

BOARD MEETING
LOUISIANA BOARD OF VETERINARY MEDICINE
February 15, 1998

I. CALL TO ORDER

The meeting was called to order at 11:45 a.m. by the President, Dr. James Burk.

II. ROLL CALL

Those present were:

Dr. James Burk	President
Dr. Anne Guedry	Vice-President
Dr. Dick Walther	Secretary/Treasurer
Dr. Adrienne Aycock	Member
Dr. George Gowan	Member
Mr. Charles Mann	Executive Director
Ms. Virginia Anthony	Asst. Atty. General - for the Board
Mr. E. Wade Shows	Attorney for the Board

III. EXECUTIVE SESSION

Dr. Aycock moved to enter executive session to discuss the current court case, David B. Smythe v. Louisiana Board of Veterinary Medicine - No. 442537; the current Inspector General's investigation; and the recusal of the board attorney in pending investigation proceedings, seconded by Dr. Guedry, and passed by voice vote.

Upon return to the public record by motion of Dr. Walther, seconded by Dr. Aycock, and passed by voice vote, the following action was reported:

A. David B. Smythe v. Louisiana Board of Veterinary Medicine - No. 442537. Dr. Guedry moved to proceed with the case in district court as it normally would, except that Dr. Burk is still authorized to negotiate a settlement in the case, seconded by Dr. Walther, and passed by voice vote.

B. Inspector General's Investigation. The investigation being conducted by the Inspector General's office was discussed but no action was taken.

C. Recusal of Board Attorney in Pending Investigation Proceedings. Dr. Gowan moved to accept Dr. Burk's and Ms. Anthony's recommendation

that Ms. Anthony recuse herself from any future matters relating to Suzanne Hernandez, DVM, since Ms. Anthony had been a complainant in a previous case; that she recuse herself from any role in case 97-0710V (V. Pettigrew, DVM) in which an administrative hearing has been scheduled, and that an attorney outside of the Attorney General's office be retained to serve as legal adviser; that she recuse herself from any further role in case 97-1010V (A. LaGraize, DVM) in which an administrative hearing has been held and a rehearing may take place; and that she prosecute in all future cases in which an administrative hearing will be held. The motion was seconded by Dr. Walther and passed by voice vote. No facts of these cases were discussed.

Based on discussion of the role of the board attorney in administrative hearings, specifically that the board attorney will not sit with deliberating Board members, the Board determined that a rule to allow proposed findings of fact and conclusions of law to be submitted by prosecuting and defense counsel at the end of a hearing, as allowed by the Administrative Procedure Act, should be considered at the April 23, 1998, meeting.

IV. Discussion of Open Meetings Law and Disciplinary Process

Various aspects of the disciplinary process and compliance with the Open Meetings Law were discussed, including the prohibition on the electronic recording of administrative hearings; the Complaint Review Committee meetings; and notice to respondents under the Open Meetings Law about ongoing deliberations. Ms. Anthony was asked to get a written statement from the Inspector General's office concerning the prohibition on electronic recordings. It was determined that the Complaint Review Committee meeting is held for an investigative purpose and that it does not fit the definition of a public meeting under the law. Although the application of the Open Meetings Law to deliberations in an administrative hearing is not entirely clear, the current practice of informing respondents of meetings for deliberations will be continued.

V. LVMA Meeting

It was reported that Dr. Burk will deliver an oral report of the Board's activities for the LVMA business meeting. He will also be available after the nomination process to answer questions from nominees about the Board's work.

VI. ADJOURN

At 1:52 p.m., Dr. Gowan moved to adjourn the meeting, seconded by Dr. Aycock, and passed by voice vote.

APPROVED BY:

Dick C. Walther, DVM
Secretary/Treasurer