

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

In the Matter of  
Richard D. Wiest, D.V.M.  
(Unlicensed in Minnesota)

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

TO: Richard D. Wiest ("Respondent"), D.V.M., P.O. Box 267, Trinidad, California 95570; P.O. Box 406, Brookings, Oregon 97415; and 8025 Highway 29, Kelseyville, California 98451.

The Minnesota Board of Veterinary Medicine has determined as follows:

1. Respondent is not currently and never has been licensed to practice veterinary medicine in the State of Minnesota.

2. Minnesota Statutes section 156.12 defines the practice of veterinary medicine, in relevant part, as follows:

[T]he 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.

3. Minnesota Statutes section 156.12, subdivision 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" is engaged in the practice of veterinary medicine.

4. The Complaint Review Committee ("Committee") of the Minnesota Board of Veterinary Medicine ("Board") has advised Respondent that it is prepared to commence formal action against him pursuant to Minnesota Statutes sections 156.15 and 214.11 based on

allegations that he has engaged in the practice of veterinary medicine in the State of Minnesota without a license, in violation of Minnesota Statutes section 156.10.

5. The Committee specifically alleges that during the weekend of June 26-27, 2010, Respondent sold or attempted to sell veterinary medications at a dog show in Cambridge, Minnesota. These included medications to prevent or treat heartworm, infections, pain and inflammation, digestive tract conditions, and fungal conditions.

6. The Board attempted to contact Respondent during its investigation into these allegations. Respondent failed to respond to the Board.

7. Respondent, by the conduct referenced above, has engaged in and/or threatened to engage in the practice of veterinary medicine in Minnesota without a license, in violation of Minnesota Statutes section 156.10, and should therefore be ordered to cease and desist from violating this statute.

### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minnesota Statutes section 156.15, Respondent must cease and desist from engaging in any act or practice in Minnesota that constitutes the practice of veterinary medicine as defined in Minnesota Statutes section 156.12, subdivision 1, including but not limited to selling or administering veterinary medications.

**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 shall be made in writing and delivered to the Complaint Review Committee of the Minnesota Board of Veterinary Medicine, 2829 University Avenue SE, Suite 540, Minneapolis, MN 55414, whereupon the Committee shall set a date for hearing within 30 days after its receipt of the

request unless Respondent and the Committee by agreement waive the 30-day time period. Pursuant to Minnesota Statutes section 156.15, subdivision 4, if no hearing is requested by Respondent within 30 days of service of this Order, this Order will become final and will remain in effect until it is modified or vacated by the Board.

**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 pursuant to 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, St. Paul, Minnesota 55101, 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 Daphne A. Lundstrom, Assistant Attorney General, 445 Minnesota Street, Suite 1400,  
St. Paul, Minnesota 55101-2131, telephone (651) 757-1391.

Dated: October 19, 2010

BOARD OF VETERINARY MEDICINE  
Complaint Review Committee

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

2829 University Avenue SE, Suite 540  
Minneapolis, MN 55414

AG: #2705972-v1