

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of Linda McAllister

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

TO: Linda McAllister, Adorabull French Bulldogs, 6160-76th Avenue N.E.,
Remer, MN 56672

Minnesota law prohibits any person from practicing veterinary medicine without having first secured a veterinary license or temporary permit, as provided in Minn. Stat. ch. 156, unless the person is exempt from such licensing requirements.

The practice of veterinary medicine is defined in Minn. Stat. § 156.12, subd. 1, as follows:

Subdivision 1. **Practice.** 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. The practice shall not be construed to include the dehorning of cattle and goats or the castration of cattle, swine, goats, and sheep, or the docking of sheep.

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

1. Linda McAllister (Respondent) is not now and never has been licensed to practice veterinary medicine in the State of Minnesota and is not exempt from the licensure requirements set forth in Minn. Stat. ch. 156.

2. On or about July 20, 2005, D.J. purchased a female French Bulldog puppy from Respondent, who owns a dog breeding business called Adorabull French Bulldogs. The puppy was suffering from a prolapsed uterus and died after a veterinarian performed surgery to correct this condition.

3. After D.J. informed Respondent that the female puppy had died, Respondent came to D.J.'s residence on or about July 21, 2005 with a new, replacement puppy, which was a neutered male.

4. Respondent told D.J. that she had just neutered the puppy but that D.J. should not tell anyone.

5. Respondent presented D.J. with a Health Record of the puppy. The health record included an entry stating that the puppy was neutered on July 21st.

6. Respondent, by the above conduct, engaged in the practice of veterinary medicine without a license, in violation of Minn. Stat. § 156.10, and should therefore be ordered to cease and desist from further violations thereof.

7. The following Order is in the public interest and is necessary to protect the public health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 156.15, that Respondent shall cease and desist from neutering any puppy and from otherwise engaging in any act or practice that constitutes the practice of veterinary medicine in the State of Minnesota until compliance with Minn. Stat. ch. 156 is achieved, including licensure as a veterinarian.

IT IS FURTHER ORDERED, pursuant to Minn. Stat. § 156.15, subd. 3, that Respondent may request a hearing in this matter. Such request shall be made in writing and delivered to the Complaint Review Committee (Committee) of the Board of Veterinary Medicine

(Board), 2829 University Avenue S.E., 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. If no hearing is requested by Respondent within thirty (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 Minn. Stat. § 156.15, subd. 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, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, Telephone: (612) 341-7600. 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 Minn. Stat. §§ 14.57-14.69 and the Rules of the Office of Administrative Hearings, Minn. R. 1400.5100-1400.8401. Failure to attend a hearing in this matter after being duly notified may result in the allegations of this Order being taken as true. Questions concerning the issues raised in this Order, informal disposition of

this proceeding or discovery may be directed to Assistant Attorney General Susan E. Damon,
1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, Telephone:
(651) 297-4010.

Dated: 7, February 2006

BOARD OF VETERINARY MEDICINE
Complaint Review Committee

By: John King DVM
JOHN KING, D.V.M.
Executive Director

2829 University Avenue S.E., Suite 540
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AG: #1555496-v1