

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

In the Matter of the Citation Against:

Carolyn Brill

Unlicensed

Citation No. 4602024000183

CITATION

Complainant alleges:

PARTIES

1. Jessica Siefeman ("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 Carolyn Brill, ("Respondent") is not licensed with the Veterinary Medical Board.

STATUTORY PROVISIONS

3. Business and Professions Code (BPC) 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 149 states, in pertinent part:

(a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

[. . .]

(2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

[. . .]

5. 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.

[. . .]

FACTUAL ALLEGATIONS

6. On August 2, 2022 a citation and fine was issued to Respondent for advertising vaccination services for a fee. Respondent appealed the citation and an informal conference was held on August 30, 2022. Following the informal conference, the citation was modified on September 20, 2022 to remove the fine amounts as Respondent updated their website to remove the advertisements which contained violations. After the citation was modified, the advertisements were reinstated, once again offering vaccination services for a fee.

CAUSE FOR CITATION

7. On or about June 16, 2023, through March 18, 2024, Respondent engaged in the practice of veterinary medicine by advertising through Facebook that she can provide vaccination services for a fee. Such conduct constitutes a violation of BPC section 4826, subdivision (a).
8. On or about September 27, 2023, Respondent engaged in the practice of veterinary medicine by offering to provide vaccination services for a fee through text messaging. Such conduct constitutes a violation of BPC section 4826, subdivision (a).
9. On or about November 27, 2023, through March 18, 2024, Respondent engaged in the practice of veterinary medicine by advertising through Facebook that she can provide vaccination services for a fee. Such conduct constitutes a violation of BPC section 4826, subdivision (a).
10. On or about December 28, 2023, through March 18, 2024, Respondent engaged in the practice of veterinary medicine by advertising through Facebook that she can provide vaccination services for a fee. Such conduct constitutes a violation of BPC section 4826, subdivision (a).

DETERMINATION OF ISSUES **CAUSE OF ACTION**

11. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 7. Causes of action thereby exist.
12. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 8.

Causes of action thereby exist.

13. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 9. Causes of action thereby exist.

14. Violations exist pursuant to BPC 4826, subdivision (a), as set forth above in Paragraph 10. Causes of action thereby exist.

PENALTY

15. 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 four Class “C” violations in the amount of \$5000.00 each for the Causes for Citation, based upon a determination that the above-described facts in Paragraphs 7, 8, 9, 10 constitute violations of BPC section 4826, subdivision (a).

16. 15. In compliance with BPC sections 125.9 and 4875.2, and CCR, Title 16, section 2043, subsection (c), the total penalty for the above violations is \$20,000.00. However, 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, 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 section 4826, subdivisions (a).

In addition, pursuant to BPC section 149, subdivision (a)(2), the Board orders Respondent to notify the telephone company furnishing the services to Respondent to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

March 28 , 2024

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 10 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, subd. (a).)

If you desire a hearing to contest the finding of a violation, you must submit a written request for 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 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 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. (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).)