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8  
9 **BEFORE THE**  
**VETERINARY MEDICAL BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

13 **DAVID J. HARRIS**  
14 **Veterinarian License Applicant**

15 Respondent.

Case No. 4602020001326

**STATEMENT OF ISSUES**

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18 **PARTIES**

19 1. Jessica Sieferman (Complainant) brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Veterinary Medical Board (Board), Department of  
21 Consumer Affairs.

22 2. On or about February 22, 2020, the Board received an application for a Veterinarian  
23 License from David J. Harris (Respondent). On or about February 22, 2020, David J. Harris  
24 certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on February 23, 2021.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code (Code) unless  
4 otherwise indicated.

5 4. Section 4875 of the Code states, in pertinent part, that the Board may revoke or  
6 suspend for a certain time the license or registration of any person to practice veterinary medicine  
7 or any branch thereof in this state after notice and hearing for any of the causes provided in this  
8 article. In addition to its authority to suspend or revoke a license or registration, the board shall  
9 have the authority to assess a fine not in excess of five thousand dollars (\$5,000) against a  
10 licensee or registrant for any of the causes specified in Section 4883. A fine may be assessed in  
11 lieu of or in addition to a suspension or revocation.

12 **STATUTORY PROVISIONS**

13 5. Section 480 of the Code states, in pertinent part:

14 (a) Notwithstanding any other provision of this code, a board may deny a  
15 license regulated by this code on the grounds that the applicant has been convicted of  
16 a crime or has been subject to formal discipline only if either of the following  
17 conditions are met:

18 (1) The applicant has been convicted of a crime within the preceding seven  
19 years from the date of application that is substantially related to the qualifications,  
20 functions, or duties of the business or profession for which the application is made,  
21 regardless of whether the applicant was incarcerated for that crime, or the applicant  
22 has been convicted of a crime that is substantially related to the qualifications,  
23 functions, or duties of the business or profession for which the application is made  
24 and for which the applicant is presently incarcerated or for which the applicant was  
25 released from incarceration within the preceding seven years from the date of  
26 application. . .

27 6. Section 4883 of the Code states, in pertinent part:

28 The board may deny, revoke, or suspend a license or assess a fine as provided  
in Section 4875 for any of the following:

(a) Conviction of a crime substantially related to the qualifications, functions,  
or duties of veterinary medicine, surgery, or dentistry, in which case the record of the  
conviction shall be conclusive evidence.

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(c) Violation or attempting to violate, directly or indirectly, any of the  
provisions of this chapter [the Veterinary Medicine Practice Act].

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(g) Unprofessional conduct, that includes, but is not limited to, the following:

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(2) ...

(B) The use of any of the dangerous drugs specified in Section 4211, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed under this chapter [the Veterinary Medicine Practice Act], or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed to conduct with safety the practice authorized by the license.

(C) The conviction of more than one misdemeanor or any felony involving the use, consumption or self-administration of any of the substances referred to in this section or any combination thereof and the record of the conviction is conclusive evidence.

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked or assess a fine, or may decline to issue a license, when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

**REGULATORY PROVISIONS**

7. California Code of Regulations, title 16, section 2040 states, in pertinent part:

(a) For the purposes of denial, suspension, or revocation of a license pursuant to Section 141, Division 1.5 (commencing with Section 475), or subdivision (n) of Section 4883 of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions, or duties of a person holding a license under Chapter 11 of Division 2 of the code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare. For purposes of this subsection, "license" shall mean license, registration, or permit.

**FIRST CAUSE FOR DENIAL OF APPLICATION**

**(August 4, 2020 Criminal Conviction - DUI on February 1, 2020)**

8. Respondent's application is subject to denial under Code sections 480(a)(1) and 4883(a), in conjunction with California Code of Regulations, title 16, section 2040, in that on or about August 4, 2020, in a criminal proceeding entitled *The People of the State of California vs. David Jacob Harris*, in Superior Court of California, County of Kern, Case Number

1 SM122556A, Respondent was convicted of violating Vehicle Code section 23152(b) (DUI  
2 alcohol/0.08%), a misdemeanor. Respondent was sentenced to serve four days in jail, placed on  
3 probation for three years with terms and conditions, ordered to complete 48 hours of community  
4 service, complete a nine-month alcohol education program, complete the victim impact program,  
5 and pays fines and fees.

6 The circumstances underlying the conviction are that on or about February 1, 2020, a  
7 California Highway Patrol officer conducted an enforcement stop involving Respondent. Upon  
8 speaking to Respondent, the officer noticed an odor of an alcoholic beverage emitting from his  
9 breath, red and watery eyes, and slurred speech. Respondent admitted to drinking alcoholic  
10 beverages prior to driving. Respondent submitted to a breath sample that revealed a blood  
11 alcohol concentration of 0.18% on the first reading and 0.18% on the second reading.

#### 12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

#### 13 **(December 9, 2020 Criminal Conviction - DUI on March 14, 2020)**

14 9. Respondent's application is subject to denial under Code sections 480(a)(1) and  
15 4883(a), in conjunction with California Code of Regulations, title 16, section 2040, in that on or  
16 about December 9, 2020, in a criminal proceeding entitled *The People of the State of California*  
17 *vs. David Jacob Harris*, in Superior Court of California, County of Los Angeles, Case Number  
18 OSC02038, Respondent was convicted of violating Vehicle Code section 23152(b) (DUI  
19 alcohol/0.08%), a misdemeanor. Respondent was placed on probation for 60 months with terms  
20 and conditions, ordered to complete eight days of community labor, complete an 18-month  
21 treatment or counseling program, complete the hospital and morgue program, complete the victim  
22 impact program, and pays fines and fees.

23 The circumstances underlying the conviction are that on or about March 14, 2020, a  
24 California Highway Patrol officer initiated a traffic enforcement stop involving Respondent.  
25 Upon speaking to Respondent, the officer noticed a strong odor of an alcoholic beverage emitting  
26 from his breath and person, red and watery eyes, slurred speech, and unsteady balance.  
27 Respondent submitted to a blood sample that revealed a blood alcohol concentration of 0.34%.

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**THIRD CAUSE FOR DENIAL OF APPLICATION**

**(Dangerous Use of Alcohol)**

10. Respondent's application is subject to denial under Code section 4883(g)(2)(B), on the grounds of unprofessional conduct, in that on or about February 1, 2020 and March 14, 2020, Respondent used alcoholic beverages to the extent or in any manner as to be dangerous or injurious to himself, any other person, or the public, as alleged above in paragraphs 8 and 9.

**FOURTH CAUSE FOR DENIAL OF APPLICATION**

**(Convictions Involving the Consumption of Alcohol)**

11. Respondent's application is subject to denial under Code section 4883(g)(2)(C), on the grounds of unprofessional conduct, in that on or about August 4, 2020 and December 9, 2020, Respondent was convicted of more than one misdemeanor involving the consumption of alcoholic beverages, as alleged above in paragraphs 8 and 9.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Veterinary Medical Board issue a decision:

- 1. Denying the application of David J. Harris for a Veterinarian License; and
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 06/15/2021

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

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