

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

**In the Matter of the Citation Against:**

**Michelle Claus-Totten, Unlicensed Respondent**

**Citation No. 1819-21**

**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 Michelle Claus-Totten (“Respondent”) has been issued a veterinarian or veterinary technician license.
3. The Board’s records fail to reveal that Respondent has been issued a premises permit.

**STATUTORY PROVISIONS**

4. 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).
5. BPC section 4825 provides 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 the Act. A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she performs any act set forth in BPC section 4826, including representing himself or herself as engaged in the

practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

6. BPC section 4853 requires all premises, including a building, kennel, mobile unit, or vehicle, where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof are being practiced to be registered with the Board.

### **CAUSE FOR CITATION**

7. On or about January 28-29, 2016, Respondent represented herself as a Registered Veterinary Technician with 25 years of experience to animal patient owner. Respondent provided an estimate of \$400.00 for her to perform a declaw procedure on two feline patients (\$250.00 for the procedure and \$150.00 for supplies). Such practice of veterinary medicine constitutes a violation of BPC section 4825 by way of 4826, subdivisions (a) and (f).
8. On or about January 28-29, 2016, Respondent performed a spay surgery on a feline patient named Annie and a declaw procedure on a feline patient named Olivia. As a direct result of procedure, feline patient Olivia died, and feline patient Annie required veterinary intervention. Such practice of veterinary medicine constitutes a violation of BPC section 4825 by way of 4826, subdivisions (b) and (d).
9. On or about January 28-29, 2016, Respondent used controlled substances to anesthetize both feline patients. Such practice of veterinary medicine constitutes a violation of BPC section 4825 by way of 4826 subdivision (c).
10. On or about January 28-29, 2016, Respondent performed the procedures at Respondent's place of residence. The Board has not issued a premises permit to Respondent. Respondent is not authorized to practice veterinary medicine at any location. Such practice of veterinary medicine constitutes a violation of BPC section 4853, subdivision (a).

### **DETERMINATION OF ISSUES**

#### **CAUSE OF ACTION**

11. Violations exist pursuant to BPC section 4825 by way of 4826, subdivisions (a) and (f). A cause of action thereby exists.
12. Violations exist pursuant to BPC section 4825 by way of 4826, subdivisions (b) and (d). A cause of action thereby exists.
13. Violations exist pursuant to BPC section 4825 by way of 4826, subdivision (c). A cause of action thereby exists.

14. \*Violations exist pursuant to BPC section 4853, subdivision (a). A cause of action thereby exists.

**PENALTY**

15. In compliance with BPC sections 148 and 4875.2 and CCR, title 16, section 2043<sup>1</sup>, it is determined that:

Respondent be cited for a Class “B” violation in the amount of \$1,000 for the Cause for Citation, based upon a determination that the above-described facts constitute violations of BPC section 4825 by way of 4826, subdivisions (a) and (f).

Respondent be cited for a Class “B” violation in the amount of \$1,000 for the Cause for Citation, based upon a determination that the above-described facts constitute violations of BPC section 4825 by way of 4826, subdivisions (b) and (d).

Respondent be cited for a Class “B” violation in the amount of \$1,000 for the Cause for Citation, based upon a determination that the above-described facts constitute violations of BPC section 4825 by way of 4826, subdivision (c).

Respondent be cited for a Class “B” violation in the amount of \$1,000 for the Cause for Citation, based upon a determination that the above-described facts constitute violations of BPC section 4853, subdivision (a).

16. In compliance with BPC sections 125.9 and 4875.2, and CCR, section 2043. The total penalty for the above violations is \$4,000.

**ORDER OF ABATEMENT**

The Board hereby orders Respondent to cease and desist from violating BPC sections 4825 and 4853 subdivision (a).

May 13, 2020  
\_\_\_\_\_  
DATE

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

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<sup>1</sup>Allowable fines pursuant to CCR 2043, subdivision (b) operative February 10, 2000 through September 30, 2016.