

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

In the Matter of the Citation Against:

Luis Ruben Colon,

and

Heart Break Bullies,

Respondents

Citation No. 4602018000779

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 Luis Ruben Colon (“Respondent”) has been issued a veterinarian license.
3. The Board’s records fail to reveal that Heart Break Bullies has been issued a veterinary premises registration.

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:

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.

6. BPC section 4826¹, provides, 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.

[...]

7. BPC section 4853², provides, in pertinent part:

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

[...]

8. BPC section 149, provides, 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:

[...]

¹ BPC section 4826 operative January 1, 2013, through December 31, 2021.

² BPC section 4853 operative January 1, 1997, through December 31, 2021.

(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.

CAUSE FOR CITATION

9. On, about, or prior to August 27, 2017, Respondent diagnosed pregnancy in a rottweiler. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).
10. On or about August 27, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he diagnosed pregnancy in a rottweiler and advertising he can provide pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
11. On, about, or prior to August 27, 2017, Respondent diagnosed pregnancy in a bulldog. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).
12. On or about August 27, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he diagnosed pregnancy in a bulldog and advertised he can provide pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
13. On, about, or prior to September 12, 2017, Respondent diagnosed pregnancy in an animal patient. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).
14. On or about September 12, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he diagnosed an animal patient's pregnancy and advertising he can provide pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
15. On, about, or prior to September 19, 2017, Respondent diagnosed pregnancy in a French bulldog. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).
16. On or about September 19, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he diagnosed an animal patient's pregnancy and advertising he can provide pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
17. On or about December 30, 2016, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook

account that he can provide mobile pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).

18. On or about January 6, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he diagnosed an animal patient's pregnancy and can provide pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
19. On or about February 5, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he can provide mobile pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
20. On or about February 22, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he can provide mobile pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
21. On or about May 29, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he can provide mobile pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
22. On or about August 27, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he can provide mobile pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
23. On or about September 26, 2017, Respondent represented himself as being engaged in the practice of veterinary medicine by advertising on his Facebook account that he can provide mobile pregnancy services. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).
24. On or about February 5, 2017; February 22, 2017; May 29, 2017, and August 27, 2017, Respondent advertised his mobile services through his business "Heart Break Bullies Reproductive Services." The Board has not issued a premises registration to Respondent or Heart Break Bullies. Such unlicensed conduct constitutes a violation of BPC section 4853, subdivision (a).

DETERMINATION OF ISSUES
CAUSE OF ACTION

25. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (b), as set forth in Paragraph 9. A cause of action thereby exists.
26. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 10. A cause of action thereby exists.
27. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (b), as set forth in Paragraph 11. A cause of action thereby exists.
28. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 12. A cause of action thereby exists.
29. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (b), as set forth in Paragraph 13. A cause of action thereby exists.
30. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 14. A cause of action thereby exists.
31. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (b), as set forth in Paragraph 15. A cause of action thereby exists.
32. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 16. A cause of action thereby exists.
33. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 17. A cause of action thereby exists.
34. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 18. A cause of action thereby exists.
35. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 19. A cause of action thereby exists.
36. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 20. A cause of action thereby exists.
37. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 21. A cause of action thereby exists.
38. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 22. A cause of action thereby exists.
39. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (a), as set forth in Paragraph 23. A cause of action thereby exists.

40. Violations exist pursuant to BPC section 4853, subdivision (a), as set forth in Paragraph 24. A cause of action thereby exists.

PENALTY

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

Respondent be cited for four Class "C" violations in the amount of \$2,500.00 for each Cause for Citation, based upon a determination that the above-described facts set forth above in Paragraphs 9, 11, 13, and 15 each constitute a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).

Respondent be cited for eleven Class "C" violations in the amount of \$2,500.00 for each Cause for Citation, based upon a determination that the above-described facts set forth above in Paragraphs 10, 12, 14, and 16 through 23 each constitute a violation of BPC section 4825, as defined in BPC section 4826, subdivision (a).

Respondent be cited for a Class "C" violation in the amount of \$2,500.00 for the Cause for Citation, based upon a determination that the above-described facts set forth above in Paragraph 24 constitute a violation of BPC section 4853, subdivision (a).

42. In compliance with BPC sections 125.9 and 4875.2, and CCR, Title 16, section 2043, subsection (e), the total penalty for the above violations is \$40,000.00. 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 sections 4825, 4826, subdivisions (a) through (d), and 4853, subdivision (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.

May 19, 2022
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).)

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).)