

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

In the Matter of the Citation Against:

**CESAR C. PEREZ JR.
Respondent**

Citation No. 2021-13

CITATION

Complainant alleges:

PARTIES

1. Jessica Siefertman (“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 Cesar C. Perez (“Respondent”) has been issued a veterinarian license.

STATUTORY PROVISIONS

3. 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 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 this chapter.
5. BPC section 4826 provides in relevant part that a person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any 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.
 - d) Performs a surgical or dental operation upon an animal.
 - f) Uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry. This use shall be prima facie evidence of the intention to represent himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry.
6. 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.

REGULATORY PROVISIONS

7. CCR, title 16, section 2037(a) defines the term “dental operation” as used in Business and Professions Code section 4826 means:
- (1) The application or use of any instrument, device, or scaler to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal's tooth, gum or related tissue; and
 - (2) Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing, scaling or polishing of tooth surfaces.

CAUSE FOR CITATION

8. On or about November 1, 2017, Respondent represented himself as engaged in the practice of veterinary dentistry by offering teeth scaling procedures for animal patient “A”, as defined in CCR section 2037, subdivision (a), subsections (1) and (2). The Board has not issued a license to practice veterinary medicine to Respondent. Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (a).
9. On or about November 1, 2017, Respondent represented himself as engaged in the practice of veterinary dentistry by offering extraction procedures for animal patient “A”, as defined in CCR section 2037, subdivision (a), subsections (1) and (2). The Board has not issued a license to practice veterinary medicine to

Respondent. Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (a).

10. On or about November 1, 2017, Respondent admitted to performing veterinary dentistry on animal patients from on or about November 1, 2003 to November 1, 2017, as defined in CCR section 2037, subdivision (a), subsections (1) and (2). The Board has not issued a license to practice veterinary medicine to Respondent. Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (d).
11. On or about November 1, 2017, Respondent used words, letters, or titles such as “Registered Dental Assistant (RDA)” and “Certified Dental Assistant (CDA)” to induce the belief of being engaged in the practice of veterinary dentistry, as defined in CCR section 2037, subdivision (a), subsections (1) and (2). The Board has not issued a license to practice veterinary medicine to Respondent. Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (f).
12. On or about November 1, 2017, at Heavenly Paws Pet Care, Respondent represented himself as engaged in and offered veterinary dentistry for animal patient “A”, as defined in CCR Section 2037, subdivisions (a)(1) and (2) without a current and valid premises registration. The Board has not issued a premises registration authorizing veterinary medicine to be performed at Heavenly Paws Pet Care. Such unlicensed conduct constitutes a violation of BPC section 4853, subdivision (a).

DETERMINATION OF ISSUES
CAUSE OF ACTION

13. Violations exist pursuant to BPC sections 4825 and 4826, subdivision (a) as set forth in Paragraph 8. A cause of action thereby exists.
14. Violations exist pursuant to BPC sections 4825 and 4826, subdivision (a) as set forth in Paragraph 9. A cause of action thereby exists.
15. Violations exist pursuant to BPC sections 4825 and 4826, subdivision (d) as set forth in Paragraph 10. A cause of action thereby exists.
16. Violations exist pursuant to BPC sections 4825 and 4826, subdivision (f) as set forth in Paragraph 11. A cause of action thereby exists.
17. Violations exist pursuant to BPC section 4853 as set forth in Paragraph 12. A cause of action thereby exists.

PENALTY

18. 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 \$4,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 8 constitute violations of BPC sections 4825 and 4826, subdivision (a).

Respondent be cited for a Class "C" violation in the amount of \$4,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 9 constitute violations of BPC sections 4825 and 4826, subdivision (a).

Respondent be cited for a Class "C" violation in the amount of \$4,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 10 constitute violations of BPC sections 4825 and 4826, subdivision (d).

Respondent be cited for a Class "C" violation in the amount of \$4,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 11 constitute violations of BPC sections 4825 and 4826, subdivision (f).

Respondent be cited for a Class "C" violation in the amount of \$4,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 12 constitute violations of BPC section 4853.

19. 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 \$20,000. 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 sections 4825 and 4826, subdivision (a),(d),(f) and 4853.

June 24, 2021

DATE

SIGNATURE ON FILE

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