

**BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE**

**WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE,  
Complainant,**

v.

**Case No. 0415A**

**JOHN FABISH,  
Veterinarian License Number: 15-2014  
Respondent.**

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**CONSENT AGREEMENT AND ORDER**

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After due investigation of a complaint initiated by the West Virginia Board of Veterinary Medicine (Board) it was determined that there was probable cause to believe that John Fabish (Respondent) violated the *Consent Agreement and Order* as entered into on February 19, 2016, in violation of the provisions of W. Va. Code § 30-10-1 *et seq.* and the Rules of the Board at W. Va. Code R. § 26-1-1 *et seq.* The Respondent was provided with written notice of the allegations against him pursuant to the rules of the Board and the laws of this State.

Now, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number 0415A and the parties agree to entry of the following Order in disposition of this matter.

**FINDINGS OF FACT**

The Board adopts the following findings in this matter:

1. That John Fabish is a licensee of the Board with license number 15-2014 and is subject to the license requirements of said Board.
2. The Board is a regulatory board created for the purpose of regulating the practice of veterinary medicine. W. Va. Code § 30-10-1 *et seq.*

3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's veterinary medicine license because of authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19.

4. That the Board entered into a *Consent Agreement and Order (Agreement)* with the Respondent on February 19, 2016.

5. That this *Agreement* outlined requirements for fulfillment of this *Agreement*.

6. One requirement was for the Respondent to complete continuing education courses as outlined at Items numbered 2.a and b. under the Order section.

7. Respondent submitted a falsified certificate of attendance for the 17<sup>th</sup> Annual Spring Clinic sponsored by the Pennsylvania Veterinary Medical Association in May 2016. Respondent did not attend the May 2016 Spring Clinic, but instead attended the 2015 Spring Clinic.

8. Pursuant to Item numbered four (4) under the Order section, the Board may seek further disciplinary action against the Respondent for any violation of the *Agreement* entered on February 19, 2016, including immediate suspension of the Respondent's license.

9. Respondent did file a timely response to these allegations, and states that he was not able to timely comply with the requirement to obtain the specified continuing education requirements as mandated by the *Agreement*.

10. That those acts described in Paragraphs 1 through 9 above, demonstrate that the Respondent falsified documents for submission of continuing education hours to the Board in fulfillment of the *Agreement*.

11. That upon recommendation of the Complaint Committee, after reviewing the evidence and Respondent's response, the Board by majority vote, at its Board meeting on November 9, 2016, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, John Fabish.

#### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of violation of the *Consent Agreement and Order* set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice veterinary medicine, pursuant to W. Va. Code § 30-10-11.
3. That the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.
4. The Respondent's actions as outlined in the *Findings of Fact* constitute conduct, practices or acts in violation of W. Va. Code § 30-10-19(g)(4), W. Va. Code R. 26-1-9.1.a. and the *Agreement*.

#### **CONSENT OF LICENSEE**

I, John Fabish, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were a violation of the Board's governing statute and rules.

The Respondent, John Fabish, by affixing his signature hereon, agrees to the following:

**ORDER**

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. The Board does hereby accept the voluntary surrender of John Fabish's license to practice veterinary medicine within the state of West Virginia in lieu of a hearing. Moreover, the Board considers this voluntary surrender in lieu of a hearing and the admission of statutory, rule violations along with violating the *Agreement* as reportable disciplinary action.

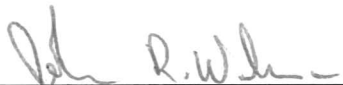
2. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

3. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

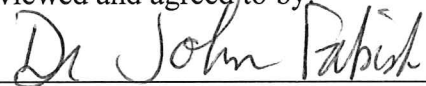
4. This *Consent Agreement and Order* constitutes the entire agreement between the parties.


In recognition of this *Consent Agreement and Order* and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE

By:   
Dr. John Wilson  
Chairman

Entered: 1-9-2017  
Date

Reviewed and agreed to by:  
  
Dr. John Fabish, Respondent  
12/18/16  
Date

  
Albert Dunn, Jr., Esquire  
Counsel for Respondent  
1/3/17  
Date