

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

MISSOURI VETERINARY MEDICAL BOARD

Respondent

v.

BROOKE RENE GRAY AND B&B EQUINE DENTISTRY

Appellant

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DOCKET NUMBER WD75162

DATE: February 19, 2013

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Appeal From:

Circuit Court of Clinton County, MO  
The Honorable Thomas Nichols Chapman, Judge

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Appellate Judges:

Special Division  
Gary D. Witt, P.J., Thomas H. Newton, J., and Zel M. Fischer, Sp. J.

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Attorneys:

David Roland, St. Louis, MO

Counsel for Appellants

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Attorneys:

Edwin Frownfelter, Kansas City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

MISSOURI VETERINARY MEDICAL BOARD, Respondent, v.  
BROOKE RENE GRAY AND B&B EQUINE DENTISTRY, Appellant

**WD75162**

**Clinton County**

Brook Rene Gray and B & B Equine Dentistry appeal the circuit court’s judgment enjoining and prohibiting Gray, doing business as B & B Equine Dentistry, from performing equine tooth floating or any other act constituting the practice of veterinary dentistry as defined in Chapter 340, RSMo 2000, for compensation in the State of Missouri. Gray asserts that the court erred: (1) in ruling that the State may prohibit her from accepting compensation for animal husbandry services she could otherwise lawfully provide because article I, section 2 of the Missouri Constitution prevents the State from arbitrarily prohibiting citizens from enjoying the gains of their own industry; (2) in ruling that the State may deny her right to earn a living by receiving payment for floating horses’ teeth, alleging that such a restriction is not rationally related to any legitimate state interest, and; (3) in holding that the State may selectively enforce its veterinary laws because the State has no rational basis for taking action against non-veterinarian tooth floaters while declining to take action against non-veterinarian farriers.

**AFFIRMED.**

**Division Four Holds:**

(1) The circuit court did not err in ruling the State may constitutionally prohibit Gray from the gains of her industry for her animal husbandry services. The State’s prohibition is not arbitrary as the State has a legitimate interest in establishing a high level of competence for individuals who practice veterinary medicine, and Gray has not met the proper statutory requirements for such practice and does not fall within statutory exceptions.

(2) The circuit court did not err in ruling that constitutional due process does not prevent the State from prohibiting Gray from receiving payment for floating horses’ teeth. The State’s prohibition is rational as the State has a legitimate interest in establishing a high level of competence for individuals who practice veterinary medicine, and Gray has not met the proper statutory requirements for such practice.

(3) The circuit court did not err in holding that there was no equal protection violation. Gray has not proven that the law she contests applies to farriers and has also not proven that equine tooth floating and horseshoeing are similar to the extent that differentiation by the State would be irrational.

Opinion by Thomas H. Newton, Judge

February 19, 2013

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**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**