

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

In the Matter of the Citation Against:

Jennifer Gu

Unlicensed

Citation No. 4602024000380

CITATION

Complainant alleges:

PARTIES

1. Jessica Siefertman ("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 Jennifer Gu ("Respondent") has not been issued a veterinarian license.

STATUTORY PROVISIONS

3. 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).
4. 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.

5. 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:

[. . .]

(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.

[. . .]

6. 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.

[...]

FACTUAL ALLEGATIONS

7. On or about August 24, 2023, Respondent received nasal and oral swab results for Ace, a nine-month-old Dobermann Pinscher, from a medical laboratory. Respondent diagnosed Ace with *Mycoplasma cynos*, and dispensed Doxycycline to treat the condition. On or about September 15, 2023,

Respondent received nasal and oral swab results for Ace from a medical laboratory and diagnosed the Mycoplasma cynos as cured.

CAUSE FOR CITATION

8. On or about August 24, 2023, Respondent engaged in the practice of veterinary medicine by diagnosing Ace with Mycoplasma cynos. Such unlicensed conduct constitutes a violation BPC sections 4825 and 4826, subdivision (b).
9. On or about September 15, 2023, Respondent engaged in the practice of veterinary medicine by diagnosing Ace as no longer having with Mycoplasma cynos. Such unlicensed conduct constitutes a violation BPC sections 4825 and 4826, subdivision (b).
10. On or about August 24, 2023, Respondent dispensed Doxycycline to Ace's owner to treat Mycoplasma cynos. Such unlicensed conduct constitutes a violation BPC sections 4825 and 4826, subdivision (c).
11. On or about August 24, 2023, Respondent engaged in the practice of veterinary medicine by diagnosing a patient at a location not registered with the Board. Such conduct constitutes a violation of BPC section 4853.

DETERMINATION OF ISSUES **CAUSE OF ACTION**

12. Violations exist pursuant to BPC sections 4825 and 4826, subdivision (b) as set forth in Paragraph 8. A cause of action thereby exists.
13. Violations exist pursuant to BPC sections 4825 and 4826, subdivision (b) as set forth in Paragraph 9. A cause of action thereby exists.
14. Violations exist pursuant to BPC sections 4825 and 4826, subdivision (c) as set forth in Paragraph 10. A cause of action thereby exists.
15. Violations exist pursuant to BPC section 4853, as set forth in Paragraph 11. A cause for citation thereby exists.

PENALTY

16. 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 \$2,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 8 constitute violations of BPC sections 4825 and 4826, subdivision (b).

Respondent be cited for a Class "C" violation in the amount of \$2,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 9 constitute violations of BPC sections 4825 and 4826, subdivision (b).

Respondent be cited for a Class "C" violation in the amount of \$2,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 10 constitute violations of BPC sections 4825 and 4826 subdivision (c).

Respondent be cited for a Class "C" violation in the amount of \$2,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 11 constitutes violation of BPC section 4853.

17. In compliance with BPC sections 125.9 and 4875.2, and CCR, Title 16, section 2043, subsections (c), the total penalty for the above violations is \$8,000, however in compliance with BPC 125.9 section (b)(3) the maximum fine that can be issued is \$5,000.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC sections 4825, 4826, subdivisions (b) and (c), and 4853.

November 8, 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 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).)

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).)