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Department of Business and Professional Regulation	
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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
BOARD OF VETERINARY MEDICINE,

Petitioner,

DBPR CASE NO. 2005-005136

vs.

DOAH Case No. 08-1606PL

THANDAVESHWAR MYSORE, D.V.M.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Veterinary Medicine (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on March 31, 2009, in Fort Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order and Respondent's Exceptions to the Recommended order (copies of which are attached hereto as Exhibits A and B) in the above-styled cause. Petitioner was represented by Elizabeth F Duffy, Assistant General Counsel. At trial, Respondent was represented by Martin McDonnell, Attorney at Law. At the hearing before the Board, Respondent was present, but not represented by counsel. Upon review of the Recommended Order, the argument of the parties and after a review of the complete record in this case, the Board makes the following findings and conclusions.

RULINGS ON RESPONDENT'S EXCEPTIONS


The Board reviewed and considered Respondent's Exceptions and ruled as follows:

1. **FIRST EXCEPTION:** Respondent filed an exception to the findings of fact contained in paragraph 19 of the Recommended Order. The Board hereby finds that the above-stated factual finding is based on competent substantial evidence. Based on the finding of the Board that the factual finding is based on competent substantial evidence, the Board denies Respondent's first exception.

2. **SECOND EXCEPTION:** Respondent filed an exception to the findings of fact contained in paragraph 20 of the Recommended Order. The Board hereby finds that the above-stated factual finding is based on competent substantial evidence. Based on the finding of the Board that the factual finding is based on competent substantial evidence, the Board denies Respondent's second exception. Therefore, Respondent's Second Exception is denied.

3. **THIRD EXCEPTION:** Respondent filed an exception to the findings of fact contained in paragraph 23 of the Recommended Order. The Board hereby finds that the above-stated factual finding is based on competent substantial evidence. Based on the finding of the Board that the factual finding is based on competent substantial evidence, the Board denies Respondent's third exception. Therefore, Respondent's Third Exception is denied.

4. **FOURTH EXCEPTION:** Respondent filed an exception to the findings of fact contained in paragraph 26 of the Recommended Order. The



Board hereby finds that the above-stated factual finding is based on competent substantial evidence. Based on the finding of the Board that the factual finding is based on competent substantial evidence, the Board denies Respondent's fourth exception. Therefore, Respondent's Fourth Exception is denied.

5. FIFTH EXCEPTION: Respondent filed an exception to the findings of fact contained in paragraph 58 of the Recommended Order. To the extent that this paragraph contains findings of fact, the Board denies this exception because the Board finds that there is competent substantial evidence in the record to support the Administrative Law Judge's findings of fact. To the extent that this exception sets forth conclusions of law, the Board does not concur with Respondent's position that veterinarians are not required to record, in the patient's medical record, the exact amount of drugs prescribed, administered, or dispensed. Therefore, Respondent's Fifth Exception is denied.

6. SIXTH EXCEPTION: Respondent filed an exception to the recommended penalty. The penalty recommendation of the Administrative Law Judge included placing Respondent's license to practice veterinary medicine on probation for one year, requiring that he pay a fine of \$2,500 and the costs of the investigation within thirty 30 days of the entry of the Final Order. Respondent submitted additional evidence regarding his financial situation. In light of the additional evidence submitted by Respondent and which was accepted by the Board in mitigation of the penalty, the Board granted Respondent's sixth exception to the extent that the Board extended the time period for payment of the fine and costs.

Petitioner advised the Board that the costs of investigation of this matter total two thousand seven hundred seventeen dollars and sixty-three cents (\$2,717.63).

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated by reference herein.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 474, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated by reference herein.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge is ACCEPTED with the modification resulting from the Board's acceptance of Respondent's Sixth Exception and modifies the penalty recommended by the Administrative Law Judge. WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that:

1. Respondent's license to practice veterinary medicine in the State of Florida shall be placed on probation for one (1) year.

2. Respondent shall pay a fine of two thousand five hundred dollars (\$2,500), within one (1) year of the filing date of this Final Order.

3. Respondent shall pay the costs of the investigation of this matter which total two thousand seven hundred seventeen dollars and sixty-three cents (\$2,717.63), within one (1) year of the filing date of this Final Order.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 17 day of April, 2009.

BOARD OF VETERINARY MEDICINE



ROBERT O'NEIL, D.V.M.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE FLORIDA DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: Thandaveshwar Mysore, D.V.M., 8904 North Military Trail, Palm Beach Gardens, Florida 33410-5858; Larry J. Sartin, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and Elizabeth F. Duffy, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 and Deborah B. Loucks, Assistant Attorney General, The Capitol, PL-01 Tallahassee, Florida 32399-1050, on April 22nd, 2009.

Brandon M. Nichols