

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

In the Matter of the Citation Against:

Randall S. Spicer

Citation No. 4602016000356

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 Randall S. Spicer (“Respondent”) has not been issued a veterinarian license.
3. The Board’s records fail to reveal that Respondent has been issued a veterinary premises registration.

STATUTORY PROVISIONS

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).

4. BPC section 4825 states in pertinent part:

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.

5. BPC section 4826 states in pertinent part that 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.

(c) 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 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.

[. . .]

(d) Performs a surgical or dental operation upon an animal.

[. . .]

6. BPC section 4853 states in pertinent part:

(a) 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.

[. . .]

REGULATORY PROVISIONS
CAUSE FOR CITATION

7. On or about May 12, 2016, Respondent performed equine dentistry services on a multitude of horses at Reedley College without possessing a valid California veterinarian license. Such unlicensed conduct constitutes a violation of BPC 4825 as defined in BPC 4826 (c) and (d).

8. On or about May 12, 2016, Respondent administered an anesthetic drug and performed a tooth extraction on an equine patient at Reedley College without possessing a valid California veterinarian license. Such unlicensed conduct constitutes a violation of BPC 4825 as defined in BPC 4826 (c) and (d).

9. On or about June 7, 2017, the Board informed Respondent of the need for a California veterinarian license to provide dental procedures to animal patients in California. However, from June 07, 2017 through April 23, 2022, Respondent continued to offer dental procedures to California consumers on 57 different occasions via their personal Facebook page. Such unlicensed conduct

constitutes a violation of BPC 4825 as defined in BPC 4826 (a).

10. On or about June 6, 2018, Respondent performed equine dentistry services on equine patient B without possessing a valid California veterinarian license such unlicensed conduct constitutes a violation of BPC 4825 as defined in BPC 4826 (c) and (d).
11. On or about June 6, 2018, Respondent performed equine dentistry services on equine patient H without possessing a valid California veterinarian license such unlicensed conduct constitutes a violation of BPC 4825 as defined in BPC 4826 (c) and (d).
12. On or about May 12, 2016 through April 23, 2022, Respondent performed equine dentistry services on multiple equine patients without possessing a valid veterinary premise registration. Such unlicensed practice constitutes a violation of BPC 4853, subdivision (a).

DETERMINATION OF ISSUES
CASE OF ACTION

13. Violations exist pursuant to BPC section 4825, as defined in BPC section 4826, subdivisions (c) and (d), as set forth above in Paragraph 7. A cause of action thereby exists.
14. Violations exist pursuant to BPC section 4825, as defined in BPC section 4826, subdivisions (c) and (d), as set forth above in Paragraph 8. A cause of action thereby exists.
15. Violations exist pursuant to BPC section 4825, as defined in BPC section 4826, subdivisions (a), as set forth above in Paragraph 9. A cause of action thereby exists.
16. Violations exist pursuant to BPC section 4825, as defined in BPC section 4826, subdivisions (c) and (d), as set forth above in Paragraph 10. A cause of action thereby exists.
17. Violations exist pursuant to BPC section 4825, as defined in BPC section 4826, subdivisions (c) and (d), as set forth above in Paragraph 11. A cause of action thereby exists.

18. Violations exist pursuant to BPC section 4853, subdivision (a), as set forth above in Paragraph 12. A cause of action thereby exists.

PENALTY

19. In compliance with BPC sections 125.9 and 4875.2 and CCR, title 16, section 2043, it is determined that:
20. 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 set forth in paragraph 7 constitute a violation of BPC section 4825, as defined in BPC section 4826, subdivisions (c) and (d).¹
21. 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 set forth in paragraph 8 constitute a violation of BPC section 4825, as defined in BPC section 4826, subdivisions (c) and (d).¹
22. 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, subdivisions (a).²
23. 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, subdivisions (c) and (d).²
24. 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, subdivisions (c) and (d).²
25. 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 4853, subdivision (a).²
26. 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 \$22,000. 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.

¹ Allowable fine pursuant to CCR 2043, subdivision (b) operative February 10, 2000, through September 30, 2016

² Allowable fine pursuant to CCR 2043, subdivision (b) operative October 1, 2016

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC sections 4825, 4826 (a), (c), (d), and 4853(a).

Pursuant to BPC section 149, subdivision (a)(1) and (2), the Board orders Respondent to cease advertising dental procedures for equines on their personal Facebook page and notify the telephone company furnishing the services to Respondent to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

August 4, 2022
DATE

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