

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of Mike Brennan

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

TO: Mike Brennan, 8746 Cedar Avenue West, Farmington, MN 55121

1. 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.

2. Mike Brennan (“Respondent”) is not currently and never has been licensed to practice veterinary medicine in the State of Minnesota.

3. 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.

4. Minnesota Statutes section 156.12, subd. 3, provides that “[a]ny person who sells or offers to apply any prescription drug, biologic preparation, including sera, vaccines, bacterins, tuberculin, mallein, johnin, or any other agent for the treatment, vaccination, or testing of any animal belonging to another, shall be engaged in the practice of veterinary medicine.”

5. Between June 5 and June 29, 2005, Respondent performed obstetrical procedures on a mare owned by Client #1 while the horse was stabled at a facility located in Hastings, Minnesota. Respondent’s invoice to Client #1 dated July 10, 2005 shows that on five occasions

between June 5 and June 28, 2005, Respondent performed ultrasounds on the mare to determine the size of the mare's ovaries. The invoice also shows that Respondent gave the mare intermuscular injections of Prostin, a prescription drug that is used to induce ovulation, on three occasions between June 9 and June 24, 2005, and administered HCG, a prescription drug also used to induce ovulation, intravenously to the mare on June 29, 2005.

6. Respondent, by the above-referenced conduct, has engaged in the practice of veterinary medicine in Minnesota without a license, in violation of Minn. Stat. § 156.10, and should therefore be ordered to cease and desist from violating this statute.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 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 Minn. Stat. § 156.12, subd. 1.

IT IS FURTHER ORDERED, pursuant to Minn. Stat. § 156.15, subds. 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 ("Committee") of the Board of Veterinary Medicine ("Board"), 2829 University Avenue S.E., Suite 540, 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 Minn. Stat. § 156.15, subd. 4, 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 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. 1400.5100-1400.8400. Failure to attend a hearing in this matter after being duly notified may result in the allegations of this Order being taken as true. 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 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, Telephone: (651) 297-4010.

Dated: 1-26-07

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
Minneapolis, MN 55414