

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 8th day of October, 2015.

Lori D. Leonard, Appellant,

against Record No. 141764
Court of Appeals No. 0252-14-2

Virginia Board of Veterinary Medicine, Appellee.

Upon an appeal from a judgment rendered by the Court of Appeals of Virginia.

Upon consideration of the record, briefs, and argument of counsel, the Court is of the opinion that there is no reversible error in the judgment of the Court of Appeals.

Lori D. Leonard (“Dr. Leonard”) is licensed to practice veterinary medicine in the Commonwealth of Virginia. In 2013, the Virginia Board of Veterinary Medicine (the “Board”), following an administrative hearing, reprimanded and fined Dr. Leonard after determining that Dr. Leonard was guilty of “unprofessional conduct” as defined in Code § 54.1-3807(5) and 18 VAC § 150-20-140 (6) - (8). The Board found that “Dr. Leonard had performed an incomplete spay operation on ‘Bodhi,’ a canine, by leaving a large portion of the right ovary intact” necessitating a second surgery.

Dr. Leonard appealed the Board’s finding to the circuit court. The circuit court reversed the Board’s determination, concluding that there was not substantial evidence to support the Board’s finding. The applicable regulations define “unprofessional conduct” as, among other things, “practicing veterinary medicine . . . in such a manner as to endanger the health and welfare of his patients” or “[p]erforming surgery on animals . . . not in accordance with . . . accepted standard of practice.” 18 VAC § 150-20-140 (7) and (8) (emphasis added). The circuit court reasoned that the regulations’ use of the plurals “patients” and “animals” prohibited the Board from disciplining Dr. Leonard on the basis of her treatment of a single animal.

The Court of Appeals reversed the circuit court in an unpublished opinion. The Court of Appeals concluded that the circuit court erred in not affording proper deference to the Board's interpretation of its own regulations. We agree.

“[A]n agency's interpretation of its governing statutes, as reflected in its regulations, is entitled to great weight.” Manassas Autocars, Inc. v. Couch, 274 Va. 82, 87, 645 S.E.2d 443, 445 (2007). “The rationale of the statutory scheme is that the [administrative agency] shall apply expert discretion to the matters coming within its cognizance, and judicial interference is permissible only for relief against the arbitrary or capricious action that constitutes a clear abuse of the delegated discretion.” Virginia Alcoholic Beverage Control Com. v. York Street Inn, Inc., 220 Va. 310, 315, 257 S.E.2d 851, 855 (1979) (internal citations and quotations omitted). Moreover, “[t]he reviewing judicial authority may not exercise anew the jurisdiction of the administrative agency and merely substitute its own independent judgment for that of the body entrusted by the Legislature with the administrative function.” Id.

The Board's interpretation of its regulations in this case was not an arbitrary or capricious abuse of its delegated discretion.

Dr. Leonard's argument that the regulations' use of the plurals “patients” and “animals” prohibits the Board from disciplining her for her treatment of a single animal is without merit. We need not decide whether Code § 1-227, which provides that, in construing the Code of Virginia and the acts of the General Assembly, “[a] word used in the singular includes the plural and a word used in the plural includes the singular,” applies to agency regulations. General principles of statutory interpretation dictate that the distinction between plural and singular is of no import in this case.

Many jurisdictions have enacted general interpretation clauses adopting the rules relating to singular and plural word forms. . . . Regardless of their particular form, however, such statutory expressions merely recite a general principle of interpretation, and judicial opinions need not rely on a statutory directive to enlarge a singular term's coverage, or to apply a plural term to a single object or subject.

2A Norman J. Singer & Shambie Singer, *Statutes and Statutory Construction* § 47:34, at 505-6 (7th rev. ed. 2014).

Furthermore, there was substantial evidence in the record to support the Board's finding that Dr. Leonard was guilty of "unprofessional conduct" as defined in Code § 54.1-3807(5) and 18 VAC § 150-20-140 (6) - (8). Dr. Leonard did not dispute that the spay procedure she performed on "Bodhi" left a large part of one ovary intact and thus failed completely to spay the dog.

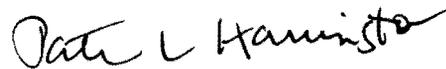
We are unpersuaded by Dr. Leonard's arguments that the Court of Appeals' observation that "[t]he statutory scheme, along with 18 VAC [§] 150-20-140, clearly indicates that the Board is charged with protecting the public from unprofessional conduct, including malpractice" effectively found her guilty of professional malpractice without affording her due process and a trial by jury. Neither the Board nor the Court of Appeals made any finding that Dr. Leonard committed veterinary malpractice. Therefore, Dr. Leonard's rights to due process and trial by jury were in no way infringed.

Accordingly, the Court affirms the decision of the Court of Appeals. The appellant shall pay to the appellee two hundred and fifty dollars damages.

This order shall be certified to the Court of Appeals of Virginia and the Circuit Court of the City of Richmond.

A Copy,

Teste:

A handwritten signature in black ink, appearing to read "Oate L. Hammit". The signature is written in a cursive, flowing style.

Clerk