

**STATE OF MINNESOTA**  
**BOARD OF VETERINARY MEDICINE**

In the Matter of Carol Schmitz

**CONSENT CEASE AND DESIST ORDER**

TO: Carol Schmitz, 18376 W. Sioux Vista Drive, Jordan, MN 55352

The Board of Veterinary Medicine ("Board") has determined as follows:

1. Carol Schmitz ("Respondent") is a dog breeder who resides in Jordan, Minnesota.
2. Respondent is not currently and never has been licensed to practice veterinary medicine in the State of Minnesota.
3. Minnesota Statutes section 156.12, subd. 1, defines the practice of veterinary medicine as follows:

The practice of veterinary medicine . . . 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.

4. Minnesota Statutes section 156.12, subd. 3, provides that "[a]ny person who sells or offers to apply any prescription drug, biologic preparation, including sera, vaccines, bacterins, tuberculin, mallein, johnin, or any other agent for the treatment, vaccination, or testing of any animal belonging to another, shall be engaged in the practice of veterinary medicine."

5. Although Minn. Stat. ch. 156 does not prohibit "the owner of an animal from caring for and administering to the animal belonging to the owner," Minn. Stat. § 156.12, subd. 2(d), this exemption from veterinary licensure requirements does not authorize an animal's owner to perform surgical procedures on the owner's animal.

6. The Complaint Review Committee ("Committee") of the Board has advised Respondent that it is prepared to commence formal action against her pursuant to Minn. Stat. §§ 156.15 and/or 214.11 (2004) based on allegations that she engaged in the practice of veterinary medicine in the State of Minnesota without a license, in violation of Minn. Stat. §§ 156.10 and 156.12 (2004), by the following conduct:

a. Respondent has purchased large bottles of Albon, a veterinary prescription drug, and has provided customers who purchase puppies from her with Ziploc bags containing tablets of the drug, along with instructions for use.

b. Respondent has performed surgical procedures, namely, dew claw removals and tail dockings, on puppies that belong to her.

7. Respondent acknowledges that she has been advised of her rights to a hearing or trial in this matter, to present argument to the Board or court and to appeal from any adverse determination after a hearing or trial, and Respondent waives those rights. Respondent further acknowledges that she has been represented by legal counsel in this matter.

8. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2004) and Minn. R. 1400.5900 (2005).

9. Respondent agrees that if she violates this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty against her of up to \$1,000 per violation in addition to any other remedies provided by law. Before imposing such a penalty, the Committee must provide Respondent with notice of the alleged violations and must further provide Respondent 30 days during which she may request a hearing at the Minnesota Office of Administrative Hearings to challenge the allegations.

10. Respondent understands 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.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. § 156.15 (2004), that Respondent shall cease and desist from engaging in any activity that constitutes the practice of veterinary medicine as defined in this Order. This Order specifically prohibits Respondent from the following conduct:

- a. Dispensing veterinary prescription drugs or providing instructions for the use of such drugs; and
- b. Performing dew claw removals or tail dockings on any puppy or other animal, even if the animal is owned by Respondent.

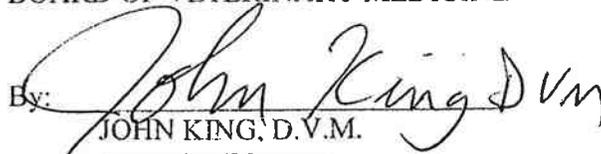
**IT IS FURTHER ORDERED**, that if Respondent violates this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty against Respondent of up to \$1,000 per violation in addition to any other remedies provided by law in accordance with the terms set forth in paragraph 9 above.

**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: 12-6-2006

BOARD OF VETERINARY MEDICINE

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

**CONSENT TO ENTRY OF ORDER**

The undersigned states that she has read this Consent Cease and Desist Order; that she knows and fully understands its contents and effect; that she has been advised of her right to a hearing; that she has been represented by legal counsel in this matter; and that she consents to entry of this Consent Cease and Desist Order by the 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.

Dated: 11/24/2006

  
CAROL SCHMITZ