

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

In the Matter of the Citation Against:

Carolyn Brill, Unlicensed,
Respondent.

Case No. 4602024000183

OAH No. 2025031062

DECISION

The attached Second Corrected Proposed Decision of the Administrative Law Judge is hereby adopted by the California Veterinary Medical Board, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective on December 26, 2025.

It is so ORDERED November 26, 2025.



Maria Preciosa S. Solacito, DVM, President
CALIFORNIA VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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

In the Matter of the Citation Against:

CAROLYN DAWN BRILL,

Respondent.

Agency Case No. 4602024000183

OAH No. 2025031062

SECOND CORRECTED PROPOSED DECISION

Administrative Law Judge Deena R. Ghaly, Office of Administrative Hearings (OAH), State of California, heard this matter on August 26, 2025, by videoconference.

Deputy Attorney General Vinodhini Ramagopal represented Complainant Jessica Sieferman, acting in her official capacity as the Executive Officer of the Veterinary Medical Board (Board). Respondent Carolyn Brill (respondent) represented herself and was present throughout the hearing.

Documentary evidence and testimony were received. The record closed and the matter was submitted for decision at the conclusion of the hearing.

The Proposed Decision was issued on September 25, 2025. A Corrected Proposed Decision was issued in response to a letter dated October 1, 2025,

requesting corrections from Board staff pursuant to California Code of Regulations, title 1 (Regulation), section 1048. On October 16, 2025, a Notice and Order of Correction listing the corrections made was issued concurrently with the Corrected Proposed Decision. On October 20, 2025, Board staff sent a second letter requesting corrections. The corrections requested were not opposed by either party and were granted. A Second Order of Correction listing the second set of corrections made herein and was issued concurrently with the Second Corrected Proposed Decision.

Respondent's Prehearing Motions

Prior to the hearing, respondent brought several motions seeking to dismiss the citation. The motions cited the following grounds for dismissal: (i) the factual allegation underlying the citation, that respondent advertised providing vaccination services for a fee, is not true and, even if true, is not a violation of any of the statutes and regulations the Board is authorized to enforce; (ii) the Board mischaracterized wording on respondent's advertisements and other communications; and (iii) the Board has no direct evidence of the alleged violation. Respondent brought other motions regarding late production of discovery and what she characterized as an invalid witness list as either additional grounds to dismiss the citation or to exclude the Board's evidence.

A motion to dismiss, requesting the judge find there are no reasonable grounds to sustain the claim of the moving party, regardless of the evidence presented, is common in civil and criminal proceedings but has no counterpart in administrative proceedings held pursuant to the Administrative Procedure Act (APA). The APA is codified at Government Code section 11400 et. seq.

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Under the APA, the ALJ sitting alone at hearing is acting in the capacity of a deputy of the referring agency and does not have final adjudicative authority. The ALJ prepares a proposed decision about the outstanding controversy between the parties to be reviewed and adopted in whole or in part or rejected by the referring agency.

There is a long-standing precedent establishing that, under these circumstances, an ALJ cannot dismiss claims based on pretrial dispositive motions such as motions to dismiss because granting such a ruling would undermine the agency's capacity and authority to separately review the ALJ's finding and make its own determination. (See *Frost v. State Personnel Bd.* (1961) 190 Cal.App.2d 1, 5; *Kramer v. State Bd. of Accountancy* (1962) 200 Cal.App.2d 163, 175.) The exception to this general rule is where there are no disputed material facts between the parties and no legal remedy available thus rendering conducting an evidentiary hearing futile. (*Duarte & Witting, Inc. v. New Motor Vehicle Bd.* (2002) 104 Cal.App. 4th 626.)

Here, as set forth in greater detail in the Factual Findings and Legal Conclusions below, there are both factual and legal disputes between the parties, including whether respondent's communication can be understood to mean she is offering vaccine administration services. Respondent's contentions that she did not receive discovery or a witness list prior to the hearing were credibly countered by complainant at the hearing. Under these circumstances, respondent's motions are denied. Respondent's substantive arguments underlying her motions, including whether there is sufficient evidence supporting the citation, have been considered as defenses in the preparation of the Proposed Decision and are addressed in the Factual Findings and Legal Conclusions below.

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SUMMARY

Complainant issued a citation to respondent alleging she engaged in the unlicensed practice of veterinary medicine by advertising she administers vaccines to animals for a fee. Respondent does not dispute that providing such a service would constitute the unauthorized practice of veterinary medicine but denies that this is what she was offering in her advertisements. Rather, respondent maintained she was only offering a vaccine delivery service.

Complainant proved by a preponderance of evidence that respondent was advertising vaccine administration services, not just vaccine delivery. Complainant's evidence was largely circumstantial; however, circumstantial evidence can and, in this case, was sufficient to prove the allegation against respondent.

Applying the Board's factors for determining an appropriate penalty amount, upholding the citation penalty amount of \$5,000 is warranted as is upholding the citation's order of abatement.

FACTUAL FINDINGS

Jurisdictional Matters

1. On March 28, 2024, complainant signed Citation Number 4602024000183 against respondent. The citation alleged respondent advertised performing veterinary services despite not being a licensed veterinarian. Specifically, the citation alleged that, between June 2023 and March 2024, respondent advertised on a social media site and through text messages that she can administer vaccines for a fee.

2. Respondent timely appealed the citation and this hearing ensued.

Complainant's Evidence

3. Veterinarian Kristian Joyce filed the complaint initiating the Board's investigation against respondent and resulting in the citation. Dr. Joyce testified at the hearing, stating that she viewed respondent's Facebook advertisements and related materials, which strongly suggested respondent was offering vaccine administration services. Dr. Joyce stated she felt it was her duty to report the issue to the Board because, as a veterinarian herself, she recognizes the inherent dangers when nonpractitioners administer vaccines. Specifically, nonpractitioners may not be able to recognize, much less treat an animal who develops an adverse reaction to a vaccine.

4. One of the advertisements Dr. Joyce reviewed read, "Services Offered We Come to You!" listed, among others, "*Vaccines* /\$Varies," (Exhs. 4 and 5.) Dr. Joyce also reviewed an undated online review of respondent's business, Mobile Pet Service, which expressly stated respondent provides vaccination services:

I'd seriously recommend this to anyone. She was super kind and helpful, she got my kitten done super fast. I was worried my kitten might flip out once the needle hit her but she didn't even flinch! She definitely knows what she's doing. If you aren't confident doing your own animals vaccines or chips, definitely give her a call.

(Exh. 6.)

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5. Other advertisements posted on social media under respondent's business's name, Mobile Pet Service, read in part: "If you need assistance in vaccinating your babies please feel free to reach out." (Exhs. 7 and 9.)

6. Department of Consumer Affairs Investigator Erika George was assigned to investigate respondent's case after the Board received Dr. Joyce's complaint. As part of her investigation, Investigator George posed as a potential client and contacted respondent over text, asking questions about her services. The exchanges between them include the following:

[Inv] Hey! My 2 dogs need to get vaccinated. Are u still out
of da San Bernardino place?

[R] Hi there [waiving hand emoji]

Thanks for reaching out. We are a mobile service, we don't
have a place. We do service San Bernardino. Have your
dogs received vaccines before or would this be the first
time?

[I] . . . [I]

[Inv] My cousin wants to know what shots can we get?

[R] There are many different options. If I could know if you
guys are going to be at the same location I can get you
accurate quotes. If you need separate appointments it
would change the price since it's another location.

(Exh 11.)

7. Through continued text communications, respondent listed the vaccines she provides and the costs for each and for travel expenses. (Exh. 11.)

8. The Board previously cited respondent for a similar violation. In Modified Citation Number 4602022001697 dated September 20, 2022, respondent was charged with engaging in the practice of veterinary medicine by advertising on social media that she provides various mobile vaccinations for a fee. The citation did not assess a fine but included an order of abatement requiring respondent to cease and desist publishing the advertisements and disconnect the telephone number appearing on the advertisements. The original citation included a fine which the Board removed after an informal conference with the Board where respondent agreed to update her business's website to remove advertisements offering vaccination services.

Respondent's Evidence

9. Respondent mobile pet care business provides various services, including deworming and microchipping animals. During her testimony, respondent stated that, as part of her services, she delivers but does not administer vaccines. Respondent argued her advertisements support her contentions, as they use the word "vaccines," not vaccination. Additionally, in the texts with Investigator George, she never expressly stated she will personally administer vaccines.

10. Additionally, respondent stated that, once clients scheduled appointments, respondent sends them confirmation emails expressly stating she does not administer vaccines and during the appointment, requires clients to sign an acknowledgment form, stating the vaccines are owner-administered. Respondent introduced into evidence a social media post for her business stating in part: "Part of a CA NonProfit. Veteran Owned & Operated. Owner administered pet vaccines delivered

to your door" and text purported to be from an acknowledgment form to be signed by customers purchasing vaccines from respondent, which states in part: "Vaccines are delivered to your home and are owner administered."

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code sections 125.9, 148, and 4875.2, (further statutory citations are to the Business and Professions Code unless otherwise designated) and California Code of Regulations, title 16 (CCR), section 2043, the Board's executive officer may issue citations containing orders of abatement and/or administrative fines against unlicensed individuals alleged to have committed acts or omissions in violation of the Veterinary Medicine Practice Act.

2. In citation proceedings, complainant bears the burden of proving the cited violations. The standard of proof is preponderance of evidence. (Evid. Code, § 115; *Owen v. Sands* (2009) 176 Cal.App.4th 985, 994.) Preponderance of the evidence means evidence that has more convincing force than that opposed to it. (People ex. rel. Brown v. Tri-Union Seafoods, LLC (2009) 171 Cal.App. 4th 1549, 1567.)

3. Section 4825 provides, "It is unlawful for any person to practice veterinary medicine . . . in [California] unless at the time of so doing, such person holds a valid, unexpired, and unrevoked [Board-issued] license."

4. Under section 4826, subdivision (a), the practice of veterinary medicine includes: "Represent[ing] oneself as engaged in the practice of veterinary medicine[.]" Under section 4826, subdivision (c), veterinary medicine includes:

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Administer[ing] a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and direct supervision of a licensed veterinarian

5. A preponderance of the evidence proved respondent violated section 4826, subdivision (a) by advertising that she offered administering vaccines for a fee. Respondent's main defense to complainant's charge against her is that there is no direct evidence of advertisements or other communications where respondent unequivocally states she is offering to administer vaccines to animals for a fee. That is true, however, respondent's communications are ambiguous and confusing in a manner indicating she was being intentionally misleading and organizing the text in her communications in a way intended to cause the reader to assume she was promoting vaccination services, which is circumstantial evidence supporting a finding that she has committed the violation set out in the citation.

6. As set out in Factual Finding 4, though respondent uses the word "vaccine" in her Facebook advertisement, it is listed under the heading "Services Provided." A reasonable reading of the advertisement in its entirety is that respondent is offering vaccine services, meaning administration of vaccines. It is not a natural inference of the wording to assume respondent is conveying that the vaccine-related service respondent is providing is delivery of vaccines.

7. As set out in Factual Finding 5, a number of respondent's advertisements about vaccines end with an invitation to the reader to reach out to respondent for

additional help. Respondent does not clarify what assistance she is providing. A natural inference from respondent's language, particularly since the only lawful assistance respondent can offer is to arrange for home delivery of the vaccines, is that she prefers to discuss her services one-on-one with potential clients off-line. The privacy respondent seeks in explaining her services to potential clients is indicative of an attempt to circumvent the limitations on what she is allowed to do as someone who is not a licensed veterinarian.

8. As set out in Factual Finding 6, Respondent's communications with Investigator George never included clarification that respondent's vaccine-related services are limited to delivering vaccines to owners. Respondent's references to the relationship between the fees owed and the number of visits raise a natural inference that the services being discussed were administration, not mere delivery of vaccines as there is no purpose to making more than one appointment if the only service at issue is vaccine delivery.

9. As set out in Factual Finding 10, respondent sets out additional defenses: that she sends confirming emails to new clients stating she does not administer vaccines and, after appointments, she has clients sign an acknowledgement form at the point of purchase stating vaccines are owner-administered. This evidence is not persuasive. The sentence just before the one beginning "[o]wner administered pet vaccines" is "Veteran Owned & Operated." The phrase "veteran owned," could easily be misread as referencing ownership by a veterinarian and the repeat of the word "owner" further muddies the waters rather than clarifying respondent would not be the person administering the vaccines. The acknowledgment form, a form purportedly provided to, and signed by, each of respondent's clients was presented unsigned and undated at the hearing, hardly establishing the practice respondent stated she

maintained. In any event, these communications are irrelevant to the issue of whether respondent's advertisements, as stand-alone communications, projected services she could not lawfully provide.

10. The evidence discussed in Legal Conclusions 5 through 9 above are all instances of circumstantial evidence, meaning evidence requiring evaluation of the natural inferences that emanate from them, like determining it snowed overnight when seeing snow-covered ground the next morning. Circumstantial evidence can be as persuasive as direct evidence. (See *People v. Overstock, Inc.* (2017) 12 Cal.App.5th 1064, 1086). Here, the circumstantial evidence, particularly in the context of respondent's previous citation for a similar violation, establish respondent posted advertisements intended to convey the message that she administered vaccines to animals for a fee.

11. Section 125.9, subdivision (b)(3) provides in part, "In assessing a fine, the board . . . shall give due consideration of the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations."

12. Section 4875.4 provides in part:

(a) The board shall . . . adopt regulations covering the assessment of civil penalties under this article which give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The gravity of the violation, including but not limited to, whether the violation is minor.

(2) The good faith of the person being charged.

(3) The history of previous violations.

(b) In no event shall the civil penalty for each citation issued be assessed in an amount greater than five thousand dollars (\$5,000).

13. CCR section 2043, subdivision (d), provides:

In assessing the amount of a civil penalty, the executive officer shall consider the following criteria:

(1) The nature and severity of the violation.

(2) Evidence that the violation was willful.

(3) History of violations of the same or similar nature.

(4) the extent to which the cited person has cooperated with the board's investigation,

(5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(6) Such other matters as justice may require.

14. CCR section 2043, subdivision (e), provides in pertinent part, "In all situations involving unlicensed persons practicing veterinary medicine, the citation shall be a class "C" violation, and the civil penalty shall be in an amount no less than two thousand dollars (\$2,000) and not exceeding five thousand dollars (\$5,000.)"

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15. Respondent's violation, offering services for which she is not qualified to provide, is serious. The deceptive and evasive language she used in her advertisements and text strongly support a finding that respondent's violation was willful. Respondent has a prior history of citation, for the same type of violation. She made herself available to be interviewed during the Board's investigation, indicating cooperativeness. There is no evidence of mitigation. Considering all the factors for determining an appropriate penalty amount, respondent's violation and its surrounding circumstances constitute a grave and willful refutation of her legal responsibilities. Under these circumstances, affirming the current penalty amount of \$5,000 and the citation's order of abatement is warranted.

ORDER

1. Citation Number 4602024000183 against respondent Carolyn Dawn Brill is affirmed. Respondent shall pay \$5,000 to the Board within 30 days of the effective date of its decision.

2. Respondent shall cease and desist from violation Business and Professions Code section 4826, subdivision (c) and shall arrange to disconnect any telephone number contained in the unlawful advertising.

DATE: 11/05/2025

Deena R. Ghaly
Deena R. Ghaly (Nov 5, 2025 16:18:39 PST)

DEENA R. GHALY

Administrative Law Judge

Office of Administrative Hearings

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

In the Matter of the Citation Against:

Carolyn Brill

Unlicensed

Citation No. 4602024000183

CITATION

Complainant alleges:

PARTIES

1. Jessica Sieferman ("Complainant") brings this Citation solely in her official capacity as the Executive Officer of the Veterinary Medical Board ("Board"), Department of Consumer Affairs, State of California.
2. The Board's records reveal that Carolyn Brill, ("Respondent") is not licensed with the Veterinary Medical Board.

STATUTORY PROVISIONS

3. Business and Professions Code (BPC) 125.9, 148, and 4875.2, and California Code of Regulations (CCR), title 16, section 2043 authorize the Executive Officer of the Board to issue citations containing orders of abatement and/or administrative fines against a licensee of the Board, or to an unlicensed person, who has committed any acts or omissions in violation of the Veterinary Medicine Practice Act (Act).
4. BPC section 149 states, in pertinent part:
 - (a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

[. . .]

(2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

[. . .]

5. BPC section 4826 states, in pertinent part:

A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

- (a) Represents himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

[. . .]

FACTUAL ALLEGATIONS

6. On August 2, 2022 a citation and fine was issued to Respondent for advertising vaccination services for a fee. Respondent appealed the citation and an informal conference was held on August 30, 2022. Following the informal conference, the citation was modified on September 20, 2022 to remove the fine amounts as Respondent updated their website to remove the advertisements which contained violations. After the citation was modified, the advertisements were reinstated, once again offering vaccination services for a fee.

CAUSE FOR CITATION

7. On or about June 16, 2023, through March 18, 2024, Respondent engaged in the practice of veterinary medicine by advertising through Facebook that she can provide vaccination services for a fee. Such conduct constitutes a violation of BPC section 4826, subdivision (a).
8. On or about September 27, 2023, Respondent engaged in the practice of veterinary medicine by offering to provide vaccination services for a fee through text messaging. Such conduct constitutes a violation of BPC section 4826, subdivision (a).
9. On or about November 27, 2023, through March 18, 2024, Respondent engaged in the practice of veterinary medicine by advertising through Facebook that she can provide vaccination services for a fee. Such conduct constitutes a violation of BPC section 4826, subdivision (a).
10. On or about December 28, 2023, through March 18, 2024, Respondent engaged in the practice of veterinary medicine by advertising through Facebook that she can provide vaccination services for a fee. Such conduct constitutes a violation of BPC section 4826, subdivision (a).

DETERMINATION OF ISSUES **CAUSE OF ACTION**

11. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 7. Causes of action thereby exist.
12. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 8.

Causes of action thereby exist.

13. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 9.
Causes of action thereby exist.
14. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 10.
Causes of action thereby exist.

PENALTY

15. In compliance with BPC sections 125.9 and 4875.2 and CCR, title 16, section 2043, it is determined that:
 - a. Respondent be cited for four Class "C" violations in the amount of \$5000.00 each for the Causes for Citation, based upon a determination that the above-described facts in Paragraphs 7, 8, 9, 10 constitute violations of BPC section 4826, subdivision (a).
16. 15. In compliance with BPC sections 125.9 and 4875.2, and CCR, Title 16, section 2043, subsection (c), the total penalty for the above violations is \$20,000.00. However, pursuant to BPC section 125.9, subdivision (b)(3) in no event shall the administrative fine assessed by the Board exceed \$5,000.00. Therefore, total fine amount due to the Board is \$5,000.00.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC section 4826, subdivisions (a).

In addition, pursuant to BPC section 149, subdivision (a)(2), the Board orders Respondent to notify the telephone company furnishing the services to Respondent to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

March 28 , 2024

DATE



JESSICA SIEBERMAN
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California

CONTEST OF CITATION
(Business and Professions Code (BPC) Sections 125.9 and 4875.6)

If you desire to administratively contest the citation or the proposed assessment of a civil penalty therefor and want to request an informal conference, you must, within 10 business days after you receive the citation, notify the Executive Officer in writing of your request for an informal conference with the executive officer or his or her designee. (BPC, § 4875.6, subd. (a).)

If you desire a hearing to contest the finding of a violation, you must submit a written request for hearing to the Veterinary Medical Board (Board) within 30 days of the date of issuance of the citation or assessment. (BPC, § 125.9, subd. (b)(4).)

Submit your request for an informal conference or hearing to contest the citation to the following address:

Veterinary Medical Board
1747 N. Market Blvd., Suite 230
Sacramento, CA 95834.

If you fail to notify the Executive Officer or Board in writing that you intend to contest the citation or the proposed assessment of a civil penalty therefor, by either submitting a request for an informal conference or hearing as described above, the citation or the proposed assessment of a civil penalty shall be deemed a final order of the Board and shall not be subject to further administrative review. (BPC, § 4875.6, subd. (a).)

You may, in lieu of contesting a citation, transmit to the Board the amount assessed in the citation as a civil penalty, within 10 business days after receipt of the citation. (BPC, § 4875.6, subd. (b).)

Failure of a licensee or registrant to pay a civil penalty within 30 days of the date of receipt of the assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. When a citation is not contested and a civil penalty is not paid, the full amount of the assessed civil penalty shall be added to the fee for renewal of the license or registration. A license or registration shall not be renewed without payment of the renewal fee and civil penalty. (BPC, § 125.9, subd. (b)(5).)