BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of
Stephen A. Lavallee, D.V.M.
License Number: 02601

STIPULATION AND ORDER

STIPULATION

Stephen A. Lavallee, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine ("Board"), by its Complaint Review Committee ("Committee"), agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Board is authorized pursuant to Minnesota Statutes sections 156.001 to 156.20 to license and regulate veterinarians and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice veterinary medicine in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

REPRESENTATION

3. After a thorough review of the file, the Committee determined that this matter could be resolved by mail. Licensee was advised by the Board's representatives that he may choose to be represented by legal counsel in this matter. However, Licensee elected to forgo legal representation. The Committee was represented by Bryan D. Huffman, Assistant Attorney General.

III.

FACTS

4. For purposes of Board of Veterinary Medicine proceedings only and without prejudice to Licensee in a proceeding in any other forum, the Board may consider the following as true:

a. Licensee was licensed by the Board to practice veterinary medicine in the State of Minnesota on September 19, 2001.

b. Veterinarians licensed in Minnesota must renew their licenses on a biennial basis. Licensees on active status must, at the time of license renewal, certify their completion of 40 hours of veterinary continuing education ("CE") for the previous two-year period.

c. In accordance with Minnesota Rules 9100.1000, the Board conducted a routine audit of CE compliance for the two-year licensure period, and Licensee was among those veterinarians randomly selected for auditing.

d. On June 20, 2013, Licensee first submitted the 2013 CE Audit Form to the Board without the required documentation proving attendance. Additional documents were provided on July 15, 2013. Licensee could not provide documentation of completion of 40 hours of approved CE for the licensure period, and the completed forms indicated that Licensee did not meet the continuing education requirements for license renewal.

IV.

LAWS

5. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minn. Stat. § 156.081, subd. 2(12), and Minn. R. 9100.1000, subp. 8.C(1) and (2), and are sufficient grounds for the remedy set forth below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following **CONDITIONS**:

6. Licensee must pay a $1,000 administrative penalty to the Board. Payment must be sent to the Board of Veterinary Medicine c/o Julia Wilson, D.V.M., Executive Director, 2829 University Avenue S.E., Suite 540, Minneapolis, MN 55414, and is due no later than 60 days from the date of this Order.

7. Within six months of the date of this Order, Licensee must complete and provide documentation to the Board of his completion of at least 18 hours of additional interactive veterinary continuing education to make up the missing hours for the March 1, 2011, through February 28, 2013, licensure period and provide satisfactory evidence of this continuing education to the Board. These hours will not count toward the 40 hours of continuing education required for the March 1, 2013, through February 28, 2015, licensure period.

8. The Board may, in its discretion, audit Licensee's continuing education compliance for the March 1, 2013, through February 28, 2015, licensure period.

9. Upon completing the terms and conditions of this Stipulation, Licensee may petition the Board for an unconditional license. Upon petitioning, Licensee may be required to

meet with the Committee, which will then make a recommendation to the full Board regarding Licensee's petition. Upon hearing Licensee's petition, the Board may issue Licensee an unconditional license, continue or modify the conditions set forth in this document, or deny Licensee's petition.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. If Licensee fails to comply with or violates this Stipulation and Order the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee must schedule a hearing before the Board. At least 20 days before the hearing, the Committee must mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice must designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee must submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument may not refer to matters outside the record. The evidentiary record must be limited to the affidavits submitted prior to the

hearing and this Stipulation and Order. Unless stated otherwise in this Stipulation and Order, the Committee will have the burden of proving by a preponderance of the evidence that a violation has occurred. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but will not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including suspending, revocation, or limitation of Licensee's license.

f. Nothing herein limits the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 156.126, based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

11. If the Committee proves by a preponderance of the evidence that Licensee has violated this Stipulation and Order, the Board may require Licensee to pay costs of the proceedings. The costs of the proceedings may include the cost paid by the Board to the Office of the Attorney General for investigative and legal services, the cost of reproducing records and

documents, Board staff time, travel costs and expenses, and Board members' per diem reimbursements, travel costs, and expenses.

VII.

ADDITIONAL INFORMATION

12. In the event Licensee leaves Minnesota to reside or to practice outside of the state, Licensee must give the Board written notification of the new location, as well as dates of departure and return. If Licensee leaves the state, the terms of this order continue to apply unless waived by the Board in writing.

13. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

14. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

15. This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

16. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

17. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the

Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

18. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

19. This Stipulation and Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

20. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to all entities and data banks as required by Federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

21. The parties consider this Stipulation and Order a settlement document under Rule 408 of the Federal Rules of Evidence and Rule 408 of the Minnesota Rules of Evidence.

The parties contemplate that this Stipulation and Order shall be inadmissible in any civil or criminal proceeding outside of this administrative health licensing proceeding.

22. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

BOARD OF VETERINARY MEDICINE
COMPLAINT REVIEW COMMITTEE

STEPHEN A. LAVALLEE, D.V.M.
Licensee

Dated: 9/28/13

MICHELLE VAUGHN, D.V.M. for MV
Committee Member

Dated: 9/27/13

ORDER

Upon consideration of the Stipulation and all the files, records and proceedings herein, the terms of the Stipulation are approved and adopted, and the recommended remedy set forth in the Stipulation is hereby issued as an Order of this Board effective this ~~27~~ 27th day of September, 2013.

MINNESOTA BOARD
OF VETERINARY MEDICINE

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