

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Richard V. Huston, D.V.M.
License No. C4363

**STIPULATION AND ORDER
FOR VOLUNTARY SURRENDER**

STIPULATION

Richard V. Huston, D.V.M. (“Licensee”), 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 pursuant to Minn. Stat. ch. 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

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.

COMPLAINT REVIEW COMMITTEE

The Complaint Review Committee that negotiated this Stipulation with Licensee is composed of Joanne Schulman, D.V.M., Sharon Todoroff, and John King, D.V.M., Executive Director of the Board. Daphne A. Lundstrom, Assistant Attorney General, represented the Committee in this matter. Licensee was advised of his right to be represented by legal counsel and knowingly and voluntarily waived that right.

III.

FACTS

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:

1. Licensee was initially licensed by the Board to practice veterinary medicine in the State of Minnesota on July 9, 1963.

2. 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 for the previous two-year period.

3. On December 19, 2008, Licensee submitted an online Application for Biennial License Renewal for the period March 1, 2009, through February 28, 2011 (“Application”). On the Application, Licensee certified that he had completed 40 hours of veterinary continuing education (“CE”) during the March 1, 2007, through February 28, 2009, licensure period.

4. In accordance with Minn. R. 9100.1000, the Board conducted a routine audit of CE compliance for the March 1, 2007, through February 28, 2009, licensure period, and Licensee was among those veterinarians randomly selected for auditing.

5. Licensee submitted the 2009 CE Audit Form to the Board 11 days after the deadline. Licensee could not provide documentation of completion of 40 hours of approved CE for the 2007-2009 licensure period and the completed form indicated that Licensee did not meet the continuing education requirements for license renewal.

6. On November 20, 2009, the Board received a letter from Licensee asking to surrender his license to practice veterinary medicine.

IV.

LAWS

7. Licensee acknowledges that the facts and conduct described in section IV above constitute violations of Minn. Stat. § 156.081, subd. 2(12), Minn. R. 9100.1000, subp. 8, and Minn. Stat. § 156.081, subd. 2(17) and are sufficient grounds for the remedy set forth below.

V.

REMEDY

Based on the foregoing facts and violations, the Board takes the following disciplinary action against Licensee:

8. Licensee shall pay to the Board a \$500 administrative penalty. Payment shall be sent to the Board of Veterinary Medicine c/o John King, 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.

9. The Board accepts Licensee's **VOLUNTARY SURRENDER** of his license to practice veterinary medicine. Licensee shall not hereafter engage in any act which constitutes the practice of veterinary medicine as defined in Minn. Stat. ch. 156 and shall not imply by words or conduct that Licensee is authorized to practice veterinary medicine.

10. Licensee shall surrender his license to the Board. Licensee shall personally deliver or mail his license to the Minnesota Board of Veterinary Medicine, c/o John King, Executive Director, 2829 University Avenue S.E., Suite 540, Minneapolis, Minnesota 55414.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

11. If Licensee fails to comply with or violates this Stipulation and Consent Order, Minnesota Statutes chapter 156 (2008) or Minnesota Rules chapter 9100 (2007), the Committee

may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 (2008) or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days prior to the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall 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 the 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 shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. 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 shall 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 this order is in effect.

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 revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 156.126, subdivision 3 (2008), based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

12. 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.

13. 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 Consent Order, which may otherwise be available to Licensee.

14. This Stipulation and Consent 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.

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

16. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent 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 Consent Order, it will be of no effect except as specified in the following paragraph.

17. Licensee agrees that if the Board rejects this Stipulation and Consent 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 Consent Order or of any records relating to it.

18. This Stipulation and Consent Order shall 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

19. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5 (2008). Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy.

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



RICHARD V. HUSTON, D.V.M.
Licensee

Dated: Jan 14, 2010

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 9 day of February, 2010.

MINNESOTA BOARD
OF VETERINARY MEDICINE



JOHN KING, D.V.M.
Executive Director

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