

STATE OF MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of
Dan Palmer and Janelle Palmer
(Unlicensed)

CONSENT CEASE AND DESIST ORDER

TO: Dan Palmer and Janelle Palmer (“Respondents”), and their attorney, Joseph L. Hammell,
P.O. Box 149, Sprague National Bank Building, Caledonia, Minnesota 55921

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.

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.

Pursuant to the above-referenced statutes, the Minnesota Board of Veterinary Medicine (“Board”), by its Complaint Review Committee (“Committee”), has determined as follows:

1. Respondents are not now and never have been licensed to practice veterinary medicine in the State of Minnesota and are not exempt from the licensure requirements set forth in Minn. Stat. ch. 156.

2. In November 2007, the Board received information that Respondents were advertising and operating an embryo transfer business and offering ultrasound technician work.

3. The embryo transfer process involves various procedures that constitute the practice of veterinary medicine, including prescribing and/or administering various hormones for the reproductive management and super ovulation of embryo donors, the use of invasive medical techniques to recover embryos from the donor cow and administration of epidural anesthesia and tranquilization to perform the embryo recovery, and the diagnosis and treatment of reproductive conditions in the embryo donor and recipient.

4. Advertisements for Respondents' embryo transfer business offer embryos for sale at auction. During his interview with an investigator from the Minnesota Attorney General's Office, Mr. Palmer admitted he performs embryo transplant work and is not a veterinarian.

5. The Committee alleges that Respondents, by the conduct referenced in paragraphs 1 to 4 above, have engaged in and/or threatened to engage in the practice of veterinary medicine in Minnesota without a license, in violation of Minn. Stat. § 156.10.

6. The Committee has advised Respondents that it is prepared to commence formal action pursuant to Minn. Stat. §§ 156.15 and 214.11 based on allegations that they have engaged in the practice of veterinary medicine in the State of Minnesota without a license, in violation of Minn. Stat. § 156.10.

7. Respondents are represented by Joseph L. Hammell, Attorney at Law, P.O. Box 149, Sprague National Bank Building, Caledonia, MN 55921. Respondents acknowledge that they have been advised of their right to a hearing or trial, to present argument to the Board or court, and to appeal from any adverse determination after a hearing or trial, and Respondents waive those rights.

8. Respondents have agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 and Minn. R. 1400.5900.

9. Respondents have further agreed that if they violate this Consent Cease and Desist Order, the Board is authorized to impose a civil penalty of up to \$1000 per violation in addition to any other remedies provided by law. Before imposing such a penalty, the Committee shall provide Respondents with notice of the alleged violations and shall further provide Respondents 30 days during which they may request a hearing at the Minnesota Office of Administrative Hearings to challenge the allegations.

10. Respondents understand that this Consent Cease and Desist Order is classified as a public document in accordance with the Minnesota Government Data Practices Act, Minn. Stat. ch. 13.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 156.15, that Respondents shall cease and desist from engaging in any conduct in the State of Minnesota, for any individual or entity located in the State of Minnesota, that constitutes the practice of veterinary medicine as defined by Minn. Stat. ch. 156, with the exception of authorized activities under Minn. Stat. § 156.12, subd. 2(d). However, ownership of an animal may not be transferred for the purposes of circumventing this Order or Minn. ch. 156.

IT IS FURTHER ORDERED that if Respondents violate this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty of up to \$1000 per violation in addition to any other remedies provided by law.

IT IS FURTHER ORDERED that this Consent Cease and Desist Order shall remain in effect until such time as it is modified or vacated by the Board.

This Order shall be effective upon signature on behalf of the Board.

Dated: 10-21-08

BOARD OF VETERINARY MEDICINE

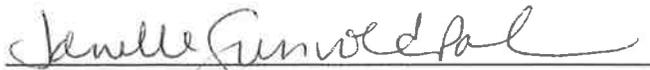
By: 
JOHN KING, D.V.M.
Executive Director

CONSENT TO ENTRY OF ORDER

The undersigned, Dan Palmer and Janelle Palmer, state that they have read this Consent Cease and Desist Order; that they know and fully understand its contents and effect; that they have been advised of their right to a hearing; that they have been represented by Joseph L. Hammell, Attorney at Law, P.O. Box 149, Sprague National Bank Building, Caledonia, MN 55921; and that they consent to entry of this Consent Cease and Desist Order by the Minnesota Board of Veterinary Medicine. This Consent Cease and Desist Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.



DAN PALMER
Respondent



JANELLE PALMER
Respondent

Dated: 10/23/08