

BEFORE THE
BOARD OF EXAMINERS IN VETERINARY MEDICINE
STATE OF CALIFORNIA

In the Matter of the Petition)
for Reinstatement)
DANIEL KOLLER, D.V.M.) L-28155
Petitioner.)

DECISION AFTER RECONSIDERATION

9 The above-entitled matter came on a regularly scheduled
10 hearing on March 9, 1983 in Los Angeles, California, before the
11 Board of Examiners in Veterinary Medicine. Willis Mevis,
12 Administrative Law Judge for the Office of Administrative
13 Hearings, presided. The Attorney General was represented by
14 Alfredo Terrazas, Deputy Attorney General. The petitioner was
15 present and was represented by Loretta Hersh Selinger, attorney
16 at law. Oral and documentary evidence was presented, the
17 proceedings were transcribed, the hearing closed and the matter
18 submitted. On or about June 22, 1983, the Administrative Law
19 Judge submitted his proposed decision denying reinstatement of
20 petitioner's California veterinary license. On June 22, 1983,
21 the Board adopted said decision, effective July 22, 1983.

22 On July 7, 1983, a petition was filed with the Board for
23 reconsideration and stay of execution of its decision of June 22,
24 1983 in the above-entitled matter. Thereafter, on July 21, 1983
25 the Board granted reconsideration and a stay of execution of its
26 June 22, 1983 decision.

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1 On September 22, 1983, the Board issued its Decision After
2 Reconsideration which affirmed its Decision of June 22, 1983.

3 On December 21, 1983 petitioner petitioned the Superior Court
4 of the State of California, County of San Francisco, for a Writ
5 of Mandamus directed at the Board. Thereafter, the Superior
6 Court of the State of California, County of San Francisco, Action
7 No. 81863, issued an Order, dated March 13, 1984, which remanded
8 the above-entitled proceedings to the Board and ordered it to set
9 aside its Decision After Reconsideration dated September 22, 1983
10 and to reconsider its action in light of the Superior Court's
11 Statement of Decision.

12 Pursuant to said mandate of the Superior Court, the Board
13 reconsidered petitioner's motion for reconsideration and issued a
14 Decision, dated April 27, 1984, which reinstated petitioner's
15 California veterinary license effective May 27, 1984.

16 On May 21, 1984, the Board, on its motion, ordered
17 reconsideration of its Decision of April 27, 1984 for the sole
18 purpose of determining whether a period of probation and/or terms
19 of probation should be imposed upon the reinstatement of
20 petitioner's California veterinary license.

21 On July 11, 1984, five members of the Board met in Ontario,
22 California, to reconsider their Decision of April 27, 1984.
23 Members present were Drs. Arevalo, Ho, Stiern, and Morasco and
24 Ms. Williams. In accordance with the Order of the Superior
25 Court, Dr. Morasco did not participate or vote in this
26 reconsideration proceeding.

27 Petitioner's motion to disqualify Dr. Stiern from

1 participation in this reconsideration proceeding was considered
2 and denied. Drs. Arevalo and Ho and Ms. Williams voting no. Dr.
3 Stiern did not vote on the motion to disqualify.

4 The Board then proceeded to reconsider its Decision of April
5 27, 1984. A motion to impose probationary terms and conditions
6 on the reinstatement of petitioner's license was passed, Drs.
7 Arevalo, Ho and Stiern and Ms. Williams voting yes.

8 Having considered all of the pertinent parts of the decision
9 in the prior proceeding, the written arguments and recommendation
10 submitted by the petitioner and the Attorney General, and good
11 cause appearing, the Board finds that the public interest would
12 be best served if probationary terms and conditions were imposed
13 on the reinstatement of petitioner's California veterinary
14 license.

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 The petition of Daniel Koller, D.V.M. for reinstatement of .
17 his California veterinary license is granted subject to the
18 following probationary terms and conditions:

19 (a) Said license shall be reinstated on a probationary
20 basis for a term of five (5) years;

21 (b) Said probationary term shall not commence to run
22 until such time as petitioner again commences the practice of
23 veterinary medicine in this state;

24 (c) Petitioner shall, upon commencing the practice of
25 veterinary medicine within this state, immediately notify the
26 Board of Examiners in Veterinary Medicine as to the date
27 thereof, the address of his practice and the address of his

1 legal residence;

2 (d) Petitioner shall fully cooperate with the Board,
3 its agents and employees in their supervision and
4 investigation of his compliance with the terms and conditions
5 of this probation and shall notify the Board of any departure
6 by him from the State for the purpose of residing or
7 practicing elsewhere. Any such period of absence shall toll
8 the running of the period of probation;

9 (e) Petitioner shall submit quarterly written reports
10 to the Board specifying the location, duration and nature of
11 any veterinary medicine which petitioner practices in
12 California and identifying any complaints made against him
13 regarding his practice of veterinary medicine in California.

14 (f) Within six months after the reinstatement of the
15 license, petitioner shall submit to the Board a proposal
16 whereby he will develop and implement the taking and
17 successful completion of a course offered at the University
18 of California at Davis Veterinary Medicine School in the
19 Ethical and Conceptual Problems in the Use of Animals. Said
20 course can be taken through the school's current enrollment
21 via the University's extension program and shall be completed
22 within one year of the license reinstatement or in the
23 alternative petitioner can propose a program to the Board
24 which would outline the taking and successful completion of
25 similar and appropriate continuing education courses or
26 seminars offered through the California Veterinary Medical
27 Association, or other widely recognized professional

1 associations, to be completed within one year of the license
2 reinstatement. Either proposal is subject to prior Board
3 approval and must be submitted within six months of the
4 reinstatement of his license.

5 (g) Petitioner shall comply with the laws of the United
6 States, the State of California and its political
7 subdivisions and all rules and regulations of the Board of
8 Examiners in Veterinary Medicine of the State of California
9 relating to the practice of veterinary medicine in this
10 State.

11 Upon full compliance with the terms and conditions set forth
12 by the Board and upon the expiration of the probationary period,
13 the certificate shall be restored to its full privileges;
14 provided, however, that in the event petitioner violates or fails
15 to comply with any of the terms and conditions set forth by the
16 Board of Examiners in Veterinary Medicine, after notice to the
17 petitioner and an opportunity to be heard, the Board may
18 terminate this probation and reinstate the revocation or make
19 such other order modifying the terms of probation as it deems
20 just and reasonable in its discretion.

21 IT IS SO ORDERED this 18th day of July, 1984.

22 This order is to become effective on the 18th day of July,
23 1984.

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GARY K. HILL
Executive Officer
Board of Examiners in
Veterinary Medicine