

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF VETERINARY MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ABOLARIN AGBONA, D.V.M.  
License No. 69-01-008492

Complaint No. 69-07-104062

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Veterinary Medicine on October 23, 2007, charging Abolarin Agbona, D.V.M. (Respondent) with having violated sections 16221(a), (b)(i), and (h) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*, and 1981 AACRS, R 338.4913(3) and 1996 AACRS, R 338.1632.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a) and (h) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*, and 1981 AACRS, R 338.4913(3) and 1996 AACRS, R 338.1632.

Accordingly, for these violations, IT IS ORDERED:

Respondent's license is SUSPENDED for a period of two weeks.

Respondent is placed on PROBATION for a period of two years commencing on the date of reinstatement of Respondent's license. Reduction of the probationary period shall occur only while Respondent is employed as a veterinarian. Respondent shall be automatically discharged from probation at the end of the probationary period provided Respondent has complied with the terms of this order. The terms and conditions of the probation, which Respondent must complete within the period of probation, are as follows:

- A. MEETING WITH BOARD MEMBER. Respondent shall meet quarterly with a Board member designated by the Chairperson of the Disciplinary Subcommittee (or the chairperson's designee) to review Respondent's professional practice. The initial meeting shall occur at the end of the third month of probation, and subsequent meetings shall occur every third month thereafter until the period of probation ends. Within thirty days of the effective date of this order, Respondent shall contact the Sanction Monitoring Unit of the Bureau of Health Professions, Department of Community Health as further provided in this order. The Sanction Monitoring Unit shall provide Respondent with the name of and contact information for the designated Board member. Respondent shall be responsible for scheduling the time and place of the meetings with the Board member.
- B. RECORDS REVIEW. During the period of probation, the designated Board member shall review records of patients treated by Respondent. This review may occur at the quarterly meetings described in the above paragraph.
- C. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- D. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN. Periods of residency and practice outside Michigan shall not reduce the probationary period of this order. Respondent shall report any change of residency or practice outside Michigan to the Department within fifteen days after the change occurs. Compliance with this provision does not satisfy the

requirements of section 16192(1) and 16171(f) of the Public Health Code regarding Respondent's duty to report name or mailing address changes to the Department.

- E. CONTINUING EDUCATION CREDITS. Respondent shall successfully complete continuing education credits in the areas of anesthesia, surgery, emergency medicine, and record keeping. Respondent must seek and obtain advance approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for approval of a course and proof of successful completion of a course to the Department at the address set forth below.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED THREE THOUSAND (\$ 3,000.00) DOLLARS to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 69-07-104062 clearly indicated on the check or money order) within 90 days from the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

Count II [section 16221(b)(i)] of the complaint is DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring Unit, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan 48909. Respondent shall mail the fine required by the terms of this order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

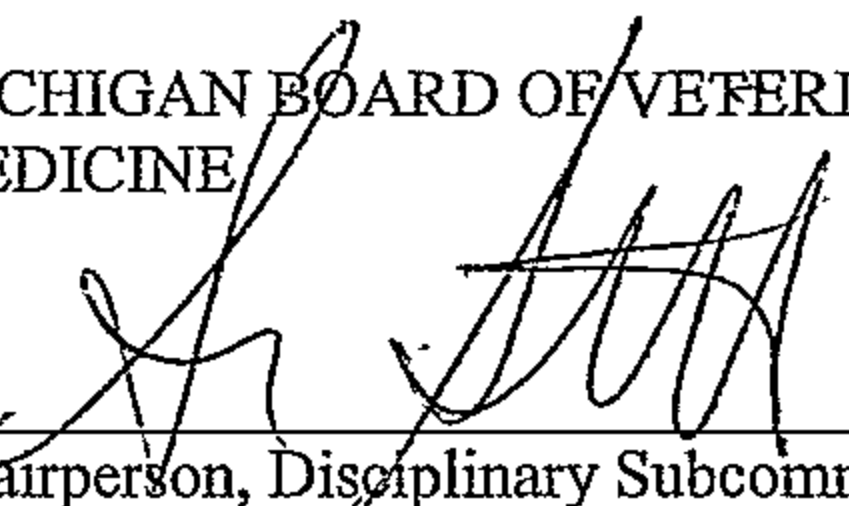
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on August 28, 2008.

MICHIGAN BOARD OF VETERINARY  
MEDICINE

By   
Chairperson, Disciplinary Subcommittee

## STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint.

Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Henry Vaupel, D.V.M. Dr. Vaupel or an attorney from the Licensing and Regulation Division are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Vaupel and the parties considered the following factors in reaching this agreement:

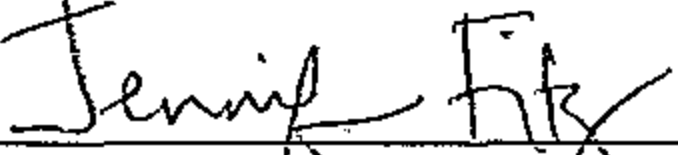
- A. Respondent's cooperation in entering into this Consent Order.
- B. The dog's age and health at the time of incident.

C. Respondent's candor with the pet owner regarding Mocha's death.

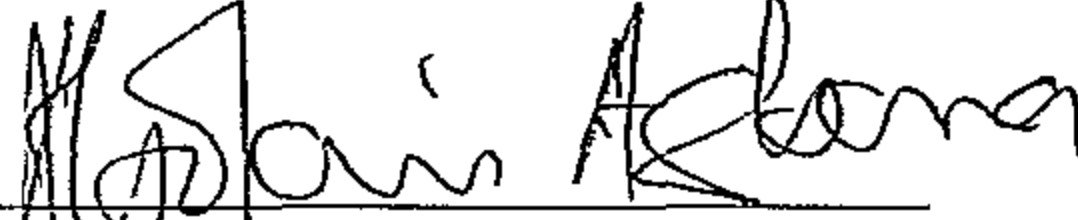
D. After this incident, Respondent amended his pre-surgical practices to check the pop-off valve on the anesthesia machine each time before using it.

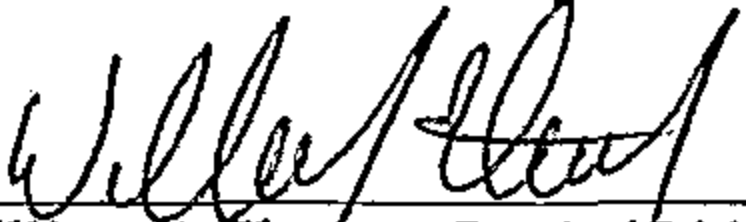
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: 8-6-08

AGREED TO BY:

  
Abolarin Agbona, D.V.M.  
Respondent  
Dated: 07-18-08

  
William J. Fleener, Jr., (P45448)  
Attorney for Respondent  
Dated: 7-18-08