

BOARD OF VETERINARY MEDICAL EXAMINERS

Telephonic Board Meeting Minutes

Date: October 24, 2008

Time: 2:00 p.m., C.S.T.

Location: Iris Room
227 French Landing, Suite 150
Heritage Place MetroCenter
Nashville, TN 37243

Members Present: C. Maben Thompson, D.V.M., President
Bryan W. Bondurant, D.V.M.
James C. Lyons, D.V.M., Vice-President
Tiffani D. Rogers, D.V.M

Members Absent: Marie A. Gordon, Consumer Member, Secretary
Joseph Kendrick, D.V.M.
Janet B. Jones, L.V.M.T

Staff Present: Shiva Bozarth, Assistant General Counsel
Lisa Lampley, Board Director

Upon roll call and determination of a quorum, the telephonic meeting was called to order at 2:00 p.m., CST.

Mr. Shiva Bozarth, Assistant General Counsel, stated that Davidson County Chancery Court, on October 10, 2008, denied a motion made on behalf of the Tennessee Board of Veterinary Medical Examiners to alter or amend the March 24, 2008, Memorandum and Judgment of the Court in the matter regarding Ms. Bonnie Cady. The meeting was necessary in order for the Board to discuss and consider whether to appeal the ruling of the Chancery Court by November 10, 2008, the deadline for filing. The next board meeting is not until December 11, 2008.

Roll call votes were conducted to ensure that each participant was connected and that each participant could hear all responses. A motion was made by Dr. Rogers, seconded by Dr. Lyons, to find that the requirements for an electronic meeting had been met. The motion carried.

Mr. Bozarth briefly summarized the Orders previously issued in this matter. The Board of Veterinary Medical Examiners, on March 1, 2005, found Ms. Cady guilty of the unlicensed practice of veterinary medicine and assessed total civil penalties in the amount of \$17,000.00 plus costs of the proceedings. The Board's decision was appealed by Ms. Cady to the Davidson County Chancery Court. On March 24, 2008, the Chancery Court declined to uphold the Board's ruling that Ms. Cady engaged in the unlicensed practice of veterinary medicine. A motion from

the Board was filed to alter or amend the March 24, 2008, decision of the Court. The Chancery Court, on October 10, 2008, denied the motion.

Mr. Bozarth discussed with the Board whether to appeal the Chancery Court's decision to the Tennessee Court of Appeals. He also reviewed the potential effects of any resulting decision by the Appeals Court. Mr. Bozarth further explained that the final decision regarding a request for an appeal would be made by the Office of the Tennessee Attorney General, and the Board would be making a recommendation.

Upon review and discussion by the Board, a motion was made by Dr. Bondurant, seconded by Dr. Rogers, to recommend to the Attorney General's office that an appeal be made in this matter. The motion carried. Mr. Bozarth then briefly explained and reviewed the procedures for the appeal to the Tennessee Court of Appeals.

Adjournment

There being no further business, Dr. Lyons made a motion, seconded by Dr. Rogers, to adjourn. The motion carried and the meeting was adjourned at 3:07 p.m. CST.

These minutes were ratified at the meeting held on December 11, 2008.