

**BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation Against:

Ashwani Kumar, DVM,

**Citation No.
4602017000755
CITATION**

Complainant alleges:

PARTIES

1. Jessica Sieferman ("Complainant") brings this Citation solely in her official capacity as the Executive Officer of the Veterinary Medical Board ("Board"), Department of Consumer Affairs, State of California.
2. The Board's records fail to reveal that Ashwani Kumar ("Respondent") has been issued a veterinarian license.

STATUTORY PROVISIONS

3. Business and Professions Code (BPC) sections 125.9, 148, and 4875.2 and California Code of Regulations (CCR), title 16, section 2043 authorize the Executive Officer of the Board to issue citations containing orders of abatement and/or administrative fines against a licensee of the Board, or to an unlicensed person, who has committed any acts or omissions in violation of the Veterinary Medicine Practice Act (Act).
4. BPC section 4825 states that it is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter.
5. BPC section 4826 states that [a] person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

(a) Represents himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

...

(d) Performs a surgical or dental operation upon an animal.

...

CAUSE FOR CITATION

6. On or about March 6, 2017, Respondent applied and interviewed for a spay and neuter veterinarian position at the Butte Humane Society without possessing a current, valid California veterinarian license. Such conduct constitutes a violation of BPC section 4825, as defined in BPC 4826 subdivision (a).
7. On or about October 25, 2017, the Veterinary Medical Board conducted a field investigation of Walker Street Veterinary Clinic. During the investigation, a Board representative witnessed Respondent performing unsupervised surgery on a cat. Such conduct constitutes a violation of BPC section 4825, as defined in BPC 4826 subdivision (d).
8. On or about October 25, 2017, medical records obtained during the field investigation of Walker Street Veterinary Clinic show that the Respondent performed 15 surgeries on February 28, 2017, including four canine neuters, five feline neuters, five feline spays, and one aural hematoma operation. Such conduct constitutes a violation of BPC section 4825, as defined in BPC 4826 subdivision (d).

DETERMINATION OF ISSUES

CAUSE OF ACTION

9. A violation exists pursuant to BPC section 4825, as defined in BPC 4826 subdivision (a), as set forth in Paragraph 6. A cause of action thereby exists.
10. A violation exists pursuant to BPC section 4825, as defined in BPC 4826 subdivision (d), as set forth in Paragraph 7. A cause of action thereby exists.
11. Fifteen violations exist pursuant to BPC section 4825, as defined in BPC 4826 subdivision (d), as set forth in Paragraph 8. Causes of action thereby exists.

PENALTY

12. In compliance with BPC sections 148 and 4875.2 and CCR, title 16, section 2043, it is determined that:

Respondent be cited for a Class "C" violation in the amount of \$2,000 for the Cause for Citation, based upon a determination that the above-described facts

set forth in Paragraph 6 constitute a violation of BPC section 4825, as defined in BPC 4826 subdivision (a).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation based upon a determination the above-described facts set forth in Paragraph 7 constitute a violation of BPC section 4825, as defined in BPC 4826 subdivision (d).

Respondent be cited for 15 Class "C" violations in the amount of \$5,000 for the Causes for Citation based upon a determination the above-described facts set forth in Paragraph 8 constitute a violation of BPC section 4825, as defined in BPC 4826 subdivision (d).

13. In compliance with BPC sections 125.9 and 4875.2, and CCR, title 16, section 2043, subdivision (c), the total penalty for the above violations is \$82,000. However, pursuant to BPC section 125.9(b)(3) in no event shall the administrative fine assessed by the Board exceed \$5,000. Therefore, total fine amount due to the Board is \$5,000.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC section 4825, as defined in BPC 4826 subdivisions (a),(d).

12/6/2021

DATE

Signature on File

JESSICA SIEFERMAN
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California