

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF VETERINARY MEDICINE

TIME: 10:31 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

January 17, 2025

State Board of Veterinary Medicine
January 17, 2025

BOARD MEMBERS:

Thomas Garg, D.V.M., Chair
Matthew Eaton, Deputy Commissioner, Designee for
Acting Commissioner, Bureau of Professional and
Occupational Affairs
Anjilla Cooley, DVM
Clement George, Public Member
Apryle Horbal, D.V.M., Secretary - Absent
Valerie Kehoe, CVT
Hilary Vesell, Esquire, Public Member

BUREAU PERSONNEL:

Dana Archer, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Carlton Smith, Esquire, Deputy Chief Counsel
Department of State
Paul Jarabeck, Senior Prosecutor, Department of State
Greg Liero, Esquire, Board Prosecutor
Mark Zogby, Esquire, Board Prosecutor
Sarah Buhite, Esquire, Board Prosecution Liaison
Denise Szekely, Esquire, Board Prosecutor
Timothy Henderson, Board Prosecutor
Michelle Roberts, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Thomas Leech II, Administrative Officer 2
Deena Parmalee, Legal Office Administrator 1

ALSO PRESENT:

Jamie Lenzi, Esquire
Beth Venit, D.V.M.
Joseph S. Bender D.V.M.
Chris Pinney, D.V.M.
Derek Richmond, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Veterinary Medicine

3 January 17, 2025

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Dana Archer, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations
9 and to receive the advice of counsel. The Board
10 returned to open session at 10:31 a.m.]

11 ***

12 The regularly scheduled meeting of the State
13 Board of Veterinary Medicine was held on Friday,
14 January 17, 2025. Thomas Garg, V.M.D., Chair, called
15 the meeting to order at 10:31 a.m.

16 ***

17 [Dana Archer, Esquire, Board Counsel, noted the Board
18 met in Executive Session for the purpose of
19 conducting quasi-judicial deliberations on the
20 matters under the Report of Prosecutors and the
21 Report of Board Counsel.

22 Ms. Archer also noted the meeting was being
23 recorded, and those who continued to participate were
24 giving their consent to be recorded.]

25 ***

1 Roll Call

2 [Thomas Garg, Board Chair, conducted a roll call of
3 the Board members. A quorum of Board members was
4 present.]

5 ***

6 Introduction of Attendees

7 [Michelle Roberts, Board Administrator, provided an
8 introduction of attendees.]

9 ***

10 Approval of Minutes of the November 22, 2024 meeting

11 CHAIR GARG:

12 The first item on the agenda is
13 approval of the minutes from the
14 previous meeting. Are there any
15 concerns with regards to those minutes?

16 In that case, if there are no
17 concerns, would anybody like to make a
18 motion to accept the minutes?

19 MS. KEHOE:

20 I'll make the motion.

21 DR. COOLEY:

22 I second.

23 CHAIR GARG:

24 Any further discussion? I'll call
25 roll.

1

2

Mr. Eaton, abstain; Dr. Cooley, yes;

3

Mr. George, abstain; Ms. Kehoe, yes;

4

Ms. Vesell, aye; Tom Garg, aye.

5

[The motion carried. Matthew Eaton and Clement

6

George abstained from voting on the motion.]

7

8

Report of Prosecution

9

[Greg Liero, Esquire, Department of State, presented

10

the Consent Agreement for Case No. 21-57-0009756.]

11

12

[Mark Zogby, Esquire, Board Prosecutor, presented the

13

Consent Agreements for Case Nos. 20-57-009869 and 20-

14

57-013266; and Case No. 22-57-010085.]

15

16

[Paul Jarabeck, Senior Prosecutor, Department of

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State, presented the Consent Agreement for Case No.

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22-57-018431.]

19

20

[Sarah Buhite, Esquire, Board Prosecutor, presented

21

the Consent Agreement for Case No. 23-57-008275.]

22

MS. ARCHER:

23

For agenda items, 3,4,6 and 7, I

24

believe the Board would entertain a

25

motion to accept the Consent Agreements

1 following these numbers: Case No. 21-
2 57-0009756, Case No. 20-57-013266, Case
3 No. 22-57-018431 and Case No. 23-57-
4 008275.

5 MS. KEHOE:

6 I'll make the motion.

7 DR. COOLEY:

8 I second.

9 CHAIR GARG:

10 Any further discussion? I'll call
11 roll.

12

13 Mr. Eaton, aye; Dr. Cooley, yes; Mr.
14 George, yes; Ms. Kehoe, yes; Ms.
15 Vesell, aye; Tom Garg, aye.

16 [The motion carried unanimously. The Respondent's
17 name at Case No. 57-0009756 is Tanya M. Artman, DVM.
18 The Respondent's name at Case No. 20-57-013266 is F.
19 Thomas Miller, DVM. The Respondent's name at Case
20 No. 22-57-018431 Heather Irene Pressdee, CVT. The
21 Respondent's name at Case No. 23-57-008275 is Conrado
22 Roblejo, DVM.]

23

24 MS. ARCHER:

25 Moving back to Agenda Item 5, I believe

1 the Board would entertain a motion to
2 deny the Consent Agreement at Case No.
3 22-57-010085 as being too harsh.

4 Is there a motion?

5 MS. KEHOE:

6 I'll make the motion.

7 DR. COOLEY:

8 I second.

9 CHAIR GARG:

10 Any further discussion? I'll call
11 roll.

12
13 Mr. Eaton, yes; Dr. Cooley, yes; Mr.
14 George, yes; Ms. Kehoe, yes; Ms.
15 Vesell, aye; Tom Garg, aye.

16 [The motion carried unanimously.]

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Annual Report of Prosecution

[Carlton Smith, Esquire, Deputy Chief Counsel for the Prosecution, Department of State, presented the annual report to the Board. He stated, in 2024, there were a total of 22,900 cases that were processed through the prosecution division across all boards. This number, he stated, is up from the year 2023 in which approximately 19,000 cases were processed.

Mr. Smith then presented the the respective prosecutorial numbers for the Board. He stated, at the time the Annual Report was completed, there were 9,090 active licensees. 268 cases were opened with the Board in 2024, which is slightly up from the year 2023 in which 264 cases were open. Currently, there are 369 cases opened with 220 cases closed for 2024.

Mr. Smith conceded that he felt some improvement was needed in the timing of closing cases, and on average, it takes about 374 days to close a case. He informed the Board that he and Mr. Jarabeck were

1 working together to decrease that timing. He noted
2 there are several factors affecting the time spent
3 prosecuting and closing a case. A more complex case
4 may take longer to close. He added that with any
5 case involving a standard of care violation, expert
6 witness testimony is needed as evidence, which often
7 results in a longer period of time investigating a
8 case.

9 Mr. Smith was questioned if every complaint
10 received by the prosecution was an open case. [AK1]

11 Mr. Smith stated most complaints received
12 resulted in open cases. Mr. Smith explained issues
13 with a lack of jurisdiction or a complaint filed
14 without meeting the burden of proof needed to
15 prosecute a case would result in a case being closed
16 without prosecution. Mr. Smith had no specific
17 information as to the percentage of complaints that
18 were prosecuted.

19 Mr. Smith informed the Board that that were 11
20 instances in 2023 of fines being issued and 10
21 instances of same for 2024. One Act 48 fine citation
22 was issued in 2024, and two were issued in 2023.
23 Costs were assessed to the respondent in conjunction
24 with a complaint three times in 2024. He added that
25 there were some cases that required mandatory

1 continuing education and other cases wherein
2 suspensions from practicing were issued.

3 Mr. Smith advised the Board that the largest
4 category of complaints received by the prosecution
5 division are referred to as prosecution not warranted
6 cases, meaning that no prosecution took place. He
7 stated in 2024 there were 142 complaints where
8 prosecution was not warranted. Mr. Smith explained
9 factors resulting in a non-prosecutable case might
10 include a lack of evidence by the prosecution to
11 support the alleged violation on a complaint.
12 Another factor that determines a prosecution, not
13 warranted case involves expert witness testimony that
14 may offer no proof that a breach existed in a
15 standard of care case. Lastly, jurisdictional issues
16 ultimately determine whether the prosecution can
17 investigate and/or prosecute an alleged violation.
18 If the prosecution has no jurisdiction over the
19 allegation, then no investigation is warranted.

20 Warnings, Mr. Smith continued, were the next
21 biggest category of prosecution, not warranted cases.
22 In 2024, there were 25 warnings issued by the
23 prosecution. Mr. Smith advised as to certain factors
24 considered when issuing a warning, including the
25 seriousness of the allegation, the history of

1 discipline, or lack thereof, by the Board upon the
2 alleged violator, and expert opinions. If a warning
3 letter is issued to the respondent, the complainant
4 will be notified that such a letter was sent.

5 Mr. Smith concluded the presentation by referring
6 to a total of three individuals entering the VRP
7 (Voluntary Recovery Program) in 2024 and one being
8 discharged for same year.]

9 ***

10 Report of Board Counsel

11 MS. ARCHER:

12 Agenda Item No. 8, I believe the Board
13 would entertain a motion to deny
14 settlement authority in the matter of
15 Karin-Susan Breitlauch, Commonwealth
16 Court of Appeal 1468, CD 2024, Case No.
17 21-57-003768.

18 MS. KEHOE:

19 I'll make the motion.

20 DR. COOLEY:

21 I second.

22 CHAIR GARG:

23 Any further discussion? I'll call
24 roll.

25

1 Mr. Eaton, yes; Dr. Cooley, yes; Mr.
2 George, yes; Ms. Kehoe, yes; Ms.
3 Vesell, aye; Tom Garg, yes.

4 [The motion carried unanimously.]

5 ***

6 MS. ARCHER:

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8 Moving down to Agenda Item No. 9, I
9 believe the Board would entertain a
10 motion to grant the Motion to Deem
11 Facts admitted for Andrew John Church,
12 VMD. That's Case No. 20-57-011112 and
13 to direct Board Counsel to draft the
14 final Adjudication and Order as
15 discussed in Executive Session.

16 MS. KEHOE:

17 I'll make the motion.

18 DR. COOLEY:

19 I second.

20 CHAIR GARG:

21 Any further discussion? I'll call
22 roll.

23

24 Mr. Eaton, yes; Dr. Cooley, yes; Mr.
25 George, yes; Ms. Kehoe, yes; Ms.
26 Vesell, yes; Tom Garg, yes.

1 [The motion carried unanimously.]

2 ***

3 Annual Sunshine Act/Recusal Presentation

4 [Dana Archer, Esquire, Pennsylvania Department of
5 State, presented a review of the Pennsylvania
6 Sunshine Act to the Board.

7 Ms. Archer stated the purpose of the Sunshine Act
8 is to ensure that the public has access to any and
9 all agency meetings. This Act, Ms. Archer noted,
10 encourages the public to attend open agency meetings
11 to observe how agency policies and decisions are
12 formulated, thereby guaranteeing the continuing
13 success of the democratic process in action.
14 Meetings are required to be held in public forums.

15 Ms. Archer also noted that anytime agencies are
16 discussing agency business, including but not limited
17 to, agency recommendations of statute work pursuant
18 to Executive Order, establishment of policy
19 decisions, voting on motions or proposals, et cetera,
20 is considered to be official agency business and,
21 therefore, subject to issuing public notice of the
22 meeting for same. Public notice is to be posted no
23 less than three days before the scheduled meeting.
24 Public notice of a special meeting or a reschedule
25 meeting is to be given no less than 24 hours in

1 advance thereof. Lastly, public notice must be
2 posted for the first regular agency meeting of each
3 year and not less than three days prior to the
4 meeting.

5 Ms. Archer continued by stating that proper
6 public notice consists of the date, place and time of
7 the meeting. Public notice must be on prominent
8 display within the agency itself. Newspaper
9 publication is required as well. However, public
10 notice need not be given in the case of an emergency
11 meeting or conference.

12 Ms. Archer also conveyed that notice of the
13 meeting agenda for the meeting must be placed on a
14 public website at least 24 hours prior to the
15 meeting. She stated the meeting agenda must include
16 the location of the meeting and the principal office
17 of the agency making the agenda. Ms. Archer further
18 commented that any matter discussed or subject for
19 deliberation at a meeting or executive session must
20 be on the meeting agenda.

21 Ms. Archer stated meeting minutes, both recorded
22 and written, are required for each meeting. The
23 minutes should contain a record of any votes that are
24 publicly passed in the course of agency business.
25 Meeting minutes must reflect the date of the meeting,

1 time, place, and the names of the members present at
2 the meeting. Additional requirements for meeting
3 minutes would include the recording of any official
4 action deliberated or taken by the agency and a
5 recognition of any individual members responsive to
6 the voting process of that deliberation. The names
7 of the public citizens officially present and subject
8 to their testimony must also be included. A
9 conference is the one exception to the rule of
10 allowing public access to agency meetings in that it
11 is considered a part of the executive session.

12 Executive sessions are held primarily to review
13 and discuss agency business but also for members to
14 discuss personnel issues, litigation issues or
15 strategy related to agency action in relation to
16 identifiable complaints or charges. Executive
17 sessions may be held either before, during or after
18 an open meeting. Executive sessions occurring either
19 just prior to or subsequent to an open meeting may be
20 announced as such.

21 Ms. Archer stated legal challenges to the
22 Sunshine Act need to be filed within 30 days of
23 meeting in question or within 30 days of discovering
24 a potential violation in the meeting. The statute of
25 limitations on filing any legal challenge to the

1 Sunshine Act is one year. Penalties for violating
2 the Act can include criminal sanctions or summary
3 offense. Board members may discuss official action,
4 deliberations, agency business, et cetera, in Board
5 meetings only.

6 Ms. Archer then addressed the subject of recusal.
7 Any Board member or voting member of an agency that
8 may have a direct interest in the outcome of an
9 agency decision, whether it be financial, personal or
10 otherwise, must recuse themselves from the right to
11 participate in that agency's decision-making process.
12 Board members in a prosecutorial role must recuse
13 themselves as well. Board members who are uncertain
14 about recusing themselves from an agency deliberation
15 as it applies to their own personal circumstances are
16 advised to speak with counsel.

17 Ms. Archer next presented the topic of
18 abstention versus recusal. An abstention, she
19 stated, is the action of a member withholding a vote
20 one time, either because they were absent at a prior
21 agency meeting or have questions about the accuracy
22 of prior meeting minutes that need to be addressed.
23 Recusals are required when a member's inability to be
24 fair or impartial in official agency deliberations is
25 removed from the voting process altogether.

1 meeting dates are March 28, May 23, July 25,
2 September 5, and November 21. He also stated, since
3 May 23rd, 2025 is the Friday before Memorial Day
4 weekend, Board members should consider whether this
5 is a date they would be available.]

6 ***

7 Adjournment

8 CHAIR GARG:

9 Are there any other items for today?

10 I'll make a motion to adjourn.

11 MS. KEHOE:

12 Motion to adjourn.

13 ***

14 [There being no further business, the State Board of
15 Veterinary Medicine Meeting adjourned at 11:10 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Veterinary Medicine meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Veterinary Medicine Meeting.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

January 17, 2025

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Roll Call
10:35	Approval of Minutes
10:36	Report of Prosecution
10:54	
10:54	Appointment - Annual Sunshine
11:04	Act/Recusal Presentation
11:04	Report of Board Counsel
11:17	Report of Regulatory Counsel
11:21	Upcoming Meeting Dates
11:23	Adjournment