



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.

24  
25   
26 GARY K. HILL  
27 Executive Officer  
Board of Examiners in  
Veterinary Medicine