

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

**In the Matter of the Citation Against:**

**Scott Barber,**

**Respondents**

**Citation No. 4602020000482**

**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 fail to reveal that Scott Barber ("Respondent") has been issued a veterinarian license.
3. The Board's records fail to reveal that K9 Diagnostics and Cryogenetics has been issued a veterinary premises registration.

**STATUTORY PROVISIONS**

4. Business and Professions Code (BPC) sections 125.9 and 4875.2, 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).
5. 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:

(1) Cease the unlawful advertising.

(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.

6. BPC section 4825 states:

It is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter.

7. BPC section 4826 states, in pertinent part:

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

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

(b) Diagnoses or prescribes 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.

(c) Administers 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 under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4836) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

(d) Performs a surgical or dental operation upon an animal.

[ . . . ]

(g) Uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry. This use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry.

8. BPC section 4839.5 states:

No person shall use the title "registered veterinary technician" or "veterinary technician," or any other words, letters, or symbols, including, but not limited to, the abbreviation "R.V.T.," with the intent to represent that the person is authorized to act as

a registered veterinary technician, unless that person meets the requirements of Section 4839.

9. BPC section 4853 states, in pertinent part:

(a) All veterinary premises shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall mean the location of operation where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced and shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) The owner or operator of a veterinary premises shall submit a premises registration application to the board. The application shall set forth the name of each owner or operator of the premises, including the type of corporate entity, if applicable, the name of the premises, and the name of the responsible licensee manager who is to act for and on behalf of the registered premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that the person possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

[ . . . ]

#### **CAUSES FOR CITATION**

10. On or about December 28, 2018, through November 15, 2022, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Instagram account that he provides pregnancy confirmation via ultrasound, IDEXX progesterone testing, TCI, and frozen plasma supplements. Such unlicensed conduct constitutes a violation of BPC section 4826, subdivision (a).
11. On or about April 2, 2019, through August 12, 2020, Respondent engaged in the practice of veterinary medicine by performing pregnancy diagnostics on canine patients using ultrasound nine times. Such conduct constitutes a violation of BPC section 4825, as defined by BPC section 4826, subdivision (b).
12. On or about May 7, 2019, through January 2, 2023, Respondent engaged in the practice of veterinary medicine by performing transcervical inseminations (TCI) on canine patients four times. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined by BPC section 4826, subdivision (d).
13. On or about June 19, 2023, Respondent obtained medication and controlled substances in a fraudulent manner by using the license information of a licensed veterinarian. Such conduct constitutes a violation of BPC section 4826, subdivision (g).

14. On or about October 29, 2019, through July 24, 2023, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising himself as a licensed veterinary professional without holding a license in California four times. Such unlicensed conduct constitutes a violation of BPC section 4839.5.
15. On or about December 28, 2018, through September 11, 2023, Respondent performed veterinary services at a premises not registered with the Board. Such unlicensed conduct constitutes a violation of BPC 4853 subdivision (a).

**DETERMINATION OF ISSUES**  
**CAUSE OF ACTION**

16. Violations exists pursuant to BPC section 4826, subdivision (a) as set forth above in Paragraphs 10. Causes of action thereby exist.
17. Violations exist pursuant to BPC section 4825 based upon nine violations of BPC section 4826, subdivision (b) as set forth above in Paragraph 11. Causes of action thereby exist.
18. Violations exist pursuant to BPC section 4825 based upon four violations of BPC section 4826, subdivision (d) as set forth above in Paragraph 12. Causes of action thereby exist.
19. Violations exists pursuant to BPC section 4826, subdivision (g) as set forth above in Paragraph 13. A cause of action thereby exists.
20. Violations exist pursuant to BPC 4839.5 as set forth above in Paragraph 14. A cause of action thereby exists.
21. Violations exists pursuant to BPC section 4853, subdivision (a) as set forth above in Paragraph 15. A cause of action thereby exists.

**PENALTY**

22. In compliance with BPC sections 125.9 and 4875.2 and CCR, title 16, section 2043, it is determined that:

Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for each Cause for Citation, based upon a determination that the above-described facts set forth in Paragraphs 10 constitute a violation of BPC section 4826, subdivision (a).

Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 11 constitute nine violations of BPC section 4826, subdivision (b).

Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for each Cause for Citation, based upon a determination that the above-described facts set forth in Paragraphs 12 constitutes four violations of BPC section 4826, subdivision (d).

Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for each Cause for Citation, based upon a determination that the above-described facts set forth in Paragraphs 13 constitutes a violation of BPC section 4826, subdivision (g).

Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for each Cause for Citation, based upon a determination that the above-described facts set forth in Paragraphs 14 constitute four violations of BPC section 4839.5.

Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 15 constitute a violation of BPC section 4853 subdivision (a).

23. In compliance with BPC sections 125.9 and 4875.2, and CCR, title 16, section 2043, subdivision (c), the total penalty for the above violations is \$30,000.00. 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 4825, BPC section 4826, subdivisions, (a), (b), (d), and (g), BPC section 4839.5, and BPC section 4853, subdivision (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.

February 27, 2025  
DATE

Signature on file  
JESSICA SIEFERMAN  
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 30 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. You may pay the assessed fine through your online BreZE portal and submit proof of compliance with the order of abatement. (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).)

If you are an unlicensed person, you may notify the Board and file a petition for a writ of administrative mandamus under section 1094.5 of the Code of Civil Procedure within 30 calendar days after receipt of the citation, without engaging in an informal conference or administrative hearing. Payment of any fine shall not constitute an admission of the violation charged. (BPC, § 4875.6, subd. (b).)