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

IN THE MATTER OF:	*	
JAMES PELURA III D.V.M.	*	DOCKET NO. 05-041
LICENSE NO. 2424	*	

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CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 8th day of ~~December~~ February 2008 CHR, ~~2007~~, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and James Pelura III, D.V.M. ("Dr. Pelura"), License No. 2424. This Agreement concerns the resolution of a complaint filed with the Board in September 2005 by Joanna Cornelison, owner of a dog named "Scootie." As a result of Ms. Cornelision's complaint, the Board charged Dr. Pelura on May 8, 2007, with two violations of the regulations adopted pursuant to the Maryland Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.,* Annotated Code of Maryland. Specifically, the Board charged that

A. Dr. Pelura's documentation of the care he provided Ms. Cornelision's dog, Scootie, did not comply with the record-keeping requirements for companion animals specified under COMAR 15.14.01.10. A listing of specific instances concerning Dr. Pelura's failure to document the care he gave Scootie is provided in the charging document, attached hereto as Exhibit A.

B. Dr. Pelura's treatment of Ms. Cornelision's dog, Scootie, fell below the minimal standard of care customary among veterinarians in this State, a violation of COMAR 15.14.01.07. A listing of specific instances concerning Dr. Pelura's failure to comply with the minimal standard of care is providing in the charging document, attached hereto as Exhibit A.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.,* Annotated Code of Maryland and regulations adopted thereunder. As part of its authority, 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 rules and regulations after receiving a license." Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may also impose a civil penalty of not more than $5,000 in lieu of or in addition to the suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A Resolution Conference was held in this matter on December 12, 2007. Attending this conference was Dr. Pelura, Board President Dr. Chris Runde representing the Board, and Assistant Attorney General Claudia Diamond. Dr. Pelura was advised prior to the conference both orally and in writing that he was entitled to have counsel present at the conference. He declined to do so and was advised again that he could have

counsel at the conference. Dr. Pelura again declined.

At the conference, it was recognized that Dr. Pelura took proactive steps to improve record-keeping practices, and he provided samples that complied with the COMAR regulations. In addition, it was acknowledged that Dr. Pelura was candid and forthcoming and that this was the first disciplinary charge against Dr. Pelura in his thirty-years of practice. Dr. Pelura acknowledged that the Board had sufficient evidence to find, as fact, the facts asserted in the Board's charging document. Dr. Pelura also was found to be an active member of continuing medical and veterinary education in the State of Maryland. Taking all the facts and circumstances of this matter into account, it was concluded that the most reasonable and appropriate sanction was to assess a civil penalty and place Dr. Pelura on probation.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 8th day of ~~December~~ February 2008 C HR ~~2007~~, by the Maryland State Board of Veterinary Medical Examiners,

ORDERED:

1.) That Dr. Pelura is assessed a civil penalty in the amount of Twenty-four hundred dollars ($2400.00) and

2.) That Dr. Pelura is placed on probation for a period of six months from the date of this Agreement & Order requiring him to obey all laws and regulations governing the practice of veterinary medicine in this State. Violation of probation could result in the Board sanctioning Dr. Pelura with additional civil fines of $800.00 and/or a thirty day

suspension of his license.

Chris H. Runde, DVM

Chris H. Runde, D.V.M.
President
Maryland State Board of Veterinary Medical Examiners

CONSENT

I, James Pelura, D.V.M., acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement and Order. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement and Order, consisting of four pages.

I sign this Consent without reservation as my voluntary act knowing that I could have consulted with counsel but declined to do so, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

1-22-08

Date

James Pelura DVM

James Pelura, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 22 day of JANUARY, 2008, before me, a Notary Public of the State and City/County aforesaid, personally appeared James Pelura, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public Donna M. Eddy

1-1-09

My Commission expires: 1-1-09

RECEIVED
JAN 24 2008
By T. Jones