

BEFORE THE  
VETERINARY MEDICAL EXAMINING BOARD  
STATE OF OREGON

In the Matter of the License to Practice  
Veterinary Medicine of:

DANIEL G. KOLLER, DVM.

Licensee

**Stipulated Agreement and  
Final Order, OVMEB #18-0004**

The Oregon Veterinary Medical Examining Board (OVMEB) is the state agency responsible for regulating, licensing, and disciplining veterinarians in the State of Oregon. Daniel G. Koller, DVM, (Licensee) is licensed by the OVMEB to practice veterinary medicine in the State of Oregon. The Board and Licensee agree to resolve all issues raised in this case as listed below.

1.

The Board finds the following facts and violations of law:

1. At all times relevant, Licensee has been licensed to practice veterinary medicine in Oregon under ORS 686.020.
2. On or about February 6, 2017, Licensee failed to recognize that a six month old cat was a male, not a female, and during surgery when he failed to find ovaries or uterine horn he assumed the cat had already been spayed instead of further determining the correct gender. A few months later, the cat began fighting and spraying and when the owners returned to the clinic, the cat was then neutered.
3. The failure to determine the correct gender on the initial examination and then the failure to determine the correct gender during surgery when no female organs were found are both in violation of OAR 875-011-0010(7).

2.

Licensee and the Board desire to fully and finally resolve this matter and, pursuant to ORS 183.417(3)(a), agree as follows in full, final, and complete settlement of this matter:

- (a) The Stipulated Final Order below may be issued and entered.
- (b) Licensee agrees to pay a civil penalty of \$1,500 (\$750 for each violation) for the violations described above.
- (c) This Settlement Agreement and Stipulated Final Order is a public document and must be disclosed, published, and reported in accordance with the requirements of the Oregon Public Records Law.

- (d) This Settlement Agreement and Stipulated Final Order in no way limits or prevents further remedies, sanctions, or actions which may be available to the Board under Oregon law for conduct or actions of Licensee not covered by this Settlement Agreement and Stipulated Final Order, or against a party not covered by this Settlement Agreement and Stipulated Final Order, or for Licensee's failure to comply with the terms of this Settlement Agreement and Stipulated Final Order.
- (e) Licensee has been fully advised of Licensee's rights to notice and a contested case hearing under the Oregon Administrative Procedures Act (ORS Chapter 183) and fully and finally waives any and all such rights and any rights to appeal or otherwise challenge this Settlement Agreement and Stipulated Final Order.
- (f) Licensee acknowledges by the signature below that Licensee has fully read this Settlement Agreement and Stipulated Final Order and understands it completely. Licensee acknowledges that, without any force or duress, he enters into this Settlement Agreement and consents to issuance and entry of this Stipulated Final Order below. Licensee states that no promises or representation has been made to induce him to sign this Settlement Agreement and agree to issuance and entry of the Stipulated Final Order below.
- (g) Licensee has consulted with an attorney as to this settlement agreement or waives any and all rights to consult with an attorney prior to entering into this Settlement Agreement and the issuance and entry of the Stipulated Final Order below.
- (h) This Settlement Agreement constitutes the entire agreement between the Board and Licensee. No waiver, consent, modification or change of terms of this Settlement Agreement shall bind the Board and Licensee unless in writing and signed by Licensee and approved by the Board. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Settlement Agreement.

**IT IS SO STIPULATED AND AGREED TO BY:**

[REDACTED]  
\_\_\_\_\_  
Daniel G. Koller, DVM

Dated: 5/22/2018

[REDACTED]  
\_\_\_\_\_  
Lori Makinen, Executive Director

Dated: 5/29/18

**FINAL ORDER**

**NOW, THEREFORE**, based on the Settlement Agreement between Licensee Daniel G. Koller and the Board set forth above and pursuant to ORS 183.417(3)(b), it is hereby **ORDERED** that the terms of the above Settlement Agreement are approved and incorporated herein by this reference.

**ISSUED** and **EFFECTIVE** this 29<sup>th</sup> day of May 2018.

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Lori Makinen, Executive Director