed veterinarian), (Complaint of the North Carolina Veterinary Medical Board) – Disciplinary action against Dr. Steinman, Letter of Reprimand, \$1,000 civil monetary penalty, and a condition of his renewal of his veterinary licenses is he must pass the North Carolina State Veterinary Licensing Examination in December. Dr. Rivera is to be sent a letter to cease and desist the practice of veterinary medicine, until such time that she receives a temporary permit.

Report of Committee on Investigations No. 7

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- 98010-1-7 Dr. Roger Holt (Complaint of Mrs. Robin B. Riddle) – No response from the client, the complaint was considered withdrawn.
- 98016-1-7 Dr. Frank T. Batten (Complaint of Mr. & Mrs. Frank Norman) – Dismissed, no probable cause.
- 98018-1-7 Dr. James E. Meyer, Dr. R. J. Meyer, and Dr. Joyce Ann G. Gerardi (Complaint of Dianne R. Brantley) – Dismissed, no probable cause.
- 98020-1-7 Dr. Michael F. Bounds (Complaint of Ms. Joyce Sothoron) – Dismissed, no probable cause.
- 98022-1-7 Dr. Martha Mattocks (Complaint of Mr. Barry A. Cox) – Disciplinary action, Letter of Caution.
- 98021-9-7 Dr. Jeffry Morrison (Complaint of Ms. Christina Scibelli) – Continued, pending the receipt of records.
- 98017-1-7 Dr. Richard Hawkins (Complaint of Ms. Tracy Kilpatrick) – Client does not wish to proceed, complaint dismissed.

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98025-1-7 Dr. Dawn Marie Longo (Complaint of Ms. Elizabeth Fuller) – Disciplinary action, Letter of Caution.

98027-3-7 Dr. Peter E. Trainer (Complaint of Iva Nusbaum, D.V.M.) – Disciplinary action, Letter of Caution.

98024-1-7 Dr. Dana Jones (Complaint of Mr. & Mrs. Eddie Miller) – Dismissed, no probable cause.

Dr. Brooks made a motion to approve the reports presented by the Committee on Investigations Number 1 and 7. Dr. Gordon seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 8

98030-2-8 Dr. Victoria E. Newell (Complaint of North Carolina Veterinary Medical Board) – Disciplinary action, Letter of Reprimand, \$500 civil monetary penalty.

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Dr. Gordon made a motion to approve the report presented by the Committee on Investigations Number 8. Dr. Lewis seconded the motion. The motion passed unanimously.

The Board adjured for a five-minute break at 11:45 a.m.

The regular meeting of the Board reconvened at 11:50 a.m.

Dr. Gordon made a motion to have Mr. Hearn write to Dr. Guy Beretich and ask why he has not complied with the terms of his consent agreement. He is to have five days to respond to the letter from Mr. Hearn. Mrs. Jones seconded the motion. The motion passed unanimously. The response of Dr. Beretich will be referred to the Committee on Investigations No. 1 for consideration.

Dr. Gordon made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(3) to discuss the suit filed against the Board by Ms. Karen Keltz. Dr. Edwards seconded the motion. The motion passed unanimously. At 11:55 a.m., the Board entered into closed session. Ms. Keltz left the meeting.

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The regular session of the Board Meeting reconvened at 12:15 p.m. with Ms. Keltz in attendance.

Ms. Keltz discussed with the Board her complaint against Dr. Richard Gregory Burkett and the actions of the Board. Ms. Keltz then left the meeting.

Dr. Gordon made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(3), to continue the discussion concerning the suit filed against the Board by Ms. Keltz. Dr. Lewis seconded the motion. The motion passed unanimously at 12:25 p.m. The Board entered into closed session.

The regular session of the Board Meeting reconvened at 12:35 p.m.

The Executive Director distributed a financial report to the members of the Board.

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The Executive Director reported on the July meeting of the American Association of Veterinary State Boards that he attended. He also reported that he had been asked to chair the 1999 meeting in New Orleans. Dr. Gordon made a motion to send the Executive Director to the 1999 meeting of the American Association of Veterinary State Boards. Dr. Justus seconded the motion. The motion passed unanimously.

The Executive Director reviewed with the Board the cost associated with providing printouts and or diskettes to members of the public that requests them. The Executive Director recommended that the Board raise its minimum charge for such requests to \$52.00. The new cost will be .06¢ per name with a minimum charge of \$52.00. Dr. Gordon made a motion to approve the Executive Director's recommendation. Dr. Padgett seconded the motion. The motion passed unanimously.

The Board reviewed the actions of Dr. Teresa Van Ells relating to her application for a temporary permit. The Executive Director is to write her and her employer and explain to them their responsibility when working under or employing an individual with a temporary permit.

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The Board reviewed the letter of inquiry from Litman McMahon and Brown, L.L.C., concerning the veterinary client patient relationship. The first question asked if the Board had ever made a ruling about selling topical fleascides over the counter. The second question asked if a veterinarian had ever been disciplined for selling such a product outside of a product relationship. The Executive Director is to write and inform them that the answer to each question is no.

The Board reviewed a letter from John C. Faherty, D.C., concerning veterinary chiropractics. The Board took no action at this time. Mr. Hearn will review the matter further.

Dr. Gordon made a motion to obtain workman's compensation coverage for the office staff. Dr. Padgett seconded the motion. The motion passed unanimously.

The Board reviewed the requests for an exemption on retaking the Clinical Competency Test based on their diplomate status of Dr. David J. DeYoung, Dr. Donald L. Campbell, Dr. Robert L. Owen, and Dr. Elizabeth

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A. Stone. Dr. Lewis made a motion to honor their request. Dr. Justus seconded the motion. The motion passed unanimously.

The Board reviewed the information sent to the Board office concerning Dr. Jeffrey Kline and his status for licensure as a veterinarian in North Carolina. Dr. Gordon made a motion to stand by the original agreement that the Board entered into with Dr. Kline. Dr. Lewis seconded the motion. The motion passed unanimously.

The Board reviewed the conflict of interest statements from the North Carolina Board of Ethics. The Board took no further action.

Dr. Padgett made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(5) to discuss the salaries of the office staff and to discuss the retainer fee of George G. Hearn, Esq. Dr. Gordon seconded the motion. The motion passed unanimously. At 2:50 p.m., the Board entered into closed session.

The regular session of the Board Meeting reconvened at 3:45 p.m.

On a motion by Dr. Gordon, seconded by Dr. Lewis the Board approved the actual expenses for this meeting.

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The meeting was adjourned on a motion by Dr. Gordon and seconded by Dr. Brooks at 4:00 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director