

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

In the Matter of the Citation Against:

Marc Teruo Ching

Citation No. 2021-18

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 Marc Teruo Ching (“Respondent”) has been issued a veterinarian license.
3. The Board’s records fail to reveal that “The Petstaurant” has been issued a 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 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.

6. BPC section 4826 (b) provides, in relevant part, 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 diagnosing or prescribing 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 4826 (c) provides, in relevant part, 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 administering 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.
8. 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

9. On or about June 18, 2020, Respondent examined canine patient "M" without a valid California veterinary license. Such unlicensed practice constitutes a violation of BPC section 4825, as defined in BPC section 4826(b).
10. On or about June 18, 2020, Respondent prescribed their food additive product to canine patient "M" to treat vomiting and diarrhea without a valid California veterinary license. Such unlicensed practice constitutes a violation of BPC section 4825, as defined in BPC section 4826(b).
11. On or about June 18, 2020, Respondent diagnosed canine patient "M" with a sebaceous cyst without a valid California veterinary license. Such unlicensed practice constitutes a violation of BPC section 4825, as defined in BPC section 4826(b).
12. On or about June 18, 2020, Respondent admitted to administering IVs (IV fluids) for free for low income individuals without a valid California veterinary license. Such unlicensed practice constitutes a violation of BPC of section 4825, as defined in BPC section 4826(c).
13. On or about June 18, 2020, the Respondent practiced unlicensed veterinary medicine on the canine patient "M," as defined in BPC section 4826(b),(c), at "The Petstaurant" without a valid premise permit. Such unlicensed practice constitutes a violation of BPC 4853.

DETERMINATION OF ISSUES **CAUSE OF ACTION**

14. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826(b), as set forth above in Paragraph 9. A cause of action thereby exists.
15. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826(b), as set forth above in Paragraph 10. A cause of action thereby exists.
16. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826(b), as set forth above in Paragraph 11. A cause of action thereby exists.
17. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826(c), as set forth above in Paragraph 12. A cause of action thereby exists.
18. Violations exist pursuant to BPC section 4853, as set forth above in Paragraph 13. A cause of action thereby exists.

PENALTY

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

Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 9 constitute a violation of BPC section 4825 as defined in BPC section 4826(b).

Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 10 constitute a violation of BPC section 4825 as defined in BPC section 4826(b).

Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 11 constitute a violation of BPC section 4825 as defined in BPC section 4826(b).

Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 12 constitute a violation of BPC section 4825 as defined in BPC section 4826(c).

Respondent be cited for a Class “C” violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 13 constitute a violation of BPC section 4853.

20. In compliance with BPC sections 125.9 and 4875.2, and CCR, title 16, section 2043, subdivision (c), the total penalty for the above violations is \$25,000. However, pursuant to BPC section 125.9(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 4825 as defined in BPC sections 4826(b),(c) and BPC section 4853.

September 24, 2021
DATE

SIGNATURE ON FILE
JESSICA SIEFERMAN
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California