

## **BOARD OF VETERINARY MEDICAL EXAMINERS**

### **Telephonic Board Meeting Minutes**

Date: November 14, 2007

Time: 2:30 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  
James C. Lyons, D.V.M., Vice-President  
Janet B. Jones, L.V.M.T  
Marie A. Gordon, Consumer Member, Secretary  
Joseph Kendrick, D.V.M.

Members Absent: Tiffani D. Rogers, D.V.M.  
Bryan W. Bondurant, D.V.M.  
Ronald B. Wilson, D.V.M., Ex-officio Member

Staff Present: Alison G. Cleaves, Chief Deputy General Counsel

Upon roll call and determination of a quorum, the telephonic meeting was called to order by Dr. Thompson at 2:52 p.m.

Ms. Allison Cleaves, Chief Deputy Counsel, stated the meeting was being held to afford William E. Baber, DVM an informal, reasonable opportunity to present his version of the situation pursuant to the summary suspension of his TN license to practice veterinary medicine effective November 7, 2007. Pursuant to T.C.A. 4-5-320, the Board of Veterinary Medical Examiners is required to provide an opportunity for an informal hearing, review or conference within seven (7) business days of the issuance of the order of summary suspension.

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

Dr. Thompson stated for the record that he was acquainted with the respondent; however, that acquaintance would not affect his ability to participate in the proceedings. Ms. Cleaves then reviewed the summary suspension of November 7, 2007.

Mr. John Pellegrin, Attorney, was present and represented Dr. William E. Baber. Dr. Baber was also present. Mr. Pellegrin stated the sole consideration in the issue was whether the public

health, safety or welfare imperatively required emergency action by the Board of Veterinary Medical Examiners. Mr. Pellegrin reviewed the provisions of T.C.A. 44-17-301, *et seq.* known as the “Non-Livestock Humane Death Act” and stated that the majority of veterinarians were not aware of these provisions. Mr. Pellegrin informed board members that Dr. Baber’s contract with Sumner County Animal Control had been suspended prior to the board meeting held on November 7, 2007 and that the contract was now terminated. He stated that records of the animal control agency reflect a large volume of animals that must be euthanized in a short period of time noting that three hundred eighty-nine (389) animals were euthanized by Dr. Baber during a one-month period. Mr. Pellegrin commented favorably on his personal dealings with Dr. Baber in the context of a veterinarian-client relationship and noted that several people were in attendance at the meeting in support of Dr. Baber. Mr. Pellegrin then requested that the suspension be lifted as all violations contained in the order of summary suspension no longer existed.

Ms. Cleaves addressed the Board and voiced the State’s opposition to any performance of euthanasia by Dr. Baber stating that the testimony and evidence presented clearly showed violations not meeting the standards required to practice veterinary medicine and a required need for imperative action by the Board.

Upon questioning by the Board, Mr. Pellegrin explained that criminal charges were pending; therefore, Dr. Baber would not be testifying on his own behalf. Final comments were then made by Ms. Cleaves reminding board members of the expert testimony from Dr. Ergen and the testimony of the investigator stating that Dr. Baber had admitted to the violations. She also commented that no evidence to dissuade the Board had been presented at the meeting. Ms. Cleaves requested that the summary suspension remain in place. Mr. Pellegrin then addressed the Board and stated that the circumstances surrounding the summary suspension no longer existed and it was his contention that the summary suspension was not necessary due to euthanasia not being performed at the time of the summary suspension.

Upon discussion, a motion was made by Dr. Kendrick, seconded by Ms. Jones, to lift the suspension of the license with no euthanasia being performed by Dr. Baber at the animal control agency or veterinary facility until the formal hearing scheduled for December 13, 2007. The motion carried.

### **Adjournment**

There being no further business, Dr. Lyons made a motion, seconded by Ms. Gordon, to adjourn. The motion carried and the meeting was adjourned at 3.40 p.m.

**These minutes were ratified at the meeting held on April 24, 2008.**