

RECEIVED JUN 22 1964

In the Matter of the Petition)
for Reinstatement of:)
)
DANIEL KOLLER, D.V.M.)
)
License No. 5490,) L-28155
)
)
Petitioner.)
)
)

DECISION

This matter came on regularly for hearing on March 9, 1983, in Los Angeles, California, before a quorum of four members of the Board of Examiners in Veterinary Medicine. President of the Board Valentino J. Marasco, D.V.M., presided. Willis Mevis, an Administrative Law Judge of the Office of Administrative Hearings, presided.

The Attorney General was represented by Alfredo Terrazas, Deputy Attorney General.

The Petitioner was present and was represented by Loretta Hersh Selinger, his attorney.

The respondent filed a written motion to disqualify Dr. Marasco from hearing the reinstatement matter. After considering the matter in executive session, the Board denied the motion.

Evidence was received, the hearing was closed and the matter was submitted.

The Board makes the following Decision:

FINDINGS OF FACT

I

On June 24, 1974, the Board issued to Petitioner license number 5490, authorizing him to practice veterinary medicine in the State of California.

II

Effective April 11, 1979, Petitioner's license was revoked, after hearing, upon determination by the Board that respondent had engaged in cruelty to animals on nine separate occasions, had employed and permitted an unlicensed person to perform services which only a licensed veterinarian may perform, had been convicted of aiding and abetting unlicensed practice and of cruelty to animals.

III

On May 10, 1980, respondent petitioned the Board for reinstatement of his license to practice veterinary medicine in California. By order of the Board dated August 9, 1980, the respondent's petition was denied.

IV

On about April 6, 1981, Petitioner applied to the Board for reinstatement of his license to practice veterinary medicine in the State of California, which petition was denied by the Board on or about September 18, 1981.

V

Thereafter, the respondent filed another petition for reinstatement although said petition is not part of the file. Said petition was heard on March 9, 1983, and the matter is now pending.

VI

The Petition-respondent is now practicing veterinary medicine in or near Portland, Oregon in a small animal practice. Both his present and former associates in practice in Oregon testified as to respondent's competence in the practice of veterinary medicine.

VII

His former Oregon employer, Walter Volkert, D.V.M., testified that the respondent did not tell him of his California revocation prior to his own discovery of the facts.

VIII

Respondent is a member of the California Bar, which considered his revocation and conviction prior to his admission to practice.

IX

The Board feels and so finds that the respondent is lacking in candor with the Board in addressing his problems.

Although the original decision of the Board involving cruelty to animals indicates a lack of emotional control and possible need for professional diagnosis and/or treatment, there was no evidence of a professional nature to the Board to establish that at this time the respondent has satisfactorily addressed himself to or has overcome this problem. The Board in its Order of August 9, 1980 denying his petition for reinstatement, pointed out that respondent had not sought professional counseling or therapy. Without this assurance, the Board feels that it cannot make a finding of rehabilitation at this time.

DETERMINATION OF ISSUES

Respondent has not established rehabilitation pursuant to Government Code Section 11522 for the granting of his petition.

ORDER

The petition of Daniel Koller, D.V.M., for reinstatement is denied.

It is so ordered this 22nd day of June, 1983.

July This Order is to become effective on the 22nd day of July, 1983.

BOARD OF EXAMINERS IN VETERINARY
MEDICINE
STATE OF CALIFORNIA

Valentino J. Marasco, D.V.M.
President

SS