STATE OF MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of
Lawrence Gunderson
Unlicensed

CEASE AND DESIST ORDER AND NOTICE OF RIGHT TO HEARING

TO: Lawrence Gunderson ("Respondent") and his attorney, Jim Clark, 1937 Second Avenue East, Hibbing, Minnesota 55746.

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.

The practice of veterinary medicine is defined in Minnesota Statutes section 156.12, subdivision 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 of veterinary medicine includes animal chiropractic. Animal chiropractic is defined in Minnesota Statutes section 148.01, subdivision 1(2), as: "Identifying and resolving vertebral subluxation complexes, spinal manipulation, and manipulation of the extremity articulations of nonhuman vertebrates." Animal chiropractic may only be performed by a licensed and registered chiropractor with a veterinary referral under section 148.01, subdivision 1a, or by a licensed veterinarian. Minn. Stat. sections 148.01, subd. 1a, and 156.12, subd. 2(j).

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. Respondent is not now and has never been a licensed chiropractor authorized to perform animal chiropractic in the State of Minnesota and is not exempt from the licensure requirements set forth in Minnesota Statutes sections 148.01 to 148.108.

3. On August 13, 2008, the Board received a complaint alleging Respondent was engaged in the unlawful practice of veterinary medicine (animal chiropractic).

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: Respondent administers medications and animal chiropractic services to horses. Respondent tells horse owners that their horse is out of adjustment and then adjusts the horse. Respondent charges $85.00 for his services and frequently performs these services at barrel racing events.

6. Respondent, by the conduct referenced in paragraph 5 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 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 Minnesota Statutes section 156.15, subdivision 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 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 1400.5100 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. Questions concerning the issues raised in this Order, informal disposition of this proceeding, or discovery may be directed to Daphne A. Lundstrom, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1391.

Dated: July 6, 2010

BOARD OF VETERINARY MEDICINE
Complaint Review Committee

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

2829 University Avenue SE, Suite 540
Minneapolis, MN 55414

AG: #2598146-v1