

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES S. GRAHAM, D.V.M.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003329

Division of Legal Services and Compliance Case No. 13 VET 034

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

James S. Graham, D.V.M.
4706 New Horizons Boulevard
Appleton, WI 54914

Wisconsin Veterinary Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Veterinary Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent, James S. Graham, D.V.M., (dob November 23, 1955), is licensed in the state of Wisconsin to practice veterinary medicine, having license number 3204-50, first issued on, August 11, 1988 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4706 New Horizons Boulevard, Appleton, Wisconsin 54914.

2. At all times relevant to this action, Respondent was employed as a veterinarian for Fox Valley Animal Referral Center, 4706 New Horizons Boulevard, Appleton, Wisconsin.

3. Between December 31, 2011 and August 15, 2013, Respondent practiced veterinary medicine with an expired a license.

4. During the time his license was expired, Respondent completed required continuing education.

5. Respondent admitted his lapse and paid his renewal fee immediately upon becoming aware the license was expired.

6. This is Respondent's first discipline.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 453.07(2)(a), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, James S. Graham, D.V.M. violated Wis. Stats. § 453.07(1)(b) and Wis. Admin. Code § VE 7.06(20) by practicing veterinary medicine without a current license in violation of Wis. Stats § 453.05(1).

3. As a result of the above violation, James S. Graham, D.V.M., is subject to discipline pursuant to Wis. Stat. §§ 453.05(3) and 453.07(2)(a).

ORDER

1. The attached Stipulation is accepted.

2. The license to practice veterinary medicine in the state of Wisconsin issued to James S. Graham, D.V.M., (license number 3204-50) is hereby SUSPENDED as follows:

- a. Respondent's license to practice veterinary medicine in the state of Wisconsin shall be suspended for a continuous period of twenty-two (22) days, commencing October 1, 2014.
- b. During the period of suspension, Respondent may not engage in the practice of veterinary medicine.
- c. During the period of suspension, Respondent may not be present in any location at which veterinary medicine is practiced, except as the owner of a pet who is a patient, and for the purpose of seeking care for that patient.
- d. In emergency circumstances only, where contact with Respondent is necessary for patient care, licensed veterinarians providing care to Respondent's patients may contact respondent via telephone, computer or other electronic means. This contact shall be documented in the patient's health care record.

3. Within ninety (90) days from the date of this Order, James S. Graham, D.V.M., shall pay COSTS of this matter in the amount of \$377.00.

4. Respondent shall send payment of costs (by tender made payable to the Wisconsin Department of Safety and Professional Services) to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190
Telephone (608) 267-3817
Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order, including failure to pay costs as ordered above, may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license.

6. This Order is effective on the date of its signing.

WISCONSIN VETERINARY EXAMINING BOARD

by: P. C. Johnson DVM
A Member of the Board

7/30/14
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES S. GRAHAM, D.V.M.,
RESPONDENT.

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STIPULATION

0003329

Division of Legal Services and Compliance Case No. 13 VET 034

Respondent James S. Graham, D.V.M., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by attorney Mark A. Pennow.

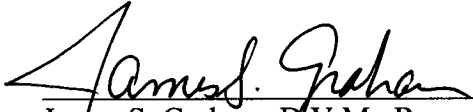
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Veterinary Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

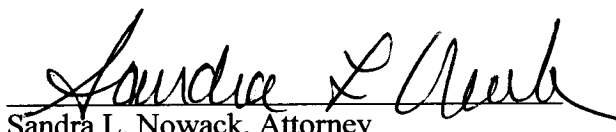
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


James S. Graham, D.V.M., Respondent
4706 New Horizons Boulevard
Appleton, WI 54914
License no. 3204-50

5/31/2014
Date


Mark A. Pennow, Attorney for Respondent
Denissen Kranzush Mahoney & Ewald SC
3000 Riverside Dr. Ste. 200
Green Bay, WI 54307

June 5, 2014
Date


Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

6/10/14
Date