

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE No. 1119D

**AUDRA MELTON, DVM,
VETERINARIAN LICENSE NO. 16-2008,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

Upon due investigation, the West Virginia Board of Veterinary Medicine (“Board”) determined there was probable cause to believe that Audra Melton, DVM (“Respondent”) engaged in unprofessional conduct in violation of the Board’s governing statutes and rules, W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.* The Board gave Respondent written notice of the allegations against her and the opportunity to request an administrative hearing under the rules of the Board and the laws of this State. Rather than proceeding to an administrative hearing, the parties have agreed to the entry of this *Consent Agreement and Order* to resolve and dispose of this matter.

FINDINGS OF FACT

The Board adopts the following factual findings:

1. Respondent is a licensee of the Board, holding License No. 16-2008. At all times relevant, Respondent held an active license issued by the Board.
2. According to information filed with the Board, Respondent established a stationary veterinary facility by the name “MSVS of Buckhannon, PLLC” on or about March 8, 2018. Respondent did not register this facility with the Board until April 19, 2018.

3. According to information filed with the Board, Respondent established a stationary veterinary facility by the name "MSVS of Farmington" on or about August 21, 2017. Respondent did not register this facility with the Board until April 30, 2018.

4. According to information filed with the Board, Respondent established a stationary veterinary facility by the name "MSVS of Ritchie County" on or about November 15, 2018. Respondent did not register this facility with the Board until July 1, 2019.

5. In registering the above three facilities, Respondent certified to the Board that she is the owner of and veterinarian-in-charge at each one.

6. The Board reviewed the foregoing information at its meeting on October 21, 2019, and determined that Respondent may be in violation of W. Va. Code R. § 26-4-8.3, which provides that, "[s]hould a veterinary facility change ownership, the new owner shall notify the Board within 5 days of such purchase and will be subject to re-inspection."

7. The Board issued a *Complaint and Statement of Charges* on November 14, 2019, and requested that Respondent respond thereto within 30 days.

8. On or about December 21, 2019, the Board received a written response from Respondent.

9. The Board reviewed the complaint and response at its meeting on January 9, 2020, and found probable cause to believe that Respondent failed on three separate occasions to provide timely notice of the change in ownership of a veterinary facility, in violation of W. Va. Code R. §§ 26-4-8.3, 26-1-8.1.e and W. Va. Code § 30-10-19(g)(3).

CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 16-2008, and therefore is subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice veterinary medicine under the authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19 and W. Va. Code R. §§ 26-1-9 and 26-2-1 to 26-2-6.

4. Respondent was notified of the allegations against her pursuant to the rules of the Board and the laws of this State.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-4-8. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Audra Melton, by signing this *Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this *Consent Agreement and Order* voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. 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 in this document.

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

4. 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. I admit that my actions violated the statutes and rules of the West Virginia Board of Veterinary Medicine.

6. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Audra Melton, by affixing her signature hereto, agrees to the following Order.

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Within 90 days from the date of entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.
3. Any failure to comply with all provisions in this *Consent Agreement and Order* may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice veterinary medicine in the State of West Virginia.
4. This document is a public record as defined in West Virginia Code § 29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database and for posting on the Board's website.
5. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

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

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: John R. Wilson DVM
Dr. John R. Wilson, Board Chairman

Entered: 2-17-2020
Date

REVIEWED AND AGREED TO BY:

Audra Melton DVM
Audra Melton, DVM
Respondent

2/13/2020
Date

This day personally appeared before me, Audra Melton, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 13th day of Feb., 2020.

My Commission expires: Oct 3 2021

Jessica D. Hayes
Notary Public

