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**MINUTES**

**Board of Veterinary Medicine  
General Business Meeting  
Hampton Inn & Suites, Downtown St. Petersburg  
80 Beach Drive NE  
St. Petersburg, Florida 33701  
June 15, 2018**

10 **CALL TO ORDER**

11  
12 Dr. Leonard, Chair called the meeting to order at 9:00 a.m.  
13

14 **Pledge of Allegiance**

15  
16 **MEMBERS PRESENT**

17 Dr. Robert B. Leonard, Jr., Chair  
18 Dr. Harvey Partridge  
19 Dr. Sharon Powell  
20 Dr. Rudd Nelson  
21 Ms. Connie Johnson  
22

23 **MEMBERS ABSENT**

24 Ms. Suzanne Inzina-Excused  
25

26 **OTHERS PRESENT**

27 Ruthanne Christie, Executive Director  
28 Clark Jennings, Board Counsel  
29 Elizabeth Henderson, Prosecuting Attorney  
30 Amanda Senn, Government Analyst  
31 Integra Reporting Group, LLC- 813-868-5130

32 **PROBATION ROLL CALL**

33  
34 Dr. Leonard asked Ms. Senn to call the roll.  
35

36 The following probationers were present;

37 Gene Rinderknecht, DVM  
38 Scott McAbee, DVM  
39 Richard D'Amico, DVM  
40 Thomas Fish, DVM  
41 Anthony Weirather, DVM  
42 Ram Prasad, DVM  
43 Rafael Gomara, DVM

44 Roger Swearingen, DVM  
45 Gregory Burbelo, DVM  
46 Richard Jaffe, DVM  
47 Marcia Martin, DVM  
48 Steven Odland, DVM  
49 Kermit Harvey, DVM

50

51 **APPROVAL March 1, 2018 meeting and April 12, 2018 Teleconference minutes.**

52

53 **MOTION:** Dr. Partridge made a motion to approve the March 1, 2018 minutes.

54 **SECOND:** Ms. Johnson.

55 Motion passed unanimously.

56

57 **MOTION:** Dr. Partridge made a motion to approve the April 12, 2018 minutes.

58 **SECOND:** Ms. Johnson.

59 Motion passed unanimously.

60

## 61 **DISCIPLINARY HEARINGS**

62

63 **Abdel-Hakim Hamici, DVM**

64 **Case number 2016-032352**

65 **VM 19644**

66

67 Dr. Hamici was present and represented by Attorney Bryan Reynolds.

68

69 Dr. Powell was recused from this case due to her participation on the Probable Cause  
70 Panel.

71

72 Dr. Hamici was charged with violation of 474.214, F.S., "being guilty of incompetence or  
73 negligence by failing to practice medicine with that level of care, skill, and treatment  
74 which is recognized by a reasonably prudent veterinarian as being acceptable under  
75 similar conditions and circumstances."

76

77 After discussion by the board the following motions were made.

78

79 **MOTION:** Dr. Partridge made a motion to reject the settlement stipulation as  
80 presented.

81

82 **SECOND:** Dr. Nelson.

83 Motion passed unanimously.

84

85 After discussion by the board the following motions were made.

86

87 **MOTION:** Dr. Partridge made the motion for \$2000.00 in fines to be paid within 30  
88 days of the filing of the final order, 1 hour of client communication, 2 years probation to  
89 begin after the end of current probation, and annual inspections with 5 medical records  
90 to be pulled and reviewed by the board chair.

91  
92 **SECOND:** Dr. Nelson.

93  
94 Attorney Reynolds accepted the counter offer on the record.

95  
96 Motion passed unanimously.

97  
98 **William Robert Kroll, DVM**  
99 **Case number 2017-011868**  
100 **VM5194**

101  
102 William Kroll was present with Attorney Bryan Reynolds and sworn in by the court  
103 reporter.

104  
105 Dr. Powell was recused due to her participation on the probable cause panel.

106  
107 Dr. Kroll was charged with violation of 474.214 (1)(ee) "Failing to keep  
108 contemporaneously written medical records as required by rule of the board."

109  
110 After discussion by the board the following motions were made.

111  
112 **MOTION:** Dr. Nelson made the motion for \$500 in fines and \$282.44 in costs to be paid  
113 within 30 days of the filing of the final order, 2 hours of continuing education in pain  
114 management, and this is the only required appearance.

115  
116 **SECOND:** Ms. Johnson.

117  
118 Motion passed unanimously.

119  
120 **James L. Shewmaker, DVM**  
121 **Case number 2016-002806**  
122 **VM 1268**

123  
124 Dr. Shewmaker was present with Attorney Bryan Reynolds and sworn in by the court  
125 reporter.

126  
127 Dr. Powell was recused due to her participation on the probable cause panel.

128  
129 Dr. Shewmaker was charged with violation of 474.214 (1)(ee) "Failing to keep  
130 contemporaneously written medical records as required by rule of the board."

131  
132 After discussion by the board the following motions were made.  
133  
134 **MOTION:** Dr. Nelson made a motion to accept the settlement stipulation with  
135 \$2000.00 in fines and \$587.78 in costs to be paid within 30 days of the filing of the final  
136 order, 2 hours of continuing education in pain management, 1 year of probation and this  
137 counts as the first appearance.

138  
139 **SECOND:** Dr. Partridge.  
140  
141 Motion passed unanimously.

142  
143 **Marylyn Kay Paschall, DVM**  
144 **Case number 2017-031352**  
145 **VM 2824**

146  
147 Dr. Paschall was present and represented by Attorney Ed Bayo.  
148  
149 Dr. Powell was recused due to her participation on the probable cause panel.  
150  
151 Dr. Paschall was charged with violation of 474.214 (1)(ee) "Failing to keep  
152 contemporaneously written medical records as required by rule of the board."  
153

154 After discussion by the board the following motions were made.  
155  
156 **MOTION:** Dr. Nelson made the motion to accept the settlement stipulation with the  
157 \$500 fine and \$328.31 in costs to be paid within 30 days of the filing of the final order, 2  
158 hours of continuing education in medical records, 1 year of probation, and a records pull  
159 60 days prior to end of probation containing 5 records for review.

160  
161 **SECOND:** Ms. Johnson.  
162  
163 Motion passed unanimously.

164  
165 **Kerri Ann Zavota, DVM**  
166 **Case number 2016-042163**  
167 **VM 11356**

168  
169 Dr. Zavota was present and represented by Attorney Brian DeGailler. They were sworn  
170 in by the court reporter.  
171  
172 Dr. Powell was recused from this case due to her participation on PCP.  
173

174 Dr. Zavota was charged with violation of 474.214 (1)(ee) "Failing to keep  
175 contemporaneously written medical records as required by rule of the board."  
176

177 Dr. Zavota was also charged with violation of 474.214 (1)(r) "Being guilty of  
178 incompetence or negligence by failing to practice medicine with that level of care, skill,  
179 and treatment which is recognized by a reasonably prudent veterinarian as being  
180 acceptable under similar conditions and circumstances."  
181

182 After discussion by the board the following motions were made.  
183

184 **MOTION:** Dr. Partridge made the motion to reject the settlement stipulation.  
185

186 **SECOND:** Ms. Johnson.  
187

188 **MOTION:** Dr. Nelson made the motion for \$500.00 in fines and \$851.81 in costs to  
189 be paid within 30 days of the filing of the final order, 1 year of probation and this counts  
190 as first appearance.  
191

192 **SECOND:** Dr. Partridge.  
193

194 The counter offer was accepted on the record.  
195

196 Motion passed unanimously.  
197

198 **Peter Birzon, DVM**  
199 **Case number 2016-038897**  
200 **VM 4053**  
201

202 Dr. Birzon was present and represented by Attorney Juan Santos. They were sworn in  
203 by the court reporter. Dr. Polles from PRN was present and sworn in by the court  
204 reporter.  
205

206 Dr. Powell was recused due to her participation on PCP.  
207

208 Dr. Birzon was charged with violation of 455.227(1)(u) F.S. "Termination from an  
209 impaired practitioner program as described in s. 456.076 for failure to comply, without  
210 good cause, with the terms of the monitoring or participant contract entered into by the  
211 licensee or failing to successfully complete a drug or alcohol treatment program."  
212

213 After discussion by the board the following motions were made.  
214

215 **MOTION:** Ms. Johnson made the motion to open this case for reconsideration of the  
216 March 2018 decision.  
217

218 **SECOND:** Dr. Partridge.  
219  
220 Motion passed unanimously.  
221  
222 **MOTION:** Dr. Leonard made the motion that there were no disputed issues of  
223 material fact.  
224  
225 **SECOND:** Dr. Partridge.  
226  
227 Motion passed unanimously.  
228  
229 **MOTION:** Dr. Partridge made the motion to accept the allegations of fact.  
230  
231 **SECOND:** Nr. Nelson.  
232  
233 Motion passed unanimously.  
234  
235 **MOTION:** Dr. Partridge made the motion to adopt the conclusions of law.  
236  
237 **SECOND:** Dr. Nelson.  
238  
239 Vote was called: Dr. Leonard- yes, Dr. Nelson- yes, Dr. Partridge- yes, Ms. Johnson-  
240 yes  
241  
242 Motion passed unanimously.  
243  
244 **MOTION:** Dr. Partridge made the motion to only impose investigative costs of  
245 \$371.79.  
246  
247 **SECOND:** Ms. Johnson.  
248  
249 A vote was called: Dr. Leonard-no, Dr. Nelson-yes, Dr. Partridge-yes, Ms. Johnson-  
250 yes.  
251  
252 **Fernando Cardenas, Jr., DVM**  
253 **Case number: 2017-035667**  
254 **VM 9100**  
255  
256 Dr. Cardenas was not present or represented by counsel.  
257  
258 Dr. Powell was recused from this case due to her participation on the Probable Cause  
259 Panel.  
260

261 Dr. Cardenas charged with violation of 474.214 (1)(b), "Having a license or the authority  
262 to practice veterinary medicine revoked, suspended, or otherwise acted against,  
263 including the denial of licensure, by the licensing authority of any jurisdiction, including  
264 any agency or subdivision thereof. The licensing authority's acceptance of a  
265 veterinarian's relinquishment of a license, stipulation, consent order, or other settlement,  
266 offered in response to or in anticipation of the filing of administrative charges against the  
267 veterinarian's license or authority to practice, shall be construed as action against the  
268 veterinarian's license or authority to practice."

269

270 After discussion by the board the following motions were made.

271

272 **MOTION:** Dr. Partridge made the motion to accept the allegations of fact.

273

274 **SECOND:** Ms. Johnson.

275

276 **MOTION:** Dr. Nelson made the motion to accept the conclusions of law.

277

278 **SECOND:** Dr. Partridge.

279

280 **MOTION:** Dr. Partridge made the motion for \$5000.00 in fines and \$119.60 in costs  
281 with one year of suspension; suspension to be stayed after the first month if all  
282 requirements of probation are satisfied.

283

284 **SECOND:** Dr. Nelson.

285

286 Motion passed unanimously.

287

288 **William Alphonso Steward, DVM**

289 **Case number: 2014-016664**

290 **VM 10999**

291

292 Dr. Steward was not present at the board meeting and a request for continuance was  
293 submitted by his attorney Letta Gorman.

294

295 Dr. Powell was recused from this case due to her participation on the Probable Cause  
296 Panel.

297

298 After discussion by the board the following motions were made.

299

300 **MOTION:** Dr. Leonard made the motion to accept the request for continuance to the  
301 September 2018 board meeting.

302

303 **SECOND:** Dr. Nelson.

304

305 Motion passed unanimously.

306

307 **William H. Lovett, DVM**

308 **Case number: 2016-016828**

309 **VM 2338**

310

311 Dr. Lovett was not present at the board meeting and submitted a request for  
312 continuance to the board.

313

314 Dr. Powell was recused from this case due to her participation on the Probable Cause  
315 Panel.

316

317 After discussion by the board the following motions were made.

318

319 **MOTION:** Dr. Partridge made the motion to grant the request for continuance to the  
320 September 2018 board meeting.

321

322 **SECOND:** Dr. Nelson.

323

324 Motion passed unanimously.

325

326 **Jerry P. Shank, DVM**

327 **Case number: 2017-008012**

328 **VM 1605**

329

330 Dr. Shank was not present or represented by counsel at the board meeting.

331

332 Dr. Powell was recused from this case due to her participation on the Probable Cause  
333 Panel.

334

335 Dr. Shank was charged with violation of 474.214 (1)(ee) "Failing to keep  
336 contemporaneously written medical records as required by rule of the board."

337

338 After discussion by the board the following motions were made.

339

340 **MOTION:** Dr. Partridge made the motion to accept that Dr. Shank has waived his  
341 rights by failing to respond to the administrative complaint.

342

343 **SECOND:** Dr. Nelson.

344

345 **MOTION:** Dr. Partridge made the motion to accept the allegations of fact.

346

347 **SECOND:** Dr. Nelson.

348



349 Dr. Partridge made the motion for \$4000.00 in fines and \$669.87 in costs to be paid  
350 within 30 days of the filing of the final order. Subjects license shall be suspended until  
351 the fines and costs of the case are paid and Dr. Shank presents himself to the board at  
352 a future scheduled meeting. If terms of the final order are met, subjects license shall be  
353 placed on 2 years probation.

354  
355 **SECOND:** Ms. Johnson.

356  
357 Motion passed unanimously.

358  
359 **Review/Approval of Applications**

360  
361 **Armando Guardia, DVM – Initial License by Endorsement**

362  
363 Dr. Gaurdia was not present at the meeting.

364  
365 After discussion by the board the following motions were made.

366  
367 **MOTION:** Dr. Powell made the motion to deny the application for failure to meet the  
368 statutory requirements of 474.207(2)(b).

369  
370 **SECOND:** Dr. Partridge.

371  
372 Motion passed unanimously.

373  
374 **Judy Jean- Initial by Examination**

375  
376 Dr. Jean was present and sworn in by the court reporter.

377  
378 After discussion by the board the following motions were made.

379  
380 **MOTION:** Dr. Nelson made the motion to approve the application.

381  
382 **SECOND:** Dr. Powell.

383  
384 Motion passed unanimously.

385  
386 **Richard Demmerle-Initial by Endorsement**

387  
388 Dr. Demmerle was present and sworn in by the court reporter.

389  
390 After discussion by the board the following motions were made.

391

392 **MOTION:** Dr. Powell made the motion to deny the application for failure to meet the  
393 statutory requirements of 474.207(2)(b).

394  
395 **SECOND:** Dr. Leonard.

396  
397 A vote count was requested by the applicant. The vote was unanimous to deny the  
398 application.

399  
400 Motion passed unanimously.

401  
402 **Gwendolyn Pfouts, DVM- Initial by Endorsement**

403  
404 Dr. Pfouts was present and sworn in by the court reporter.

405  
406 After discussion by the board the following motions were made.

407 **MOTION:** Dr. Partridge made the motion to approve the application.

408  
409 **SECOND:** Dr. Nelson.

410  
411 Motion passed unanimously.

412  
413 **Mary Danley, DVM-Initial by Endorsement**

414  
415 Dr. Danley was not present at the meeting.

416  
417 After discussion by the board the following motions were made.

418  
419 **MOTION:** Dr. Partridge made the motion to approve the application.

420  
421 **SECOND:** Dr. Nelson.

422  
423 Motion passed unanimously.

424  
425 **Ryan Navarro-Initial by Examination**

426  
427 Dr. Navarro was present and sworn in by the court reporter.

428  
429 After discussion by the board the following motions were made.

430  
431 **MOTION:** Dr. Nelson made the motion to approve the application.

432  
433 **SECOND:** Dr. Partidge.

434  
435 Motion passed unanimously.

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**Vacques Hines-Initial by Examination**

Dr. Hines was not present at the meeting.

After discussion by the board the following motions were made.

**MOTION:** Dr. Nelson made the motion to approve the application.

**SECOND:** Ms. Johnson.

Motion passed unanimously.

**SPECIAL AGENDA ITEMS**

**Jerry Alan Green- Declaratory Statement**

Dr. Green was present at the board meeting.

**MOTION:** Dr. Partridge made the motion to deny the petition for declaratory statement.

**SECOND:** Dr. Powell.

Motion passed unanimously.

**Gregory Murray-Renewed motion to lift stay of suspension**

Dr. Murray was present along with Attorney David Romanik and Dr. Pilip. All were sworn in by the court reporter.

**After extensive discussion by the board, this matter was continued to a later board meeting.**

**MOTION:** Ms. Johnson.

**SECOND:** Dr. Powell.

Motion passed unanimously.

**PROBATION**

**Gene Rinderknecht, DVM**

480  
481 Dr. Rinderknecht was present at the meeting and was sworn in by the court reporter.

482  
483 After discussion by the board the following motions were made.

484  
485 **MOTION:** Dr. Nelson made a motion to accept Dr. Rinderknecht's 5<sup>th</sup> probation  
486 appearance.

487  
488 **SECOND:** Ms. Johnson.

489  
490 Motion passed unanimously.

491  
492 **Scott McAbee, DVM**

493  
494 Dr. McAbee was present at the meeting and was sworn in by the court reporter.

495 After discussion by the board the following motions were made.

496  
497 **MOTION:** Dr. Nelson made a motion to accept Dr. McAbee's final probation  
498 appearance.

499  
500 **SECOND:** Dr. Powell.

501  
502 Motion passed unanimously.

503  
504 **Richard D'Amico, DVM**

505 Dr. D'Amico was present and sworn in by the court reporter.

506  
507 After discussion by the board the following motions were made.

508  
509 **MOTION:** Ms. Johnson made the motion to accept Dr. D'Amico's final probation  
510 appearance.

511  
512 **SECOND:** Dr. Nelson.

513  
514 Motion passed unanimously.

515  
516 **Thomas Fish, DVM**

517  
518 Dr. Fish was present at the meeting and was sworn in by the court reporter.

519  
520 After discussion by the board the following motions were made.

521  
522 **MOTION:** Ms. Johnson made a motion accept Dr. Fish's 7<sup>th</sup> probation appearance.

523

524 **SECOND:** Dr. Nelson.

525

526 Motion passed unanimously.

527

528 **Anthony Weirather, DVM**

529

530 Dr. Weirather was present at the meeting was sworn in by the court reporter.

531

532 After discussion by the board the following motions were made.

533

534 **MOTION:** Dr. Nelson made a motion to accept Dr. Weirather's 3<sup>rd</sup> and final  
535 appearance.

536

537 **SECOND:** Dr. Powell.

538

539 Motion passed unanimously.

540

541 **Ram Prasad, DVM**

542

543 Dr. Prasad was present at the meeting and was sworn in by the court reporter.

544

545 After discussion by the board the following motions were made.

546

547 **MOTION:** Dr. Partridge made the motion to accept Dr. Prasad's 10<sup>th</sup> appearance and  
548 it was confirmed at during discussion that Dr. Prasad was no longer required to have  
549 records reviews submitted to the department.

550

551 **SECOND:** Dr. Powell.

552

553 Motion passed unanimously.

554

555 **Rafael Gomara. DVM**

556

557 Dr. Gomara was present at the meeting and was sworn in by the court reporter.

558

559 After discussion by the board the following motions were made.

560

561 **MOTION:** Dr. Powell made the motion to accept Dr. Gomara's 4<sup>th</sup> appearance.

562

563 **SECOND:** Ms. Johnson.

564

565 Motion passed unanimously.

566

567 **Roger Swearingen, DVM**

568  
569 Dr. Swearingen was present at the meeting and was sworn in by the court reporter.  
570

571 After discussion by the board the following motions were made.

572  
573 **MOTION:** Dr. Nelson made the motion to accept this as Dr. Swearingen's 3<sup>rd</sup>  
574 appearance and the board informed Dr. Swearingen that he would need to attend the  
575 September 2018 board meeting.

576  
577 **SECOND:** Dr. Powell.

578  
579 Motion passed unanimously.

580  
581 **Gregory Burbelo, DVM**

582  
583 Dr. Burbelo was not present at the meeting.

584  
585 After discussion by the board the following motions were made.

586  
587 **MOTION:** Dr. Partridge made the motion not to count an appearance for Dr. Burbelo.

588  
589 **SECOND:** Dr. Nelson.

590  
591 Motion passed unanimously.

592  
593 **Richard Jaffe, DVM**

594  
595 Dr. Jaffe was present and represented by Attorney Ed Bayo. Both were sworn in by the  
596 court reporter.

597  
598 After discussion by the board the following motions were made.

599  
600 **MOTION:** Dr. Partridge made the motion to terminate the monitoring requirement as  
601 part of Dr. Jaffe's final order requirements.

602  
603 **SECOND:** Ms. Johnson.

604  
605 Motion passed unanimously.

606  
607 **Marcia Martin, DVM**

608  
609 Dr. Martin was present and sworn in by the court reporter.

610  
611 After discussion by the board the following motions were made.

612  
613 **MOTION:** Dr. Partridge made the motion to accept this appearance.

614  
615 **SECOND:** Dr. Powell.

616  
617 Motion passed unanimously.

618  
619 **Steven Odland, DVM,**

620  
621 Dr. Odland was present and sworn in by the court reporter.

622  
623 After discussion by the board the following motions were made.

624  
625 **MOTION:** Dr. Nelson made the motion to accept this appearance.

626  
627 **SECOND:** Dr. Partridge.

628  
629 Motion passed unanimously.

630  
631 **Kermit Harvey, DVM**

632  
633 Dr. Harvey was present and sworn in by the court reporter.

634  
635 After discussion by the board the following motions were made.

636  
637 **MOTION:** Dr. Partridge made the motion to accept this appearance.

638  
639 **SECOND:** Dr. Nelson.

640  
641 Motion passed unanimously.

642  
643 **RATIFICATION OF APPLICATIONS**

644 **Licenses**

645 **MOTION:** Dr. Partridge made a motion to accept the licensure list.

646 **SECOND:** Dr. Powell.

647  
648 Dr. Nelson voted NO on approving the license list.

649  
650 **Continuing Education**

651 **MOTION:** Dr. Leonard made a motion to accept the continuing education list.

652 **SECOND:** Dr. Powell.

653 Motion passed unanimously.

654  
655 **REPORTS**

656  
657 **Executive Director – Ruthanne Christie**  
658  
659 Ms. Christie reviewed the financial reports.  
660  
661 **Board counsel – Clark Jennings**  
662  
663 **None**  
664  
665 **Prosecuting Attorney – Elizabeth Henderson**  
666  
667 Ms. Henderson reviewed her report with the board.  
668  
669 **Board Chair – Dr. Leonard**  
670  
671 **OLD BUSINESS**  
672 **None**  
673  
674 **NEW BUSINESS**  
675 None  
676  
677 **PUBLIC COMMENT**  
678  
679 The Florida Veterinarian Technicians Association was present and addressed the board  
680 briefly.  
681  
682 **PROBATION ROLL CALL**  
683  
684 Ms. Senn called the probation roll and all were present.  
685  
686 **ADJOURN**  
687  
688 The meeting adjourned at 3:56 P.M.