

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Marshmallow Foundation, *Unlicensed*

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

TO: Marshmallow Foundation, *Unlicensed* (“Respondent”), 1478 Mallard Street, Detroit Lakes, Minnesota 56501.

1. It is a gross misdemeanor for any person to practice veterinary medicine without a veterinary license. *See* Minn. Stat. § 156.10.

2. In part, Minnesota Statutes section 156.12, subdivision 1, provides that:

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.

3. In part, Minnesota Statutes section 156.18, subdivision 1(a), provides that:

A person may not dispense a veterinary prescription drug to a client without a prescription or other veterinary authorization. A person may not make extra-label use of an animal or human drug for an animal without a prescription from a veterinarian.

4. Respondent does not employ any veterinarians but keeps a stockpile of medications on site to administer and dispense to animals. In particular, Respondent dispenses cephalexin to animals without a valid prescription.

5. The Board, by its Complaint Review Committee (“Committee”), has substantiated that Respondent: (1) engaged in the unlicensed practice of veterinary medicine and (2) illegally dispensed prescription drugs. As a result, the Committee has determined that Respondent’s conduct constitutes a violation of Minnesota Statutes sections 156.10, 156.12, and 156.18.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minnesota Statutes section 156.15, that Respondent must immediately cease and desist: (1) the unlicensed practice of veterinary medicine and (2) improperly dispensing prescription drugs.

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 must be made within 30 days of service of this Order, must be in writing, and must be delivered to the Complaint Review Committee of the Minnesota Board of Veterinary Medicine, 2829 University Avenue SE, Suite 401, Minneapolis, MN 55414. A hearing, if requested by Respondent, must be held no later than 30 days after the written request for the hearing is received by the Committee. If Respondent does not request a hearing, this Order will become final and will remain in effect until it is modified or vacated by the Board in accordance with Minnesota Statutes section 156.15, subdivision 5.

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 in accordance with 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 Bryan D. Huffman, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1439.

Dated: 2/24/14

BOARD OF VETERINARY MEDICINE
Complaint Review Committee

By: 

JULIA H. WILSON, D.V.M.
Executive Director
2829 University Avenue SE, Suite 401
Minneapolis, MN 55414