

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3483
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
VETERINARY MEDICAL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4602017001120

13 **ELIZABETH A. GATEMAN**
451 Bandera Rd #107
14 **San Antonio, TX 78228**

ACCUSATION

15 **Veterinarian License No. 21376**

16 Respondent.

17
18 **PARTIES**

19 1. Jessica Sieferman (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Veterinary Medical Board, Department of Consumer Affairs.

21 2. On or about March 25, 2016, the Veterinary Medical Board issued Veterinarian
22 License Number 21376 to Elizabeth A. Gateman (Respondent). The Veterinarian License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on May 31,
24 2023, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Veterinary Medical Board (Board), Department
27 of Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

4. Section 4875 of the Code provides, in pertinent part, that The Board of Veterinary Medicine may revoke or suspend the license of any person to practice veterinary medicine, or any branch thereof, in this state for any causes provided in the Veterinary Medicine Practice Act (Bus. & Prof. Code, § 4800, et seq.). In addition, the Board has the authority to assess a fine not in excess of \$5,000 against a licensee for any of the causes specified in section 4883 of that code. Such fine may be assessed in lieu of, or in addition to, a suspension or revocation.

5. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Section 4883 of the Code states:

The board may deny, revoke, or suspend a license or assess a fine as provided in Section 4875 for any of the following:

• • •

(c) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter [the Veterinary Medicine Practice Act].

• • •

(g) Unprofessional conduct, that includes, but is not limited to, the following:

• • •

(i) Fraud, deception, negligence, or incompetence in the practice of veterinary medicine.

...

(m) Cruelty to animals, conviction on a charge of cruelty to animals, or both.

...

(o) Violation, or the assisting or abetting violation, of any regulations adopted by the Board pursuant to this chapter [the Veterinary Medicine Practice Act].

///

///

1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 2032, states:

3 The delivery of veterinary case shall be provided in a competent and humane manner. All
4 aspects of veterinary medicine shall be performed in a manner consistent with current veterinary
5 medical practice in this state.

6 8. California Code of Regulations, title 16, section 2032.05, states:

7 When treating a patient, a veterinarian shall use appropriate and humane care to minimize
8 pain and distress before, during and after performing any procedures(s).

9 **COST RECOVERY**

10 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
14 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
15 included in a stipulated settlement.

16 **DEFINITIONS**

17 10. “Scruffing” is a veterinary term used to describe a variety of holds on the skin of a
18 feline’s neck. It can be used when a feline is aggressive and/or needs to be restrained to protect
19 veterinarian staff and/or the feline.

20 **FACTUAL ALLEGATIONS**

21 11. In January 2016, Respondent was employed as a veterinarian at Banfield Pet Hospital
22 (Banfield) in Salinas, California.

23 12. In 2016 and 2017, Respondent assaulted veterinarian staff at Banfield as follows:

24 A. In June 2016, veterinarian assistant L.H. was assisting Respondent in the treatment of
25 a feline. Respondent observed that L.H. had scruffed the feline to restrain it. Without consent,
26 Respondent grabbed L.H.’s shoulders and “yanked her around.” As she did so, Respondent asked
27 L.H. “how she would like to be scruffed?” Subsequently, Respondent was instructed to not
28 engage in this type of physical contact with Banfield employees.

1 B. In August 2017, veterinarian assistant K.H. was preparing a feline for surgery. The
2 feline “low growled and hissed” as K.H. approached. For her safety and the safety of the feline,
3 K.H. scruffed the feline. Respondent observed this and became upset asking K.H. “how would
4 like it [for] someone to . . . grab you?” Without consent, Respondent roughly grabbed K.H. by
5 the shoulders and shook her with such force that K.H. had to brace herself to keep from falling.
6 This incident caused undue anxiety for K.H.

7 13. In 2016 and 2017, Respondent engaged in multiple acts of abusing animals at
8 Banfield. The acts of abusing animals and/or animal cruelty included the following:

9 A. In 2016, Respondent was observed strangling a Boxer by pulling hard and
10 aggressively on its leash. Respondent used such excessive force that Boxer bled from its nose
11 and its eyes were bloodshot. Respondent instructed Registered Veterinary Technician M.F.
12 to tell the owners that the Boxer had become stressed out and that this caused his bloodshot eyes.

13 B. In 2016, M.F. was assisting Respondent with an elderly Chihuahua. As M.F. was
14 attempting to get blood from the canine, Respondent used excessive force to restrain the
15 Chihuahua causing it to urinate and defecate on the exam table. M.F. observed and advised
16 Respondent that the canine’s tongue had turned blue due to force she was using.¹ M.F. refused to
17 collect the blood sample until Respondent released the canine.

18 C. In August 2017, several veterinarian staff observed Respondent hanging a German
19 Shepherd/Husky puppy by a slip lead.² Respondent held the canine off the ground by the slip
20 lead for approximately 5 to 10 seconds. As a result, the canine began to vocalize in fear and/or
21 pain prompting M.H., the facility Practice Manager, to investigate the commotion. As M.H.
22 entered the treatment room she observed the animal hanging by the slip lead and asked
23 Respondent to put the canine back into the kennel. Respondent refused and told M.H. to “shut
24 the fuck up and get out.” M.H. then advised Respondent she would make a call [to management],
25

26 ¹ Blue discoloration of the tongue is due to inadequate oxygenation of blood to the tissues.

27 ² A slip lead is a collar and leash all in one. The leash has a loop at the end which then
28 acts as the collar when the lead is tightened.

1 causing Respondent to release the canine. Respondent then approached M.H. with her fist closed,
2 causing M.H. to believe that Respondent was going to hit her.

3 14. In 2016 and 2017, Respondent engaged in multiple acts of verbally abusing and/or
4 threatening veterinarian assistants at Banfield. Such incidents included, but were not limited to,
5 the following:

6 A. In July 2016, veterinary assistant R.H. cleaned a treatment room which had not been
7 in use during clinic hours. R.H. also shut down the computer in the room. Respondent found out
8 that the computer had been shut down and screamed at R.H., “are you fucking serious.” After
9 R.H. apologized multiple times, Respondent continued to speak to R.H. with a raised voice.

10 B. In August 2016, Respondent had an argument with veterinary assistant M.A., during
11 which she advised him that she was his boss. Respondent was not M.A.’s boss and M.A. advised
12 her of who at Banfield was his boss. Respondent then threatened M.A., stating that even if she
13 was not his boss, “she could make his life a living hell.”

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Assault and Threatened Assault of Veterinarian Staff)**

16 15. Respondent is subject to discipline for unprofessional conduct pursuant to Code
17 section 4883, subdivision (g), in that she assaulted two veterinarian staff members at Banfield and
18 threatened to assault another staff member. The facts in support of this cause for discipline are
19 set forth above in paragraphs 12 and 13, subdivision (C).

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Inhumane Treatment and/or Cruelty in the Treatment of Animals)**

22 16. Respondent is subject to discipline for unprofessional conduct pursuant to Code
23 section 4883, subdivisions (m) and (o), and California Code of Regulations, title 16, sections
24 2032 and 2032.5, in that she engaged in treatment that was inhumane and/or cruel to animals
25 under her care. The facts in support of this cause for discipline are set forth above in paragraph
26 13.

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Verbal Abuse and Threats Directed at Veterinarian Staff)**

3 17. Respondent is subject to discipline for unprofessional conduct pursuant to Code
4 section 4883, subdivision (g), in that she verbally abused and threatened veterinarian staff. The
5 facts in support of this cause for discipline are set forth above in paragraphs 12, 13, subdivision
6 (C) and 14.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Deception)**

9 18. Respondent is subject to discipline for deception pursuant to Code section 4883,
10 subdivision (i), in that she instructed M.F. to falsely report to the owners of the Boxer that its
11 bloodshot eyes were due to the animal becoming stressed out during a procedure. The facts in
12 support of this cause for discipline are set forth above in paragraph 13, subdivision (A).

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Veterinary Medical Board issue a decision:

- 16 1. Revoking or suspending Veterinarian License Number 21376, issued to Elizabeth A.
17 Gateman;
- 18 2. Assessing a fine against Elizabeth A. Gateman not in excess of \$5,000.00 for any of
19 the causes specified in Business and Professions Code section 4883;
- 20 3. Ordering Elizabeth A. Gateman to pay the Veterinary Medical Board the reasonable
21 costs of the investigation and enforcement of this case, pursuant to Veterinary Medicine; and,
- 22 4. Taking such other and further action as deemed necessary and proper.
- 23

24 DATED: 12/3/2021

Signature on File

25 JESSICA SIEFERMAN
26 Executive Officer
27 Veterinary Medical Board
28 Department of Consumer Affairs
State of California
Complainant