

BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended
Accusation Against:

)
)
) Case No. AV 2012 44
)
)
)

Joseph Humble, DVM
Cuten Animal Hospital
4015 Walnut Drive, Suite B
Eureka, CA 95503

) Respondent.
)

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the
Veterinary Medical Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 16, 2014.

IT IS SO ORDERED June 16, 2014.

Tom Kendall

Tom Kendall, Board President
FOR THE VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA ROOM
Supervising Deputy Attorney General
3 BRETT A. KINGSBURY
Deputy Attorney General
4 State Bar No. 243744
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1192
6 Facsimile: (415) 703-5480
E-mail: Brett.Kingsbury@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **VETERINARY MEDICAL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the First Amended Accusation
Against:

Case No. AV 2012 44

12 **JOSEPH A. HUMBLE, DVM**
13 **CUTTEN ANIMAL HEALTH CENTER**
14 4015 Walnut Dr., Suite B
Eureka, California 95503

OAH No. 2013060467
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Veterinary License No. VET 8150**
16 **Premise Permit No. 4542**

17 Respondent.

18
19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Annemarie Del Mugnaio ("Complainant") is the Executive Officer of the Veterinary
24 Medical Board ("Board"). She succeeded, in her official capacity, the prior Executive Officer of
25 the Board as the Complainant in this action, and is represented in this matter by Kamala D.
26 Harris, Attorney General of the State of California, by Brett A. Kingsbury, Deputy Attorney
27 General.

1 the right to reconsideration and court review of an adverse decision; and all other rights accorded
2 by the California Administrative Procedure Act and other applicable laws.

3 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 CULPABILITY

6 10. Respondent understands and agrees that the charges and allegations in First Amended
7 Accusation No. AV 2012 44, if proven at a hearing, constitute cause for imposing discipline upon
8 his Veterinary License.

9 11. For the purpose of resolving the First Amended Accusation without the expense and
10 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
11 establish a factual basis for the charges in the First Amended Accusation, and that Respondent
12 hereby gives up his right to contest that factual basis and those charges.

13 12. Respondent agrees that his Veterinary License is subject to discipline and he agrees to
14 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

15 CONTINGENCY

16 13. This stipulation shall be subject to approval by the Board. Respondent understands
17 and agrees that counsel for Complainant and the staff of the Board may communicate directly
18 with the Board regarding this stipulation and settlement, without notice to or participation by
19 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
20 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
21 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
22 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
23 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
24 be disqualified from further action by having considered this matter.

25 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
26 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
27 signatures thereto, shall have the same force and effect as the originals.
28

1 Respondent shall comply with the Board's probation surveillance program. All costs for
2 probation monitoring and/or mandatory premises inspections shall be borne by Respondent.
3 Probation monitoring costs are set at a rate of \$100 per month for the duration of the probation.
4 Respondent shall notify the Board of any change of name or address or address of record within
5 thirty (30) days of the change. Respondent shall notify the Board immediately in writing if
6 Respondent leaves California to reside or practice in another state. Respondent shall notify the
7 Board immediately upon return to California.

8 **4. No Preceptorships or Supervision of Interns**

9 Respondent shall not supervise a registered intern and shall not perform any of the duties of
10 a preceptor.

11 **5. Notice to Employers**

12 Respondent shall notify all present and prospective employers of the decision in this case
13 and the terms, conditions, and restrictions imposed on Respondent by the decision in this case.
14 Within thirty (30) days of the effective date of this decision and within fifteen (15) days of
15 Respondent undertaking new employment, Respondent shall cause his or her employer to report
16 to the Board in writing, acknowledging the employer has read the First Amended Accusation and
17 decision in this case and understands Respondent's terms and conditions of probation. Relief
18 veterinarians shall notify employers immediately.

19 **6. Notice to Employees**

20 Respondent shall, upon or before the effective date of this decision, post or circulate a
21 notice which actually recites the offenses for which Respondent has been disciplined and the
22 terms and conditions of probation, to all registered veterinary employees, and to any preceptor,
23 intern or extern involved in his or her veterinary practice. Within fifteen (15) days of the effective
24 date of this decision, Respondent shall cause his/her employees to report to the Board in writing,
25 acknowledging the employees have read the First Amended Accusation and decision in the case
26 and understand Respondent's terms and conditions of probation.

27 **7. Owners and Officers (Corporations or Partnerships): Knowledge of the Law**

28 Respondent shall provide, within thirty (30) days after the effective date of the decision,

1 signed and dated statements from the owners, officers, or any owner or holder of ten percent
2 (10%) or more of the interest in Respondent or Respondent's stock, stating said individuals have
3 read and are familiar with federal and state laws and regulations governing the practice of
4 veterinary medicine.

5 **8. Tolling of Probation**

6 If Respondent resides out of state upon or after effective date of the decision, he or she must
7 comply with the following conditions only: quarterly reports and interviews, tolling of probation,
8 continuing education and cost recovery. If Respondent returns to California he or she must
9 comply or be subject to all probationary conditions for the period of probation.

10 Respondent, during probation, shall engage in the practice of veterinary medicine in
11 California for a minimum of 24 hours per week for six (6) consecutive months or as determined
12 by the Board. Should Respondent fail to engage in the practice of veterinary medicine in
13 California as set forth above, the time outside of the practice shall not apply to reduction of the
14 probationary terms.

15 **9. Violation of Probation**

16 If Respondent violates probation in any respect, the Board, after giving Respondent notice
17 and the opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. If an accusation or petition to revoke probation is filed against Respondent during
19 probation, or if the Attorney General's office has been requested to prepare any disciplinary
20 action against Respondent's license, the Board shall have continuing jurisdiction until the matter
21 is final, and the period of probation shall be extended until the matter is final.

22 **10. Completion of Probation**

23 All costs for probation monitoring and/or mandatory premises inspections shall be borne by
24 Respondent. Failure to pay all costs due shall result in an extension of probation until the matter
25 is resolved and costs paid. Upon successful completion of probation and all payment of all fees
26 due, Respondent's license will be fully restored.

27 **11. Cost Recovery and Payment of Fines**

28 Pursuant to Section 125.3 of the California Business and Professions Code Respondent

1 shall pay to the Board its enforcement costs in the amount of \$19,643.03. Respondent shall be
2 permitted to pay this amount under a payment plan.

3 Respondent shall make these payments as follows: Respondent shall pay the Board
4 \$468.00 per month of probation for the first 42 months of probation. FAILURE TO PAY THIS
5 AMOUNT TO THE BOARD WHEN DUE SHALL RESULT IN AUTOMATIC REVOCATION
6 OF THE LICENSE FORTHWITH, WITHOUT FURTHER NOTICE OR AN OPPORTUNITY
7 TO BE HEARD.

8 **12. Suspension – Individual License**

9 As part of probation, Respondent is suspended from the practice of veterinary medicine for
10 15 days, beginning the effective date of this decision. During said suspension, Respondent shall
11 not enter any veterinary hospital which is registered by the Board. Additionally, Respondent shall
12 not manage, administer, or be a consultant to any veterinary hospital or veterinarian during the
13 period of actual suspension and shall not engage in any veterinary-related service or activity.

14 **13. Suspension – Premises**

15 As part of probation, Premises License Number 4542, issued to Respondent, is suspended
16 for 15 days, beginning the effective date of this decision. During said period of suspension, said
17 premises may not be used by any party for any act constituting the practice of veterinary
18 medicine, surgery, dentistry, and/or the various branches thereof.

19 **14. Posted Notice of Suspension**

20 If suspension is ordered, Respondent shall post a notice of the Board's Order of Suspension,
21 in a place clearly visible to the public. The notice, provided by the Board, shall remain posted
22 during the entire period of actual suspension.

23 **15. Limitation on Practice/Inspections**

24 During probation, Respondent is prohibited from the following:

25 1. Practicing veterinary medicine from a location or mobile veterinary practice which does
26 not have a current premises permit issued by the Board; and

27 2. If Respondent is the owner or managing licensee of a veterinary practice, the following
28 probationary conditions apply:

1 (a) The location or mobile veterinary practice must not only have a current premises permit
2 issued by the Board, but must also be subject to inspections by a Board representative to
3 determine whether the location or veterinary practice meets minimum standards for a veterinary
4 practice. The inspections will be conducted on an announced or unannounced basis and shall be
5 held during normal business hours. The Board reserves the right to conduct these inspections on
6 at least a quarterly basis during probation. Respondent shall pay the Board for the cost of each
7 inspection, which is \$500. If the veterinary practice has two consecutive non-compliant
8 inspections, Respondent shall surrender the Premises Permit within ninety (90) days from the date
9 of the second consecutive non-compliant inspection.

10 (b) As a condition precedent to any Premises Permit issued to Respondent as Owner or
11 managing licensee, the location or mobile veterinary practice for which application is made shall
12 be inspected by a Board representative to determine whether the location or mobile veterinary
13 practice meets minimum standards for a veterinary practice. Respondent shall submit to the
14 Board, along with any premises permit application, a \$500 inspection fee.

15 **16. Continuing Education**

16 Within sixty (60) days of the effective date of this decision, and on an annual basis
17 thereafter, Respondent shall submit to the Board for its prior approval, an educational program or
18 course related to Respondent's specific area(s) of weakness which shall not be less than 20 hours
19 per year, for each year of probation. Upon successful completion of the course, Respondent shall
20 provide proof to the Board. This program shall be in addition to the Continuing Education
21 required of all licensees. All costs shall be borne by Respondent.

22 **17. Fine**

23 Respondent shall pay to the Board a fine in the amount of \$2,000.00 pursuant to Business
24 and Professions Code sections 4875 and 4883. Respondent shall make said payment within 30
25 days of the effective date of the decision.

26 Pursuant to Business and Professions Code Section 125.3, enforcement costs (investigative,
27 legal, and expert review), up to the time of the hearing, can be recovered.

28 **18. Ethics Training**

1 Respondent shall submit to the Board for its prior approval, ethics training courses for a
2 minimum of 45 hours of ethics training during the probationary period. At least 8 hours of ethics
3 courses must be taken each year of probation. Upon successful completion of each course, and
4 no later than three months following successful completion of each course, the Respondent shall
5 provide proof of attendance to the Board. All costs shall be borne by Respondent.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Steve R. Schwartz. I understand the stipulation and the effect it
9 will have on my Veterinary License. I enter into this Stipulated Settlement and Disciplinary
10 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
11 of the Veterinary Medical Board.

12
13 DATED: _____
14 JOSEPH A. HUMBLE
15 Respondent

16 I have read and fully discussed with Respondent Joseph A. Humble the terms and
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
18 I approve its form and content.

19
20 DATED: 4/3/14 _____
21 Steve R. Schwartz
22 Attorney for Respondent

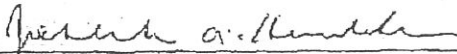
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1 Respondent shall submit to the Board for its prior approval, ethics training courses for a
2 minimum of 45 hours of ethics training during the probationary period. At least 8 hours of ethics
3 courses must be taken each year of probation. Upon successful completion of each course, and
4 no later than three months following successful completion of each course, the Respondent shall
5 provide proof of attendance to the Board. All costs shall be borne by Respondent.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Steve R. Schwartz. I understand the stipulation and the effect it
9 will have on my Veterinary License. I enter into this Stipulated Settlement and Disciplinary
10 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
11 of the Veterinary Medical Board.

12
13 DATED: 3 April 2014


14 JOSEPH A. HUMBLE
Respondent

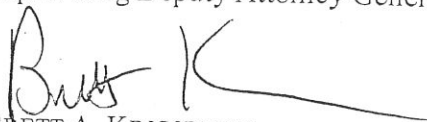
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Veterinary Medical Board.

Dated: April 11, 2014

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOSHUA ROOM
Supervising Deputy Attorney General


BRETT A. KINGSBURY
Deputy Attorney General
Attorneys for Complainant

SF2012401859
40933330.doc