

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Charles Lucien Peck, D.V.M.
License No. 13580

STIPULATION AND ORDER

STIPULATION

Charles Lucien Peck, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Complaint Review Committee") agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

A. The Minnesota Board of Veterinary Medicine ("Board") is authorized pursuant to Minnesota Statutes chapter 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

B. 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

A. The Complaint Review Committee that negotiated this Stipulation with Licensee is composed of John Lawrence, D.V.M., Board member, Meg Glattly, DVM, Board member and John King, D.V.M., Executive Director of the Board. Daphne A. Lundstrom, Assistant Attorney

General, represented the Complaint Review 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

A. 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 January 18, 1981.

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 15, 2009, Licensee submitted an online Application for Biennial License Renewal for the period March 1, 2010 through February 29, 2012 ("Application"). On the Application, Licensee certified that he had completed 40 hours of veterinary continuing education ("CE") during the March 1, 2008 through February 28, 2010 licensure period.

4. In accordance with Minn. R. 9100.1000, the Board conducted a routine audit of CE compliance for the March 1, 2008 through February 28, 2010 licensure period, and Licensee was among those veterinarians randomly selected for auditing

5. Licensee submitted the 2010 CE Audit Form to the Board. The completed form indicated that Licensee did meet the continuing education requirements for license renewal

however licensee was unable to provide documentation of attendance or registration of the listed continuing education courses.

6. During the course of the audit it was determined that licensee did not attend or register for the indicated continuing education courses listed on the 2010 CE Audit Form.

7. Licensee submitted false information to the Board.

IV.

LAWS

A. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minn. Stat. § 156.081, subd. 2(12) and Minn. R. 9100.1000, subp. 8.C(1) (failure to meet minimum continuing education credit hour requirements for biennial license renewal) and Minn. Stat. § 156.081, subd. 2(17) (making a false statement or misrepresentation to the board).

V.

REMEDY

A. The Board **REPRIMANDS** Licensee.

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

1. The Board imposes a **CIVIL PENALTY** in the amount of \$2500 for the conduct described in section III. above. The civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Veterinary Medicine and shall be delivered personally or by mail to the Minnesota Board of Veterinary Medicine, c/o John King,

D.V.M., Executive Director, 2829 University Avenue SE, Suite 540, Minneapolis, Minnesota 55414, within 60 days of the date of this Order.

2. Within six months from the date of this Order, Licensee shall complete and provide documentation to the Board of his completion of 40 additional veterinary continuing education hours to make up for the missing hours for the March 1, 2008 through February 28, 2010 licensure period and provide satisfactory evidence of this continuing education to the Board. These hours will not count toward the 40 hours of CE required for the March 1, 2010 through February 29, 2012 licensure period.

3. The Board, in its discretion, may audit Licensee's CE compliance for the March 1, 2010 through February 29, 2012 licensure period.

VI.

CONSEQUENCES OF A VIOLATION

A. *Hearing Before the Board.* If the Committee determines that Licensee has violated any term or condition of this Stipulation and Order, the Committee may schedule a hearing before the Board and serve on Licensee a Notice of Hearing for Alleged Non-Compliance with Stipulation and Order ("Notice"), which sets forth the allegations against Licensee and provides Licensee notice of the date, time and place of the hearing before the Board. The procedures set forth in paragraph VI.B below shall apply to the hearing.

B. *Hearing Procedures.* The following procedures shall apply:

1. *Response to Allegations in Notice.* At least seven days before the hearing, Licensee shall submit a written response to the allegations set forth in the Notice. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

2. *Hearing Before Board.* The Board shall hold a hearing before its own members in accordance with the procedures set forth in paragraph VI.B.3 below to determine

whether the allegations are true and, if so, whether to take additional disciplinary action against Licensee, which may include any of the forms of disciplinary action set forth in Minn. Stat. § 156.127.

3. *Evidence at Hearing/Burden of Proof/Waiver of Hearing Before Administrative Law Judge.* At the hearing before the Board, the Committee and Licensee may present affidavits made on personal knowledge or authenticated documents and may present argument based on such evidence in support of their positions. The record before the Board shall be limited to such affidavits, documents and this Stipulation and Order. The Committee shall file with the Board all evidence it intends to present at the hearing and shall serve a copy on Licensee at least 14 days before the hearing. Licensee shall file with the Board all evidence he intends to present at the hearing and shall serve a copy on the Committee at least seven days before the hearing. The Committee must prove by a preponderance of the evidence that Licensee has violated this Stipulation and Order. The Board shall issue a final order within 30 days of the hearing. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

4. *Costs.* If the Committee proves by a preponderance of the evidence that Licensee has violated this Stipulation and Order, the Board may require Licensee to pay costs of the proceedings. The costs of the proceedings may include the cost paid by the Board to the Office of the Attorney General for investigative and legal services, the cost of reproducing records and documents, Board staff time, travel costs and expenses, and Board members' per diem reimbursements, travel costs and expenses.

C. *Statutory Procedures.* Nothing herein shall limit the Committee's right to attempt to resolve an alleged violation of this Stipulation and Order through the procedures of Minn. Stat. § 214.103, subd. 6 or to initiate a contested case proceeding under Minn. Stat. ch. 14 based on an alleged violation of this Stipulation and Order.

VII.

ADDITIONAL INFORMATION

A. Licensee knowingly and voluntarily waives a 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.

B. Licensee 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 Licensee.

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

E. Licensee has read, understands and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware that this Stipulation and Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the Order as

modified will be issued. If the changes are unacceptable to Licensee or if the Board rejects the Stipulation and Order, it will be of no effect except as specified in paragraph VII.F.

F. Licensee 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, Licensee 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 Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission 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.

H. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minn. Stat. § 13.41, subd. 4.

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



Charles Lucien Peck, D.V.M.
Licensee

Dated: 10/6/2010, 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 8 day of February, ~~2010~~ 2011

MINNESOTA BOARD
OF VETERINARY MEDICINE

A handwritten signature in cursive script, appearing to read "John King, D.V.M.", written over a horizontal line.

JOHN KING, D.V.M.
Executive Director