STATE OF MARYLAND
BEFORE THE MARYLAND DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:	*	
GARY W. DEHNE	*	**Docket No. 08-18**
LICENSE NO. 2151	*	

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DEFAULT DECISION AND ORDER

Under State law, the State Board of Veterinary Medical Examiners ("SBVME") 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 its affiliated regulations. 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 suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT

1.) Dr. Gary W. Dehne ("Dr. Dehne") is a licensed veterinarian in Maryland and has been at all times relevant to this disciplinary action. His practice focuses mainly on veterinary house calls.

2.) On December 17, 2008, the SBVME issued "Charges Under the Maryland Veterinary Practices" Act alleging that Dr. Dehne went to the home of Bernadette Aukward, the owner of a seven-year old cat named "Spirit" on July 20, 2007, to examine the cat. On that day, Dr. Dehne visited the home three times and collected blood samples. Ms. Aukward paid Dr. Dehne $344.00 for tests to be conducted on the blood samples taken from "Spirit." Despite her payment, and

despite repeated phone calls attempting to reach Dr. Dehne, Ms. Aukward never received the results of the tests.

3.) Ms. Aukward filed a complaint with the SBVME on October 10, 2007. This complaint was sent to Dr. Dehne on November 14, 2007, by certified mail, requesting that he respond. Dr. Dehne did not respond. This complaint was re-sent to Dr. Dehne on December 17, 2007, by regular first-class mail, requesting that he respond. Dr. Dehne did not respond to this second request.

4.) On September 26, 2008, Claudia Diamond, the Assistant Attorney General responsible for prosecuting cases before the SBVME, sent Dr. Dehne a letter concerning his lack of response to the complaint filed against him by Ms. Aukward. (Exhibit 1 "Letter from Claudia Diamond"). The letter informed Dr. Dehne that his continued lack of response would result in formal charges being filed against him. Dr. Dehne did not respond.

5.) On December 17, 2008, the SBVME formally charged Dr. Dehne with a violation of the Maryland Veterinary Practices Act and its affiliated regulations. Specifically, the Board asserted that, by charging Ms. Aukward on July 20, 2007, for blood work regarding her cat, "Spirit," and not informing her of the results, despite her repeated attempts to find out such results, Dr. Dehne engaged in unprofessional conduct, as defined by COMAR 15.14.01.04. The charging document was sent, via certified mail return receipt requested, along with a "Notice of Agency Action" letter explaining that Dr. Dehne had a right to a hearing before the SBVME if requested within ten days from receipt of the charging document or could waive a hearing and accept the proposed penalty, which, because of his past disciplinary history with the SBVME, was the revocation of his veterinary license. The letter also stated that Dr. Dehne's failure to respond to the charges could result in the SBVME issuing an Order of Default. (Exhibit 2 "Notice of Agency Action Letter" and "Charges Under the Maryland Veterinary Practice Act").

6.) After receiving this notice, Dr. Dehne failed to request a hearing in a timely manner and, therefore, waived his right to a hearing in this matter.

7.) On March 24, 2009, the SBVME issued an Order of Default against Dr. Dehne. In the Order of Default, the SBVME notified Dr. Dehne that he had fifteen days to file a motion seeking to vacate the order. (Exhibit 3, Order of Default). This Order of Default was sent via certified mail, return receipt requested, on March 24, 2008, and hand-delivered by Lawrence Blickman on April 6, 2009.

8.) Because more than fifteen days have passed since the Order of Default was issued and the Board has not received a response from Dr. Dehne, the SBMVE may now issue this Default Decision and Order.

CONCLUSIONS OF LAW

As a licensed veterinarian in Maryland, Dr. Dehne is subject to the jurisdiction of the SBVME. By accepting $344.00 from Bernadette Aukward on July 20, 2007, as payment for tests to be conducted on blood samples taken from her cat, "Spirit," and not delivering such results or reimbursing Ms. Aukward her money, Dr. Dehne acted unprofessionally, a violation of COMAR 15.14.01.04.

ORDER

Having determined that Dr. Dehne has not filed a timely response to the Order of Default issued in this matter, and that he has waived his opportunity for a hearing after being afforded notice of the SBVME's action (including notice of: (1) the charge against him; (2) the proposed sanction; (3) his opportunity to request a hearing, including what he must do to receive a hearing; and (4) the direct consequences for failing to exercise in a timely manner his opportunity for a hearing, namely, the entry of a Default Order and the imposition of the proposed sanction), the SBVME, on this 6th day of May **ORDERS:**

That Dr. Gary W. Dehne's Maryland Veterinary License is **REVOKED.**

WITNESS the hand and seal of the State Board of Veterinary Medical Examiners, State of Maryland, this 6th day of May, 2009.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Chris A. Runde, DVM

Chris H. Runde, D.V.M., President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 203
Annapolis, Maryland 21401
Telephone: (410) 841-5862

REVIEW RIGHTS

Within 30 days from the date of this decision, an aggrieved party may note an appeal to the Board of Review of the Maryland Department of Agriculture by sending an Order of Appeal to the Chairman of the Board of Review and a copy to the Secretary of Agriculture. The Order of Appeal shall be sent to each by registered or certified mail, return receipt requested (the mailing address for the Chairman and the Secretary is: Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401). The decision of the Board of Review is the final agency decision for purposes of judicial review under the Administrative Procedure Act.