STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	*	
DENNIS G. FOSTER, D.V.M.	*	DOCKET NO. 02-064
LICENSE NO. 868	*	

* * * * * * * * * * * * *

CONSENT AGREEMENT

This Agreement, dated this 24th day of April, 2003, is between the State Board of Veterinary Medical Examiners ("Board") and Dennis G. Foster, D.V.M., License No. 868 ("Dr. Foster"). The Agreement concerns the charges that the Board filed against Dr. Foster, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to the disposal of animal carcasses.

Under the Veterinary Practice Act, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board ... regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

More specifically, in this matter, the Board charged that Dr. Foster placed, or directed others to place, the carcasses of several animals that had died, after being placed in his care, in a trash receptacle located at his veterinary hospital, a violation of COMAR 15.14.03.02(H).

While not admitting to the charge filed against him in this matter, Dr. Foster, to resolve this matter, freely enters into this Consent Agreement and accepts the sanctions set forth below.

FINDINGS OF FACT

Dr. Foster, by entering into and signing this document, acknowledges that the Board, by a preponderance of the evidence, could produce evidence establishing the following Findings of Fact:

1. At all times relevant to the charges, Dr. Foster was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland; and was the owner of the Dundalk Animal Hospital, located at 7810 Wise Avenue, Baltimore, Maryland 21222.

2. On or about July 21, 2002, Dr. Foster disposed of several animals that had died after being placed in his care, to wit: by placing their carcasses in a trash receptacle located at his hospital, or directing employees of his hospital to do so.

3. Later that same day, officials from the Baltimore County Animal Control Division, a unit of the Baltimore County Health Department, removed the carcasses from the trash receptacle, and disposed of them by incineration.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law: On or about July 21, 2002, Dr. Foster improperly disposed of several animals that had died after being placed in his care, to wit: by placing their carcasses in a trash receptacle located at his hospital, or directing employees of his hospital to do so, a violation of COMAR 15.14.03.02(H).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Foster violated COMAR 15.14.03.02(H), it is this 24th day of April, 2003, by the State Board of Veterinary Medical Examiners, **ORDERED**:

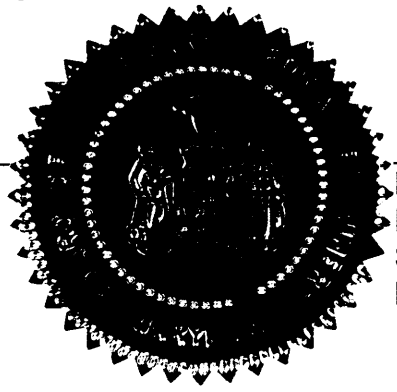
(1) That Dr. Foster pay a civil penalty in the amount of five hundred dollars

($500) within 30 days from the date of this Consent Agreement;

(2) That Dr. Foster's license to practice veterinary medicine in this State is suspended for a period of two weeks, but that this suspension is stayed; and

(3) That beginning on the date this Consent Agreement is fully executed, Dr. Foster serve probation for a period of one year, under the condition that he observe all laws and regulations governing the practice of veterinary medicine in this State.

4/24/03
Date



Donald M. Carman, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Dennis G. Foster, D.V.M., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to resolve these matters, I agree to accept and submit to the foregoing Consent Agreement, consisting of 4 pages.

I acknowledge the validity of this Consent Agreement as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Agreement.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Agreement.

I sign this Consent Agreement without reservation as my voluntary act and deed

after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

4/18/03
Date

Dennis G. Foster, D.V.M.
Respondent

NOTARY

STATE OF Md

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 18 day of April, 2003, before me, a Notary Public of the State and City/County aforesaid, personally appeared Dennis G. Foster, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: 02/01/05