

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) Docket No. 14-0081
)
Anthony D. Allen, D.V.M.)
)
Respondent) Consent Decision

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) (Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that Respondent violated the Act. Respondent has agreed that this proceeding should be terminated by entry of the Consent Decision set forth below, and has agreed to the following stipulations:

1. For the purpose of this stipulation, and the provisions of this Consent Decision only, Respondent admits specifically that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, admits to the Findings of Fact set forth below, and waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof; and
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

2. Respondent also stipulates and agrees that the United States Department of Agriculture is the “prevailing party” in this proceeding and waives any action against the United

States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for the fees and other expenses incurred by Respondent in connection with this proceeding.

Findings of Fact

1. Anthony D. Allen, D.V.M., herein referred to as Respondent, is an accredited veterinarian with an address of Pearsall Veterinary Hospital, 1412 West Comal Street, Pearsall, TX 78061.

2. On or about April 6, 2009, Respondent, and/or his technician, drew blood samples from bulls at the San Pedro Ranch in Carrizo Springs, Texas, for brucellosis testing prior to export, and Respondent submitted these samples to the Texas Animal Health Commission (TAHC) State-Federal Cooperative Laboratory for testing. Respondent prepared a Cooperative State-Federal Brucellosis Eradication Program Brucellosis Test Record, VS Form 4-33, stating that eighteen (18) bulls were bled for this test on April 13, 2009, and Respondent submitted eighteen (18) tubes of blood with the VS Form 4-33 to the TAHC State-Federal Cooperative Laboratory.

3. On or about April 17, 2009, the TAHC State-Federal Cooperative Laboratory returned the VS Form 4-33 showing that eighteen (18) bulls tested negative for brucellosis. On or about April 23, 2009, Respondent submitted the negative test results to the Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), to obtain endorsement of an International Health Certificate for the Export of Breeding Cattle from the United States of America to Mexico, Health Certificate No. T09-5263.

4. On April 23, 2009, the TAHC State-Federal Cooperative Laboratory submitted the eighteen (18) blood samples to the National Veterinary Services Laboratories in Ames, Iowa for

fraudulent specimen testing. This testing and further testing performed by the Veterinary Genetics Laboratory at the University of California, Davis, found that at least fifteen (15) of the blood samples submitted by Respondent originated from only five (5) bulls.

5. On or about April 6, 2009, Respondent injected eighteen (18) bulls with tuberculin. On or about April 9, 2009, Respondent conducted a reading of a tuberculosis test for these bulls. Respondent prepared and submitted a Cooperative State-Federal Tuberculosis Eradication Program Tuberculosis Test Record, VS Form 6-22, stating that the bulls were injected on April 13, 2009, and observed on April 16, 2009.

6. On or about May 5, 2009, Respondent submitted the tuberculosis test record to APHIS, VS, to obtain endorsement of an International Health Certificate for the Export of Breeding Cattle from the United States of America to Mexico, Health Certificate No. T09-5586.

Conclusion

Respondent having admitted the jurisdictional facts, and having agreed to the provisions set forth in the following Order in disposition of this proceeding, such Order and Decision will be issued.

Order

The veterinary accreditation of Respondent, Anthony D. Allen, D.V.M., is suspended for a period of six (6) months.

This Order shall become effective upon issuance.


ANTHONY D. ALLEN, D.V.M.
Respondent


CARLYNNE S. COCKRUM
Attorney for Complainant


RALPH BROWN
Attorney for Respondent

Issued this 2 day of May, 2014
In Washington, D.C.


ADMINISTRATIVE LAW JUDGE