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

In the Matter of the First Amended Accusation Against:

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

Respondent.

Case No. AV 2012 44

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, Board President
FOR THE VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against:

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

Veterinary License No. VET 8150
Premise Permit No. 4542

Respondent.

Case No. AV 2012 44
OAH No. 2013060467
STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

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

PARTIES

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

2. The Respondent, Joseph A. Humble, is the proprietor of the Cutten Animal Health Center, a veterinary practice located at 4015 Walnut Dr., Suite B, Eureka, California.

3. The Respondent is licensed to practice veterinary medicine in California, with a veterinary license number VET 8150.

4. The Respondent is required to comply with the laws and regulations governing the practice of veterinary medicine in California, including the Veterinary Medical Practice Act.

5. The Respondent has been accused of violating certain provisions of the Veterinary Medical Practice Act, as alleged in the First Amended Accusation.

6. The parties have agreed to settle the above-entitled matter by the Respondent's admission of guilt and acceptance of the allegations and findings of fact and law.

7. The Respondent hereby agrees to the following discipline:

   a. Suspension of the Respondent's veterinary license for a period of 12 months, effective immediately.

   b. Payment of the costs of the hearing and investigation, which includes attorney fees and expenses.

   c. Participation in a continuing education program focused on veterinary ethics and professional conduct.

8. The Respondent hereby waives his right to appeal the discipline imposed by this stipulation.

9. The Respondent acknowledges that this stipulation is voluntary and entered into freely and without coercion.

10. The Respondent further agrees to comply with all conditions of this stipulation and to refrain from future violations of the Veterinary Medical Practice Act.

11. The Respondent acknowledges that failure to comply with the terms of this stipulation may result in further disciplinary action by the Board.

12. This stipulation is binding on the parties and enforceable by the Board.

13. The parties further agree that the Board may seek to impose additional discipline if the Respondent fails to comply with the terms of this stipulation.

14. This stipulation is entered into for the purpose of resolving the matter and avoiding further litigation.

15. This stipulation is signed by the parties and their respective attorneys.

16. This stipulation is filed with the Board and is a public record.

17. This stipulation is entered into on [date].
2. Respondent Joseph A. Humble ("Respondent") is represented in this proceeding by attorney Steve R. Schwartz, whose address is: 215 N. Marengo Avenue, 3rd Floor, Pasadena, CA 91101-1504.

3. On or about December 10, 1982, the Board issued Veterinary License No. VET 8150 to Respondent. The Veterinary License was in full force and effect at all times relevant to the charges brought in this case and will expire on October 13, 2013, unless renewed.

4. On or about June 9, 1992, the Board issued Premise Permit Number 4542 to Cutten Animal Health Center ("Center"). Respondent is the Managing Licensee of the Center. The premise permit was in full force and effect at all times relevant to the charges brought herein and will expire on May 15, 2013, unless renewed.

**JURISDICTION**

5. Accusation No. AV 2012 44 was filed before the Board, Department of Consumer Affairs, on March 11, 2013, and was properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. A First Amended Accusation No. AV 2012 44 was filed on January 23, 2014, and was properly served on Respondent.

6. A copy of First Amended Accusation No. AV 2012 44 is attached as exhibit A and incorporated herein by reference.

**ADVISEMENT AND WAIVERS**

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. AV 2012 44. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents;
the right to reconsideration and court review of an adverse decision; and all other rights accorded
by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

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

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

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

CONTINGENCY

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

14. The parties understand and agree that Portable Document Format (PDF) and facsimile
copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
signatures thereto, shall have the same force and effect as the originals.
15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Veterinary License No. VET 8150 issued to Respondent Joseph A. Humble (Respondent), and Premise Permit No. 4542 issued to Respondent, are revoked. However, the revocations are stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. **Obey All Laws.**

   Respondent shall obey all federal and state laws and regulations substantially related to the practice of veterinary medicine. Further, within thirty (30) days of any arrest or conviction, Respondent shall report to the Board and provide proof of compliance with the terms and conditions of the court order including, but not limited to, probation and restitution requirements.

2. **Quarterly Reports and Interviews**

   Respondent shall report quarterly to the Board or its designee, under penalty of perjury, on forms provided by the Board, stating whether there has been compliance with all terms and conditions of probation. In addition, the Board at its discretion may request additional in-person reports of the probationary terms and conditions. If the final written quarterly report is not made as directed, the period of probation shall be extended until such time as the final report is received by the Board. Respondent shall make available all patient records, hospital records, books, logs, and other documents to the Board, upon request.

3. **Cooperation with Probation Surveillance**

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

4. No Preceptorships or Supervision of Interns

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

5. Notice to Employers

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

6. Notice to Employees

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

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

Respondent shall provide, within thirty (30) days after the effective date of the decision,
signed and dated statements from the owners, officers, or any owner or holder of ten percent (10%) or more of the interest in Respondent or Respondent's stock, stating said individuals have read and are familiar with federal and state laws and regulations governing the practice of veterinary medicine.

8. Tolling of Probation

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

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

9. Violation of Probation

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

10. Completion of Probation

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

11. Cost Recovery and Payment of Fines

Pursuant to Section 125.3 of the California Business and Professions Code Respondent
shall pay to the Board its enforcement costs in the amount of $19,643.03. Respondent shall be permitted to pay this amount under a payment plan.

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

12. Suspension – Individual License

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

13. Suspension – Premises

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

14. Posted Notice of Suspension

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

15. Limitation on Practice/Inspections

During probation, Respondent is prohibited from the following:

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

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

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

16. **Continuing Education**

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

17. **Fine**

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

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

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

ACCEPTANCE

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

DATED:  

JOSEPH A. HUMBLE  
Respondent

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

DATED: 4/3/14  

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

**ACCEPTANCE**

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DATED: 3 April 2014

JOSEPH A. HUMBLE
Respondent
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