

BEFORE THE ARKANSAS LIVESTOCK AND POULTRY COMMISSION

**IN THE MATTER OF
ROBERT G. ZEPECKI, DVM**

**Docket Nos. 2019-20
& 2020-04**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

After reasonable and proper notice to Robert G. Zepecki, DVM (Respondent), the Arkansas Livestock and Poultry Commission (Commission) held a hearing on the above-referenced matter at 1:00 p.m. on January 8, 2025, at 1 Natural Resources Drive, Little Rock, AR 72205. Respondent appeared personally at the hearing and through counsel, Lloyd "Tre" Kitchens of The Brad Hendricks Law Firm. Tanner Thomas, Managing Attorney, appeared on behalf of the Arkansas Department of Agriculture's (Department) Livestock & Poultry Division. After considering all evidence presented at the hearing, the Commission makes the following Findings of Fact, Conclusions of Law, and Order (Order).

FINDINGS OF FACT

1. Respondent was found to have committed all four of the alleged charges in Dockets No. 2019-20 and 2020-04 on May 23, 2022;
2. Respondent was ordered by the Veterinary Medical Examining Board on May 23, 2022 (Order of the Board) to:
 - a. Complete ten (10) hours of continuing education in record keeping within six (6) months of the date of the Order;
 - b. Submit six (6) records of medical cases per month for twenty-four (24) months beginning in June 2022;
 - c. Pay a civil penalty of \$5,000 for a violation of Ark. Code Ann. § 17-101-305 (a)(5) ("the malpractice violation"); and
 - d. Pay a civil penalty of \$5,000 for the failure to render generally accepted medical practice under Rule 19.F. of the Rules of the Veterinary Medical Examining Board, a violation of Ark. Code Ann. § 17-101-305 (a)(11).
3. Respondent filed a timely petition for Judicial Review, but this petition was dismissed without prejudice for lack of prosecution on August 7, 2023. No further petition for Judicial Review under the Arkansas Administrative Procedures Act has been filed on Dockets No. 2019-20 and 2020-04 prior to the date of the hearing on January 8, 2025;
4. The Charge in this present case, as found in the proper Notice of Hearing and subsequent amended Notices of Hearing, is "violating Ark. Code Ann. § 17-101-305 (a)(18) by: Non-compliance with the Order;"
5. The Department and the Respondent, at the request of the Respondent, entered into an "Installment Agreement" on June 26, 2024, wherein Respondent was to tender payment on the first \$5,000.00 penalty within thirty days of the execution of the Installment Agreement with the remaining \$5,000.00 penalty due on or before sixty days after the execution of the Installment Agreement. This Installment Agreement was entered into under the authority granted to the Director of the Commission to "administer the:

[s]tatutory duties of the Arkansas Livestock and Poultry Commission; and [r]ules, orders, or directives promulgated or issued by the commission.” Ark. Code Ann. § 2-33-104 (b)(1)(A)-(B);

6. At the hearing on January 8, 2025, the Department stipulated that compliance had been made on the Civil Penalty for the malpractice violation because the Respondent tendered payment, though late under the Installment Agreement, of \$5,000.00 on August 7, 2024, and that payment was automatically deposited by the Department’s accounting division;
7. At the hearing on January 8, 2025, Respondent stipulated to his noncompliance with the other three provisions of the Order of the Board;
8. Therefore, Respondent is found to have committed the actions as charged in the Notice of Hearing for this present matter, those actions being a “[f]ailure to comply with... an order of the commission.” Ark. Code Ann. § 17-101-305 (18)

CONCLUSIONS OF LAW

1. Legal authority and jurisdiction for the Commission to pursue penalties for the violation of the Arkansas Veterinary Medical Practice Act is found in Ark. Code Ann. § 17-101-203;
2. Further, the Commission was granted authority to pursue disciplinary action on previous orders of the now-abolished Veterinary Medical Examining Board in Act 691 of the 94th General Assembly of the State of Arkansas’s Regular Session, wherein it states: “The Veterinary Medical Examining Board is abolished, and its authority, duties, functions, records, ... are transferred to the Arkansas Livestock and Poultry Commission.” Further, “[t]he abolishment of the Veterinary Medical Examining Board does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Veterinary Medical Examining Board before the effective date of this act;”
3. “Upon written complaint by any person or on the Arkansas Livestock and Poultry Commission’s own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, §§ 25-15-201 *et seq.*, the commission may deny, suspend for a definite period, revoke the license of any veterinarian, or impose a civil penalty for: [f]ailure to comply with any *subpoena* or *subpoena duces tecum* from the commission, or an order of the commission.” Ark. Code Ann. § 17-101-305 (a)(18)
4. Respondent has thus violated the Veterinary Medical Practicing Act based on his actions as stipulated in Findings of Fact # 7 above. These actions constitute a “[f]ailure to comply with... an order of the commission.” Ark. Code Ann. § 17-101-305 (a)(18);

ORDER

It is therefore ordered, by a unanimous vote of the Commission, that:

1. For the charge of noncompliance with an Order of the Commission, Respondent’s license to practice veterinary medicine in the State of Arkansas, License No. 1424, is hereby revoked;

2. The Respondent, upon proper service of this Order, shall surrender his license to practice veterinary medicine to the Arkansas Livestock and Poultry Commission, the Director of the Commission, the law enforcement staff of the Arkansas Department of Agriculture, or any other duly appointed agent, representative, or counsel for the Commission or the Arkansas Department of Agriculture within thirty (30) days of service of this Order;
3. Pursuant to Rule 8.D. of the Commission's Rules Of The Arkansas Veterinary Medical Examining Board, the law enforcement staff of the Arkansas Department of Agriculture shall post this Order upon the premises of all professional corporations, partnerships, limited liability partnerships, solo practices, or other business entities or associations formed for the purpose of veterinary medical practice that Respondent owns, partially owns, manages, or otherwise frequently practices veterinary medicine. The law enforcement staff shall also provide photographic evidence of the same to the Arkansas Department of Agriculture.

Under Ark. Code Ann. § 25-15-212 (a)-(b)(1)-(3), Respondent may petition for judicial review of this decision in the circuit court of any county in which the Respondent resides or does business, or in Pulaski County Circuit Court, within thirty (30) days after service of the final decision and Order.

BE IT SO ORDERED THIS 16 day of January, 2025

ARKANSAS LIVESTOCK AND
POULTRY COMMISSION

[see attached signature page signed and
returned on 01/15/2025 via email]

Tommy Wren, Chairman

Tommy Wren

Tommy Wren, Chairman