

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

**In the Matter of the Citation Against:**

**SHANE FOX**

**Respondent**

**Citation No. 2021-15**

**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 Shane Fox (“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 the Act. 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 representing himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.
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:
  - d) Performs a surgical or dental operation upon an animal.
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 April 5, 2018, Respondent was observed practicing a veterinary dental procedure on a canine. Respondent used a metal dental scraper to remove calculus from the animal patient's teeth. Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in 4826, subdivision (d).
9. On or about April 5, 2018, at The Tooth Fairy LLC, Respondent represented herself as engaged in and offered veterinary dentistry for an animal patient, 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 The Tooth Fairy LLC. Such unlicensed conduct constitutes a violation of BPC section 4853, subdivision (a).

**DETERMINATION OF ISSUES**  
**CAUSE OF ACTION**

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

**PENALTY**

12. 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 \$5,000.00 for the Cause for Citation, based upon a determination that the above-described facts as set forth above in Paragraph 8 constitute violations of BPC sections 4825 and 4826, subdivision (d).

Respondent be cited for a Class "C" violation in the amount of \$5,000.00 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 9 constitute violations of BPC section 4853, subdivision (a).

13. In compliance with BPC sections 125.9 and 4875.2, and CCR, title 16, section 2043, subdivision (e), the total penalty for the above violations is \$10,000.00. 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, 4826, subdivision (d), and 4853, subdivision (a).

August 31, 2021  
\_\_\_\_\_  
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).)