

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

In the Matter of the Citation Against:

Nisar Ahmed

Unlicensed

Respondent

Citation No. 4602021000813

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 reveal that Nisar Ahmed (“Respondent”), has been issued a Veterinarian License, VET No. 12267, which was voluntarily surrendered on October 1, 2020.
3. The Board’s records that Respondent has been issued a veterinary premises registration for All Creatures Animal Hospital, HSP No. 6151, which was voluntarily surrendered on October 1, 2020.

STATUTORY PROVISIONS

4. Business and Professions Code (BPC) sections 125.9 and 4875.2 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 an unlicensed person who has committed any acts or omissions in violation of the Veterinary Medicine Practice Act (Act).

5. BPC Section 149 authorizes the Board to issue citations to individuals who are advertising with respect to the offering or performance of services without being properly licensed by the Board.

6. BPC section 4825 provides:

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 the Act.

[. . .]

7. BPC section 4826 states, in pertinent part:

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.

(b) Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.

(c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4836) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

[. . .]

(g) Uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry. This use shall be prima facie evidence of the intention to represent himself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry.

BPC section 4853 states, in pertinent part:

[. . .]

“Premises” for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee managers’ principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

FACTUAL ALLEGATIONS

8. On or about October 1, 2020, the Respondent’s license was revoked for negligence and incompetence, record keeping violations, radiographic films violations and failure to comply with terms of probation.

CAUSES FOR CITATION

9. On or about May 4, 2023, the Respondent admitted to representatives from the Board that he continued to practiced veterinary medicine after the revocation of his license on or about October 1, 2020 through March of 2021. Such unlicensed conduct constitutes a violation of BPC section 4825.
10. On or about February 27, 2021, while treating animal patient “Sophie,” the Respondent represented himself as being engaged in the practice of veterinary medicine without being properly licensed. Such unlicensed conduct constitutes a violation of BPC 4825 and 4826, subdivision (a).
11. On or about February 27, 2021, the Respondent diagnosed and prescribed drugs to animal patient “Sophie” without being properly licensed. Such unlicensed conduct constitutes a violation of BPC 4825 and 4826, subdivision (b).
12. On or about February 27, 2021, the Respondent administered drugs and provided treatment to animal patient “Sophie” without being properly licensed. Such unlicensed conduct constitutes a violation of BPC 4825 defined by BPC 4826, subdivision (c).
13. On or about February 27, 2021, the Respondent used words and titles in the medical record of animal patient “Sophie” without being properly licensed. Such unlicensed conduct constitutes a violation of BPC 4825 and 4826, subdivision (g).
14. On or about October 1, 2020 through March 2021, Respondent engaged in the practice of veterinary medicine without having a valid premises registration. Such unlicensed conduct constitutes a violation of BPC section 4853.

DETERMINATION OF ISSUES **CAUSES OF ACTION**

15. Violations exist pursuant to BPC section 4825, as set forth in paragraph 9. A cause of action thereby exists.
16. Violations exist pursuant to BPC section 4825 as defined by BPC section 4826, subdivision (a), as set forth in paragraph 10. A cause of action thereby exists.
17. Violations exist pursuant to BPC section 4825, as defined by BPC 4826, subdivision (b) as set forth in paragraph 11. A cause of action thereby exists.
18. Violations exist pursuant to BPC section 4825, as defined by BPC 4826, subdivision (c) as set forth in paragraph 12. A cause of action thereby exists.
19. Violations exist pursuant to BPC section 4825, as defined by BPC 4826, subdivision (g), as set forth in paragraph 13. A cause of action thereby exists.
20. Violations exist pursuant to BPC section 4853, as set forth in paragraph 14. A cause of action there by exists.

PENALTY

21. In compliance with BPC sections 125.9 and 4875.2 and CCR, Title 16, section 2043, it is determined that:
 - a. Respondent be cited for a Class “C” violation in the amount of \$5,000.00 for the Cause for Citation based upon a determination that the above-described facts set forth in paragraph 9 constitute violations of BPC section 4825.
 - b. Respondent be cited for a Class “C” violation in the amount of \$5,000.00 for the Cause for Citation based upon a determination that the above-described facts set forth in paragraph 10 constitute violations of BPC section 4825 as defined by BPC 4826, subdivision (a).
 - c. Respondent be cited for a Class “C” violation in the amount of \$5,000.00 for the Cause for Citation based upon a determination that the above-described facts set forth in paragraph 11 constitute violations of BPC 4825 as defined by BPC section 4826, subdivision (b).
 - d. Respondent be cited for a Class “C” violation in the amount of \$5,000.00 for the Cause for Citation based upon a determination that the above-described facts set forth in paragraph 12 constitute violations of BPC 4825 as defined by BPC section 4826, subdivision (c).
 - e. Respondent be cited for a Class “C” violation in the amount of \$5,000.00 for the Cause for Citation based upon a determination that the above-described facts

set forth in paragraph 13 constitute violations of BPC 4825 as defined by BPC section 4826, subdivision (g).

- f. Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for the Cause for Citation based upon a determination that the above-described facts set forth in paragraph 14 constitute violations of BPC 4853.

22. In compliance with BPC sections 125.9 and 4875.2, and CCR, Title 16, section 2043, subsections (a) and (c), the total penalty for the above violations is \$30,000.00. Pursuant to BPC section 125.9, subdivision (b)(3), in no event shall the administrative fine assessed by the Board exceed \$5,000.00. Therefore, the total fine amount due to the Board is \$5,000.00.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC sections 4825, 4826, subdivisions (a), (b), (c), (g) and BPC 4853.

10/13/2023
DATE

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

CONTEST OF CITATION
(Business and Professions Code (BPC) Sections 125.9 and 4875.6)

If you desire to administratively contest the citation or the proposed assessment of a civil penalty therefor and want to request an informal conference, you must, within 30 business days after you receive the citation, notify the executive officer in writing of your request for an informal conference with the executive officer or his or her designee. (BPC, § 4875.6, subdivision (a).)

If you desire an administrative hearing to contest the finding of a violation, you must submit a written request for administrative hearing to the Veterinary Medical Board (Board) within 30 days of the date of issuance of the citation or assessment. (BPC, § 125.9, subd. (b)(4).)

Submit your request for an informal conference or administrative hearing to contest the citation to the following address:

Veterinary Medical Board
1747 N. Market Blvd., Suite 230
Sacramento, CA 95834

If you fail to notify the executive officer or Board in writing that you intend to contest the citation or the proposed assessment of a civil penalty therefor, by either submitting a request for an informal conference or administrative hearing as described above, the citation or the proposed assessment of a civil penalty shall be deemed a final order of the Board and shall not be subject to further administrative review. (BPC, § 4875.6, subd. (a).)

You may, in lieu of contesting a citation, transmit to the Board the amount assessed in the citation as a civil penalty, within 10 business days after receipt of the citation. You may pay the assessed fine through your online BreZE portal and submit proof of compliance with the order of abatement. (BPC, § 4875.6, subd. (b).)

Failure of a licensee or registrant to pay a civil penalty within 30 days of the date of receipt of the assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. When a citation is not contested and a civil penalty is not paid, the full amount of the assessed civil penalty shall be added to the fee for renewal of the license or registration. A license or registration shall not be renewed without payment of the renewal fee and civil penalty. (BPC, § 125.9, subd. (b)(5).)

If you are an unlicensed person, you may notify the Board and file a petition for a writ of administrative mandamus under section 1094.5 of the Code of Civil Procedure within 30 calendar days after receipt of the citation, without engaging in an informal conference or administrative hearing. Payment of any fine shall not constitute an admission of the violation charged. (BPC, § 4875.6, subd. (b).)