

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

In the Matter of the Citation Against:

Therron Hubbell

Unlicensed

Respondent

Citation No. 4602023001095

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 Therron Hubbell (“Respondent”) has been issued a veterinarian license.

STATUTORY PROVISIONS

3. Business and Professions Code (BPC) sections 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 authorizes the Board to issue citations to individuals who are advertising with respect to the offering or performance of services without being properly licensed by the Board.
5. BPC section 4825 provides that 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 by this chapter.
6. BPC section 4826 states, in pertinent part, that 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.
 - [...]
 - (d) Performs a surgical or dental operation upon an animal.
 - [...]
7. 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 if they are operated from a building or facility that 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.
 - [...]

REGULATORY PROVISIONS

8. CCR, Title 16, section 2037 states, in pertinent part:
 - (a) The term “dental operation” as used in Business and Professions Code section 4826 means:

(1) The application or use of any instrument, device, or scaler to any portion of an animal's tooth, gum or any related tissue for prevention, cure or relief of any wound, fracture, injury or disease of an animal's tooth, gum or related tissue; and

(2) Preventative dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or smoothing, filing, scaling or polishing of tooth surfaces.

[...]

CAUSE FOR CITATION

9. From on or about November 3, 2021, thru October 1, 2022, Respondent advertised teeth floating services on Facebook, both on his personal profile and on another profile associated with Respondent. The Board has not issued a license to practice veterinary medicine to Respondent. Such conduct constitutes a violation of BPC sections 4825 and 4826, subdivision (a).
10. On or about January 29, 2023, Respondent performed teeth floating services for a client on their horse Bailey. The Board has not issued a license to practice veterinary medicine to Respondent. Such practice of veterinary medicine constitutes a violation of BPC 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).
11. On or about January 29, 2023, Respondent performed teeth floating services for a client on their horse Auzzi. The Board has not issued a license to practice veterinary medicine to Respondent. Such practice of veterinary medicine constitutes a violation of BPC 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).
12. On or about January 29, 2023, Respondent performed teeth floating services for a client on their horse Petey. The Board has not issued a license to practice veterinary medicine to Respondent. Such practice of veterinary medicine constitutes a violation of BPC 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).
13. On or about August 6, 2023, Respondent performed teeth floating services for a client on their horse Sky. The Board has not issued a license to practice veterinary medicine to Respondent. Such practice of veterinary medicine constitutes a violation of BPC 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).
14. On or about October 10, 2023, Respondent offered to perform teeth floating services in exchange for a fee. The Board has not issued a license to practice veterinary medicine to Respondent. Such conduct constitutes a violation of BPC 4825 and 4826, subdivision (a).

15. On or about January 29, 2023, Respondent performed teeth floating services for a client at a location not registered with the Board. Such conduct constitutes a violation of BPC section 4853.

16. On or about August 6, 2023, Respondent performed teeth floating services for a client at a location not registered with the Board. Such conduct constitutes a violation of BPC section 4853.

DETERMINATION OF ISSUES
CAUSE OF ACTION

17. A violation exists pursuant to BPC sections 4825 and 4826, subdivision (a). Based upon a violation as set forth in Paragraph 9, a cause of action thereby exists.

18. A violation exists pursuant to BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2). Based upon violations as set forth in Paragraph 10, a cause of action thereby exists.

19. A violation exists pursuant to BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2). Based upon violations as set forth in Paragraph 11, a cause of action thereby exists.

20. A violation exists pursuant to BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2). Based upon violations as set forth in Paragraph 12, a cause of action thereby exists.

21. A violation exists pursuant to BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2). Based upon a violation as set forth in Paragraph 13, a cause of action thereby exists.

22. A violation exists pursuant to BPC sections 4825 and 4826, subdivision (a). Based upon a violation as set forth in Paragraph 14, a cause of action thereby exists.

23. A violation exists pursuant to BPC section 4853. Based upon a violation as set forth in Paragraph 15, a cause of action thereby exists.

24. A violation exists pursuant to BPC section 4853. Based upon a violation as set forth in Paragraph 16, a cause of action thereby exists.

PENALTY

25. In compliance with BPC sections 125.9 and 4875.2, and CCR, Title 16, section 2043, subdivision (e), it is determined that:

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 9 constitutes a violation of BPC sections 4825 and 4826, subdivision (a).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 10 constitutes violations of BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 11 constitutes violations of BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 12 constitutes violations of BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 13 constitutes violations of BPC sections 4825 and 4826, subdivision (d), as defined by CCR, Title 16, section 2037, subsections (1) and (2).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 14 constitutes a violation of BPC sections 4825 and 4826, subdivision (a).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 15 constitutes a violation of BPC 4853.

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts in Paragraph 16 constitutes a violation of BPC 4853.

26. 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 \$40,000. However, pursuant to BPC section 125.9, subdivision (b)(3), in no event shall the administrative fee assessed by the Board exceed \$5,000. Therefore, the total penalty due is \$5,000.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC sections 4825, 4826, subdivisions (a), and (d), and 4853; and CCR, Title 16, section 2037.

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.

September 30, 2024
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 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).)

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).)