

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Robert Eggerud, Unlicensed

STIPULATION AND ORDER

STIPULATION

Robert Eggerud (“Respondent”), and the Minnesota Board of Veterinary Medicine Complaint Review Committee (“Committee”) agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

The Minnesota Board of Veterinary Medicine (“Board”) is authorized under Minnesota Statutes chapter 156 to regulate the practice of veterinary medicine in the State of Minnesota, including by issuing cease and desist orders to persons who engage in the unauthorized practice of veterinary medicine.

II.

FACTS

The Board may consider the following facts as true:

A. Robert Eggerud is not currently 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.

B. Respondent entered into a Consent Cease and Desist Order (“Consent Order”) issued by the Board on February 19, 2004, which resolved allegations that Respondent had engaged in the practice of veterinary medicine in and around Jasper, Minnesota by performing

veterinary services for animals owned by others, including stitching a dog, spaying a cat, administering vaccines and diagnosing the medical condition of a dog.

C. The February 19, 2004 Consent Order included the following provisions:

[6.] Respondent agrees that if he violates this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty against him of up to \$1,000 per violation in addition to any other remedies provided by law. Before imposing such a penalty, the Committee must provide Respondent with notice of the alleged violations and must further provide Respondent 30 days during which he may request a hearing at the Minnesota Office of Administrative Hearings to challenge the allegations.

[. . .]

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 156.15 (2002), that Respondent shall cease and desist from:

a. Engaging in any activity that constitutes the practice of veterinary medicine as defined in Minn. Stat. § 156.12, subs. 1 and 3, including, but not limited to, performing surgical procedures on animals, administering vaccines to animals he does not own, and/or diagnosing animals, whether or not Respondent receives payment for such services.

b. Any other conduct that violates Minn. Stat. § 156.12.

IT IS FURTHER ORDERED, that if Respondent violates this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty against him of up to \$1,000 per violation in addition to any other remedies provided by law in accordance with the terms set forth in paragraph 6 above.

D. Following issuance of the Consent Order Respondent continued to engage in activities that constitute the practice of veterinary medicine, including the following:

1. On or about July 2, 2004, Respondent went to the farm of KM to castrate KM's dog. Respondent gave the dog a sedative, which was apparently not effective. He gave the dog a second shot of sedative and the dog became drowsy. Subsequently, Respondent gave the dog a third shot of sedative and then took the dog to Respondent's residence to castrate him. Later that day, Respondent returned the dog to KM's farm, where the dog died without ever

recovering from the sedative. Respondent received and cashed a check for \$38 for castrating the dog.

2. On or about July 19, 2004, Respondent sedated and castrated four cats owned by DVS and IVS in rural Jasper, Minnesota. The cats did not wake up until the next morning and two of them suffered complications from the castration surgeries. Respondent received and cashed a check for \$116 for castrating the cats.

3. Respondent admits he castrated the dog and the four cats and that he received compensation for doing so. Respondent stated he used Acepromazine from the veterinary practice of his late uncle to sedate the dog. Respondent also admitted he gave amoxicillin to a dog owned by DVS and IVS in June 2004 to treat the dog for a cold.

E. On October 19, 2004, Respondent was served a Notice of Alleged Violations of Consent Cease and Desist Order, Right to Hearing and Civil Penalty (“Notice”). The Notice alleged Respondent engaged in the activities described in paragraph D above, and advised Respondent of his right to request a hearing at the Office of Administrative Hearings to challenge the allegations. The Notice also advised Respondent that if he failed to request a hearing within 30 days, the allegations would be deemed true and the Board, after conducting a hearing on the matter whether to impose a civil penalty, would be authorized to impose a civil penalty of up to \$1,000 for each violation of the Consent Order.

F. On November 22, 2004, Respondent contacted the Board’s attorney and stated he did not want a hearing at the Office of Administrative Hearings and requested settlement of this matter in lieu of a Board hearing on a civil penalty.

G. Respondent admits he engaged in the activities alleged in the Notice and paragraph D above, that such conduct is the unauthorized practice of veterinary medicine and

that such conduct comprises at least six violations of the Consent Order issued by the Board on February 19, 2004. The Consent Order authorizes the Board to impose a \$6,000 civil penalty on Respondent for these violations.

H. On December 8, 2004, the Board received a new complaint alleging that Respondent had engaged in additional instances of unlicensed veterinary practice after the February 19, 2004 Consent Order was issued. The complaint alleged as follows:

1. Respondent administered Banamine, B-Complex and Penicillin to a cat owned by JM of Jasper, Minnesota on November 29, November 30 and December 3, 2004, and charged JM a total of \$23.50 for these treatments. The cat developed an injection site reaction/necrosis due to the intermuscular injections of Banamine. On December 2, 2004, the cat was taken to a veterinary clinic for treatment of the area of tissue necrosis/abscess at the injection site.

2. Respondent performed vaccinations on three-day-old puppies and told the owner that the puppies would be “protected” for six months.

I. Respondent admits the factual allegations set forth in paragraph II.H, admits that his treatment of the cat and the puppies constituted the unlicensed practice of veterinary medicine and agrees that the Consent Order authorizes the Board to impose a civil penalty of up to \$1,000 for each act of the unlicensed practice of veterinary medicine referenced in paragraph II.H.

III.

LAWS

Based on the foregoing facts, the Board concludes that Respondent engaged in the unauthorized practice of veterinary medicine (*see* Minn. Stat. §§ 156.10 and 156.12) and violated

the Consent Order issued to him by the Board on February 19, 2004. Respondent agrees that the Board has a sufficient basis in fact and in law to impose the remedy set forth below.

IV.

REMEDY

A. Respondent shall cease and desist from:

1. Engaging in any activity that constitutes the practice of veterinary medicine as defined in Minn. Stat. § 156.12, subs. 1 and 3, including, but not limited to, performing surgical procedures on animals, administering vaccines or other treatments to animals he does not own, and/or diagnosing animals, whether or not Respondent receives payment for such services.

2. Any other conduct that violates Minn. Stat. § 156.12.

B. Respondent shall pay a civil penalty, as follows:

1. Respondent shall pay to the Board a civil penalty in the amount of \$8,000, provided that payment of \$3,000 of the civil penalty is stayed so long as Respondent remains in compliance with the Consent Order and this Stipulation and Order, as set forth in section V below.

2. Respondent may remit the entire \$5,000 civil penalty due to the Board upon execution of this Stipulation and Order in one lump sum. In the alternative, Respondent may pay the civil penalty in installments of \$100 per month for a period of 50 months. Payments of monthly installments shall be made on or before the first day of each month, beginning March 1, 2005. All payments shall be made by certified check, cashier's check, or money order payable to the Minnesota Board of Veterinary Medicine.

C. The Consent Order issued to Respondent February 19, 2004, and this Stipulation and Order remain in effect until such time as they are modified or vacated by the Board.

V.

CONSEQUENCES OF A VIOLATION OF THIS STIPULATION AND ORDER

A. Respondent agrees that if he violates this Stipulation and Order, the procedures set forth in paragraph 6 of Consent Order shall apply.

B. If, after complying with the procedures set forth in paragraph 6 of Consent Order, the Board determines Respondent has violated the Consent Order and this Stipulation and Order by engaging in the unauthorized practice of veterinary medicine, Respondent shall be required immediately to pay to the Board any remaining civil penalty payments due under paragraph IV.B.2 of this Stipulation and Order, and a civil penalty for the additional violation(s) of the Consent Order and this Stipulation and Order. Further, the stay of \$3,000 of the civil penalty under this Stipulation and Order shall be revoked and the \$3,000 will be immediately payable to the Board by Respondent.

C. Nothing herein shall limit the Board's authority under Minn. Stat. § 214.11 to bring an action in district court to obtain an injunction or a temporary restraining order against Respondent for any unauthorized practice of veterinary medicine. Nothing herein shall prevent the Board from referring any information and allegations of unlawful practice of veterinary medicine by Respondent to the appropriate law enforcement authority for prosecution as a gross misdemeanor under Minn. Stat. § 156.10.

VI.

ADDITIONAL INFORMATION

A. Respondent knowingly and voluntarily waives a contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, rules or the February 19, 2004 Consent Order.

B. Respondent knowingly and voluntarily waives any and all 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 Respondent.

C. 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.

D. Respondent was advised of his right to be represented by counsel in this matter and knowingly and voluntarily waived that right.

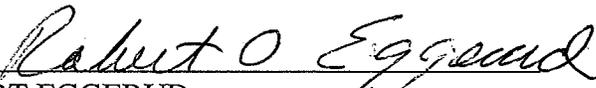
E. Respondent has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Respondent is aware that this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Order will take effect and the Order as modified will be issued. If the changes are unacceptable to Respondent or if the Board rejects the Stipulation and Order, it will be of no effect except as specified in paragraph F below.

F. Respondent 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, Respondent

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.

G. This Stipulation and Order shall not limit the Board's authority to proceed against Respondent by any means authorized by law on the basis of any act, conduct, or omission of Respondent which constitutes the unlicensed practice of veterinary medicine and which is not directly related to the specific facts and circumstances set forth in this document or in the February 19, 2004 Consent Order.

H. This Order and the Stipulation of which it is part shall be deemed to be a public document.



ROBERT EGGERUD
Respondent

Dated: Dec 20, 2004

ORDER

Upon consideration of the Stipulation and all the files, records and proceedings herein, the terms of the Stipulation are approved, adopted and hereby issued as an Order of this Board effective this 2 day of February, 2005.

MINNESOTA BOARD
OF VETERINARY MEDICINE



JOHN KING, D.V.M.
Executive Director

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