

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Michael Brennan, *Unlicensed*

**CEASE AND DESIST ORDER AND
NOTICE OF RIGHT TO HEARING**

TO: Michael Brennan, *Unlicensed* (“Respondent”), Cedar Ridge Arabians, 8747 Cedar Avenue West, Farmington, Minnesota 55121.

Minnesota law prohibits any person from practicing veterinary medicine without having first secured a veterinary license or temporary permit, as provided in Minnesota Statutes chapter 156, unless the person is exempt from such licensing requirements, pursuant to Minnesota Statutes section 156.12, subdivision 2.

The practice of veterinary medicine is defined in Minnesota Statutes section 156.12, subdivision 1, as follows:

The practice of veterinary medicine, as used in this chapter, shall mean the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the *performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above.* The practice of veterinary medicine shall include but not be limited to the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique. (emphasis added)

Subdivision 2 further provides:

No provision of this chapter shall be construed to prohibit: . . . (d) the *owner* of an animal and the owner's regular employee from *caring for and administering to the animal belonging to the owner*, except where the ownership of the animal was transferred for purposes of circumventing this chapter. (emphasis added)

Pursuant to the above-referenced statutes, the Minnesota Board of Veterinary Medicine (“Board”), by its Complaint Review Committee (“Committee”), has determined as follows:

1. Respondent is not now and has never been licensed to practice veterinary medicine in the State of Minnesota and is not exempt from the licensure requirements set forth in Minnesota Statutes chapter 156.

2. On January 26, 2007, the Board issued upon Respondent a Cease and Desist Order and Notice of Right to Hearing to Respondent due to Respondent having engaged in the practice of veterinary medicine without a license, in violation of Minnesota Statutes section 156.10.

3. On October 20, 2014, the Board again received a complaint alleging Respondent was engaged in the unlawful practice of veterinary medicine.

4. Upon receipt of the complaint, the Board initiated an investigation into Respondent's unlicensed practice of veterinary medicine.

5. Based on its investigation, the Committee has determined that Respondent engaged in the practice of veterinary medicine as follows:

a. Respondent performed breeding and reproductive services on horses that were not owned by Respondent, including, but not limited to, the following:

- 1) Embryo transfer services;
- 2) Ultrasounds; and
- 3) Pregnancy determinations.

b. A licensed veterinarian did not supervise Respondent when Respondent performed breeding and reproductive services on horses that were not owned by Respondent.

c. Respondent charged fees to the owners of the horses for the breeding and reproductive services that he performed on the horses.

6. Respondent, by the conduct referenced in paragraph 4 above, has engaged in and threatens to continue to engage in the practice of veterinary medicine in Minnesota without a license, in violation of Minnesota Statutes section 156.10, and should therefore be ordered to cease and desist from violating this statute.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minnesota Statutes section 156.15, that Respondent shall cease and desist from engaging in any act or practice in Minnesota that constitutes the practice of veterinary medicine as defined in Minnesota Statutes section 156.12, subdivision 1.

IT IS FURTHER ORDERED, pursuant to Minnesota Statutes section 156.15, subdivisions 1 and 3, that Respondent may request a hearing in this matter. Such request shall be made in writing and delivered to the Complaint Review Committee of the Minnesota Board of Veterinary Medicine, 2829 University Avenue SE, Suite 401, Minneapolis, MN 55414, whereupon the Committee shall set a date for hearing within 30 days after its receipt of the request unless Respondent and the Committee by agreement waive the 30-day time period. Pursuant to Minnesota Statutes section 156.15, subdivision 5, if no hearing is requested by Respondent within 30 days of service of this Order, this Order will become final and will remain in effect until it is modified or vacated by the Board.

IT IS FURTHER ORDERED that if a hearing is requested, this Order will remain in effect until it is modified or vacated or made permanent by further order of the Board pursuant to Minnesota Statutes section 156.15, subdivision 4.

IT IS FURTHER ORDERED that in the event a hearing is requested in this matter, it will be held before an administrative law judge to be appointed by the chief administrative law

judge for the State of Minnesota, Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7900. All parties have the right to represent themselves or to be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the contested case procedures as prescribed in Minnesota Statutes sections 14.57 to 14.69 and the Rules of the Office of Administrative Hearings, Minnesota Rules 1400.5010 to 1400.8400. Failure to attend a hearing in this matter after being duly notified may result in the allegations of this Order being taken as true.

Dated: May 14, 2015

BOARD OF VETERINARY MEDICINE
Complaint Review Committee

By: 
JULIA H. WILSON, D.V.M.
Executive Director