

DOCKET NO. 2005-42

IN THE MATTER
OF THE LICENSE OF
KIMBERLY TUNMIRE, D.V.M.

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TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 9th day of June, 2005, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Kimberly Tunmire, D.V.M. (Respondent). Pursuant to the Veterinary Licensing Act (Act), §801.408, Texas Occupations Code, and Board Rule 575.27, Respondent was sent a letter of invitation to appear at an Informal Conference that was held on May 5, 2005. Respondent waived her appearance. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Agreed Order. In waiving an adjudicative hearing, Respondent understands the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon recommendation of the Enforcement Committee, and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below:

Findings of Fact

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. On March 28, 2005, the Board received a letter from Kimberly Tunmire, D.V.M., who

stated that she did not obtain all of the required continuing education (CE) hours in 2004, renewal year 2005. Dr. Tunmire was 12 hours short of the required 17 hours. She stated that she had been remodeling her clinic and was involved in a custody battle for her oldest son in 2004.

3. The Respondent did not request a hardship extension of the CE requirements for the year 2004. A review of Dr. Tunmire's compliance history indicates a CE violation for the year 2000, for which a \$250.00 fine was assessed.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. Board Rule 573.64 of the Rules of Professional Conduct requires each license holder to acquire 17 hours of approved continuing education each year.
3. Based on Findings of Fact 2 and 3, Respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.
4. Based on Findings of Fact 2 and 3 and Conclusions of Law 1 through 3, Respondent is subject to disciplinary action by the Board under Section 801.402 (6) of the Texas Occupations Code for engaging in "practices or conduct that violates the board's rules of professional conduct" and is therefore subject to a civil penalty under Sec. 801.401.

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Kimberly Tunmire, D.V.M., be assessed a civil penalty of FIVE HUNDRED dollars (\$500.00) under the following terms and conditions:

1. Respondent shall pay the penalty within forty-five (45) days of the Board's approval of the Agreed Order.
2. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
3. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with

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TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

this order.

4. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Act or the Board Rules, may result in further disciplinary action.

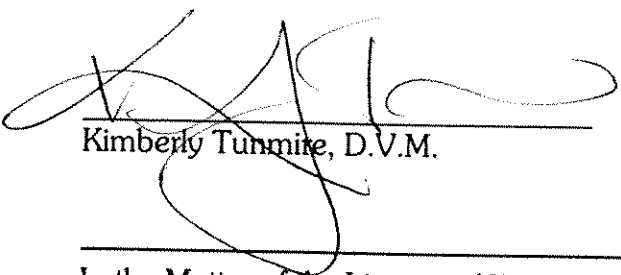
Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE, OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, KIMBERLY TUNMIRE, D. V. M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.



Kimberly Tunmire, D.V.M.



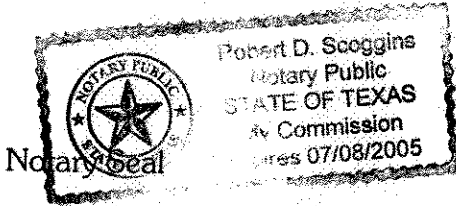
DATE

In the Matter of the License of Kimberly Tunmire, D.V.M.
Docket No. 2005-42

STATE OF TEXAS §
COUNTY OF McKENNA §

BEFORE ME, on this day, personally appeared KIMBERLY TUNMIRE, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 28th day of May, 2005.



Robert D. Scoggins
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the ___ day of _____, 2005.

Gary Brantley, M.D.
Gary Brantley, D.V.M.
President