



JOHN M. O'CONNOR  
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION  
2022-32A**

Cathy Kirkpatrick, Executive Director  
Oklahoma State Board of Veterinary Medical Examiners  
3812 N. Santa Fe, Suite 300  
Oklahoma City, OK 73118

September 28, 2022

Re: John A. Marcotte, Case No. C-22-052

Dear Executive Director Kirkpatrick:


This office has received your request for a written Attorney General Opinion regarding action the Oklahoma State Board of Veterinary Medical Examiners ("Board") intends to take in case C-20-064.


The Oklahoma Veterinary Practice Act authorizes the Board to impose discipline when a veterinarian is guilty of unprofessional conduct, which includes "[v]iolation of any provisions of the [Act] or the rules and policies of the Board or of an action, stipulation or agreement of the Board." 59 O.S.2021, § 698.14a(22). The Board may reasonably believe that the proposed action is necessary to protect the public from unlicensed persons and to deter future violations.

In December 2021, the Board suspended Respondent's license for thirty days, followed by a five-year probation period after Respondent pled guilty to one count of Misprison of a Felony. This office found that the suspension was in accord with state policy. *See* 2022 OK AG 3A. While under suspension, the Respondent allowed an unlicensed person to (1) issue an animal health certification with Respondent's signature; (2) draw blood from animals without supervision of a licensed veterinarian and (3) falsify federal documents by signing Respondent's name to the documents.

The Board proposes to suspend Respondent's license for six months after which time the Respondent will be placed on probation for an additional five years with annual appearances before the Board and pay an administrative fine of \$5,000.

It is, therefore, the official opinion of the Attorney General that the Oklahoma State Board of Veterinary Medical Examiners has adequate support for the conclusion that this action advances the state's policy of protecting the consumers of veterinary services.

  
JOHN M. O'CONNOR  
ATTORNEY GENERAL OF OKLAHOMA

  
THOMAS SCHNEIDER  
DEPUTY GENERAL COUNSEL