



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-17A

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

March 13, 2024

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-22-052.

The Oklahoma Veterinary Practice Act ("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).

While under suspension by the Board in another matter, Dr. Marcotte 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 proposed to suspend Dr. Marcotte'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. Dr. Marcotte appealed the Board's decision, which was eventually reversed and remanded to Board by the District Court in January 2024.

Following a review of the record on remand, the Board found that clear and convincing evidence that Dr. Marcotte violated the Act when he engaged in unprofessional and dishonorable conduct by submitting two Coggins test forms to the Oklahoma State Veterinarian while suspended in violation of 59 O.S.2021, § 698.14a(E) and OAC 775:10-5-30(3). The Board proposes to suspend Dr. Marcotte for six months; place him on probation for an additional five-year period for a total of ten years of probation, without annual appearances before the Board; and levy an administrative penalty of \$5,000.00. The Board may reasonably believe that the proposed action is necessary to protect the public and to deter future violations.

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.

A blue ink signature of Rob Johnson, written in a cursive style.

ROB JOHNSON
GENERAL COUNSEL