

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 6, 2003**

President Herbert Justus, D.V.M., called the regular meeting of the North Carolina Veterinary Medical Board to order at 8:06 A.M. In attendance were Board members Drs. Joseph Gordon, Linwood Jernigan, Amy Lewis, David Marshall, Kenneth Padgett, Mrs. Nancy Robinson, R.V.T. Also present were Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey.

The Executive Director read the minutes of the September 5, 2003, meeting. On a motion made by Dr. Gordon, seconded by Dr. Jernigan, the minutes were approved as corrected.

The Executive Director read the minutes of the September 24, 2003, emergency meeting. On a motion made by Dr. Gordon, seconded by Dr. Jernigan, the minutes were approved as corrected.

At 8:15 a.m. Mike Davidson, D.V.M. Associate Dean & Director of Veterinary Medical Services at the North Carolina State University College of Veterinary Medicine appeared before the Board to discuss registered veterinary technicians and veterinary assistants job classifications and to request that the Board allow graduates of programs not accredited by the

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American Veterinary Medical Association be allowed to sit for the North Carolina Veterinary Technician State Examination. Those individuals who passed that examination would be registered as a veterinary technician.

At 9:05 a.m. Oscar Fletcher, D.V.M. Dean of the North Carolina State University College of Veterinary Medicine joined the meeting and updated the Board on the IAMS Pet Imaging project that is under development at the College. Dr. Fletcher and Dr. Davidson left the meeting at 9:25 a.m. No further action was taken.

The regular meeting of the Board adjourned at 9:25 A.M. for a twenty-minute break.

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

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

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

Report of Committee on Investigations No. 1.

- 03018-1-1 Marius Gheorghe Cristea, D.M.V. (Complaint of Lloyd T. Harris, D.V.M.) – Dismissed, no probable cause.
- 03029-1-1 Ernest Edward Ward, D.V.M. (Complaint by Ms. Elaine Ficke) – Dismissed, no probable cause.
- 03027-1-1 Jack Shuler, Jr., D.V.M. (Complaint by Ms. Deborah Schneider) – Disciplinary action, Letter of Reprimand and \$500.00 civil monetary penalty.
- 03032-1-1 Ralph C. Ashley, D.V.M. (Complaint of Mr. & Mrs. Terry Bailey) – Disciplinary action, Letter of Caution.
- 03035-1-1 Harold Pearce, D.V.M. (Complaint by Dr. & Mrs. Fred Holt) – Disciplinary action, Letter of Reprimand.

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03012-1-1 Daniel Elliott Nordland, D.V.M. (Complaint by Mr. George Morley) – Client does not wish to proceed, dismissed, no probable cause.

03020-1-1 Jimmy L. Sain, D.V.M. (Complaint by Ms. Karen L. Lovell) – Disciplinary action, Letter of Caution.

03034-1-1 Charles Marshall Coats, D.V.M. (Complaint by Mr. Arthur Stamper) – 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.

At 10:30 A.M. Michael W. Wilkerson, MD, Medical Director, and Warren J. Pendergast, MD, Associate Medical Director, for the North Carolina Physicians Health Program (NCPHP) joined the meeting. They discussed with the Board the workings of the agreement for services between the Board and the North Carolina Physicians Health Program. Dr. Wilkerson informed the Board of two new positions on the NCPHP Board that will be filled by veterinarians. He recommended that one appointment be made by the Board and the other by the North Carolina Veterinary

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Medical Association. Dr. Wilkerson also discussed the reporting aspects of the Program. Dr. Wilkerson and Dr. Pendergast left the meeting at 10:55 a.m.

The regular meeting of the Board adjourned at 10:55 A.M. for a ten-minute break.

The regular meeting of the Board reconvened at 11:05 A.M.

Report of Committee on Investigations No. 7.

02045-1-7 Bruce Simmons, D.V.M. (Complaint of Mr. & Mrs. Rod Orozco) – The Board discussed possible hearing dates of January 21, 22 or 23. No further action was taken.

03026-1-7 Margaret Edwards Powell, D.V.M. (Complaint by Mr. & Mrs. David Baratta) – Dismissed, no probable cause.

03023-1-7 David Powell Elliott, D.V.M. (Complaint of Ms. Laura Burch) – Disciplinary action, Letter of Caution.

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- 03033-1-7 Michael S. Grafinger, D.V.M. (Complaint of Mr. John L. Johnson, Jr.) – Disciplinary action, Letter of Reprimand.
- 03015-1-7 Bruce P. Carlton, D.V.M. (Complaint of Ms. Victoria Braswell) – Disciplinary action, Letter of Reprimand.
- 03037-1-7 James R. Allen, D.V.M. (Senior) (Complaint of Ms. Troy Amastar) – Disciplinary action, Letter of Reprimand.

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

Report of Committee on Investigations No. 8.

- 02054-2-8 Robert Krawczyk, D.V.M. and Jeffrey Courville, D.V.M. (Complaint by the Board) – Disciplinary action, Letter of Reprimand, based on prior acts. The Committee will continue to reviewing ongoing changes that are taking place with this facility.

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Mrs. Robinson made a motion to approve the Committee on Investigations Number 8 report. Dr. Marshall seconded the motion. The motion passed with Dr. Gordon opposed.

Mr. Hearn reported the decision of the Hearing Panel concerning complaint no. 03031-2-8 against Joel M. Barden, D.V.M. The decision is subject to be reduced to writing and signed. Dr. Barden's veterinary license is suspended for three years, with the suspension being stayed provided he complies with a series of conditions. His veterinary practice facility must pass an inspection of the Board. He is required to earn an additional twenty hours of continuing education during the years of 2004, 2005, and 2006. He must submit quarterly reports to the Board. He must apply for and pass the North Carolina Veterinary State Examination. He must pay a civil monetary penalty of \$5,000.00. He must pay \$5,000.00 recovery of costs to the Board.

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

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Dr. Padgett discussed the possibility of the hand delivery of complaints and pick-up of medical records. No further action was taken.

The Board discussed the letter from Ms. Pamela K. Silverman which concerned her lawsuit against Jeffrey Witwer, D.V.M. She has requested a letter from the Board stating that the Board has no intention of prosecuting or punishing Dr. Witwer further for his unlicensed practice of veterinary medicine in North Carolina prior to November 7, 2002. Dr. Gordon made a motion that a letter be sent to her stating that the Board will not be pursuing criminal charges for acts of which it had knowledge prior to early November 2002. Dr. Padgett seconded the motion. The motion passed unanimously.

Dr. Padgett made a motion to approve the purchase of three additional fireproof file cabinets for the Board office. Dr. Lewis seconded the motion. The motion passed unanimously.

The Board discussed the North Carolina Department of Agriculture and Consumer Services request that a space for emails addresses be added to the renewal forms. Dr. Marshall made a motion that a flier requesting email

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addresses be included with the renewal forms. Dr. Lewis seconded the motion. The motion passed unanimously.

Dr. Jernigan made a motion to deny the request from Dr. Davidson to allow certain employees of North Carolina State University College of Veterinary Medicine to sit for the North Carolina State Examination for Technicians based on their not graduating from schools accredited by the American Veterinary Medical Association. Mrs. Robinson seconded the motion. The motion carried.

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

The meeting was adjourned by unanimous vote upon a motion by Dr. Padgett and seconded by Dr. Jernigan at 1:30 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director