

BEFORE THE STATE BOARD OF VETERINARY MEDICINE
STATE OF COLORADO

Case No. 2016-141

CEASE AND DESIST ORDER

IN THE MATTER OF THE UNAUTHORIZED AND UNLAWFUL PRACTICE OF
VETERINARY MEDICINE IN THE STATE OF COLORADO BY ROBERT RYAN,
VETDVM, LLC , d.b.a. IMMUNEIQ.COM,

Respondents.

The State Board of Veterinary Medicine (“Board”), having reviewed the complaint and all other available information in this matter at the regularly scheduled meeting held on June 15, 2017, HEREBY FINDS:

1. The Board has jurisdiction over Robert Ryan and VetDVM, LLC, d.b.a. ImmuneIQ.com (“Respondents”) and the subject matter herein, and there exists credible evidence that Respondent has engaged in the practice of veterinary medicine as defined in § 12-64-103(10), C.R.S., without the required license as required by § 12-64-104, C.R.S.
2. Respondents are not and never have been licensed to practice veterinary medicine in the State of Colorado.
3. Section 12-64-104(1), C.R.S., states “No person may practice veterinary medicine in this state if the person is not a licensed veterinarian.”
4. Section 12-64-103(10)(a), C.R.S., defines the practice of veterinary medicine as the diagnosing, treating, correcting, changing, relieving, or preventing of animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique and the use of any manual or mechanical procedure for artificial insemination, for ova transplantation, for testing for pregnancy, or for correcting sterility or infertility or to render advice or recommendation thereto.
5. As stated in § 12-64-103(10)(b), C.R.S., the representation, directly or indirectly, publicly or privately, of an ability and willingness to do an act described in § 12-64-103(10)(a), C.R.S., constitutes the practice of veterinary medicine.
6. Practice of veterinary medicine also includes “the use of any title, words, abbreviation, or letters in a manner or under circumstances which induce belief that a person

using them is qualified to do any act described in paragraph (a) of this subsection (10). § 12-64-103(10)(c), C.R.S.

7. Beginning on or about January 4, 2013, Respondents have engaged in the practice of veterinary medicine as defined in § 12-64-103(10), C.R.S., by using a title, words, abbreviation or letters, namely "VetDVM," in a manner or under circumstances that would induce the belief that a person using them is qualified to do any act described in § 12-64-103(10)(a), C.R.S. In addition, Respondents represented a willingness to do an act described in § 12-64-103(10)(a), namely offering diagnostic allergy testing with the purpose of changing, relieving or preventing an animal's condition. Respondents offered and performed diagnostic allergy testing on animal samples provided by customers. Respondents offered veterinary health checkup calls with customer(s) in Colorado. There is no known Colorado licensed veterinarian associated with Respondents. The above acts are in violation of § 12-64-104, C.R.S.

8. It appears to the Board, based on credible evidence as presented in a written complaint that Respondent is acting or has acted without the required license.

9. The Board has authority to issue this Order to Cease and Desist pursuant to §§ 12-64-105(9)(l) and 12-64-111(6)(a), C.R.S.

10. Pursuant to § 12-64-111(6)(b), C.R.S., within 10 days after service of the Order to Cease and Desist, Respondent has the right to request a hearing on the question of whether acts or practices in violation of the Veterinary Practice Act have occurred. Such hearing shall be conducted pursuant to §§ 24-4-104 and 24-4-105, C.R.S.

11. Any violation of this Order will result in an immediate request for injunctive relief in district court pursuant to § 12-64-111(9), C.R.S.

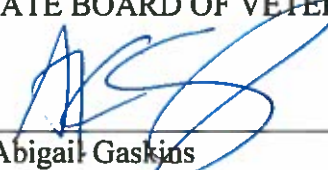
THEREFORE, IT IS HEREBY ORDERED, pursuant to §§ 12-64-105(9)(l) and 12-64-111(6)(a), C.R.S., that Respondent immediately CEASE AND DESIST from engaging in unlawful activities in violation of §§ 12-64-101 through 12-64-126, C.R.S.

The Board authorized the undersigned representative to sign this Cease and Desist Order on its behalf.

DATED this 29 day of June, 2017.

THE STATE BOARD OF VETERINARY MEDICINE

BY: _____


Abigail Gaskins
Interim Program Director
1560 Broadway, Suite 1350
Denver, CO 80202

CERTIFICATE OF SERVICE

This is to certify that I have duly served the enclosed **CEASE AND DESIST ORDER** upon all parties herein by depositing copies of the same in the United States mail, via certified and first class , postage prepaid, at Denver, Colorado, this 29 day of June, 2017, addressed as follows:

Robert Ryan, Vet DVM, LLC, d.b.a. ImmuneIQ.com
4450 ARAPAHOE AVE, SUITE 100
BOULDER CO 80303

RESPONDENT'S ATTORNEY
Michael MacPhail
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203
Via Email: michael.macphail@faegrebd.com



Name
Board Staff

Information Regarding the Board's Action

This information sheet is being provided to you to assist if you should elect to appeal the action the Board has taken in regards to your disciplinary action.

If you choose to request a hearing on this disciplinary action, it is important that you fully understand the nature of the proceeding. A hearing on your case will constitute a formal trial presided over by an administrative law judge in the Office of Administrative Courts. As such, the Colorado Rules of Civil Procedure, Colorado Rules of Evidence, and the Office of Administrative Courts' rules of practice will govern the course of litigation, including the hearing and all prehearing pleadings, motions, filings, and discovery. At the hearing, the Board will present evidence proving its case through documents and calling witnesses. You will be expected to present evidence or witnesses to support your case. You are required to personally attend such hearing; failure to appear at the hearing may result in the entry of default judgment against you. Hearings may take several days.

At the conclusion of the hearing, the judge will issue an initial decision. The initial decision constitutes the administrative law judge's recommendations in the case. The initial decision is then submitted to the Board for review and final order. If either party wishes to appeal any part of the initial decision, such appeal must be submitted to the Board. Following its review of the initial decision, the Board will conclude the case by issuing a final agency order. In its final agency order, the Board has full discretion to accept the judge's recommended decision, modify the decision, or make any substitute ruling.

If you desire a hearing in this matter, the Office of the Attorney General will initiate the proceeding by filing a formal written Notice of Charges, which will detail all the bases for the Board's disciplinary action. You will be served with a copy of the Notice of Charges when it is filed. The Notice of Charges and all other documents filed in the administrative proceeding are a matter of public record.