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

IN THE MATTER OF:	*	
BADR OWEIS, D.V.M. LICENSE NO. 2099	*	DOCKET NO. 08-91
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DECISION AND ORDER

The State Board of Veterinary Medical Examiners ("Board") is the State licensing authority that oversees the practice of veterinary medicine in Maryland. Under the Veterinary Practice Act, Md. Code Ann., Agric. Art., §2-301 et seq., the Board may prescribe reasonable standards for the practice of veterinary medicine, including conduct and ethics. The Board also may discipline a veterinarian who violates a law or regulation governing the practice of veterinary medicine in this State. Specifically, the Board may "suspend, or revoke [the veterinarian's] license, and censure or place [the veterinarian] on probation" (Md. Code Ann., Agric. Art. §2-310); 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). As noted more fully below, the Board determined that Dr. Badr Oweis, the owner of Beltway Animal Clinic & Hospital, located at 612 Edmondson Avenue, Catonsville, Maryland 21228, violated Agriculture Article §2-310, Annotated Code of Maryland, and COMAR 15.14.01.04 [Unprofessional Conduct]; and, for this reason, orders that: (1) Dr. Oweis' license to practice veterinary medicine in this State is suspended for two years, but one year of this suspension is

conditionally stayed; (2) Dr. Oweis pay a civil penalty in the amount of Fifteen Hundred Dollars; and (3) Dr. Oweis is placed on probation for a period of five years under certain terms and conditions.

In a Notice of Agency Action, dated November 3, 2009, the Board alleged that Dr. Oweis acted in an unprofessional and immoral manner towards Ms. Jillian Rowen. On December 10, 2009, the Board conducted a hearing in this matter. Dr. Chris H. Runde, the Board's President, presided over the hearing. The following Board members were present: John L. Heizer, D.V.M., Vice President; Reggie R. Cox, D.V.M., Secretary; Steven W. Kurtz, D.V.M.; David L. Handel, D.V.M.; Kimberly J. Cutchins; and Bernadette Morrissey Wood. Thomas F. Filbert, Assistant Attorney General, served as counsel to the Board. Claudia A. Diamond, Assistant Attorney General, presented evidence on the Board's behalf. Jeremy R. Krum, Esq., and Stephen L. Miles, Esq., represented Dr. Oweis.

Before the hearing, the Board, on its own initiative, consolidated the above-captioned matter with three other cases pending against Dr. Oweis. Two of these cases charged Dr. Oweis with: (a) acting unprofessionally, (b) providing substandard care to an animal, and (c) maintaining substandard patient records (Docket Nos. 09-24 and 09-40). The third case charged Dr. Oweis with operating an unsanitary hospital (Docket No. 09-61). After the proceedings in these matters began, Mr. Krum, on behalf of Dr. Oweis, moved to have each of the four cases heard separately, arguing that they did not involve a common subject matter. The Board formally granted Mr. Krum's motion pertaining to the case charging that Dr. Oweis operated an unsanitary hospital. Although it issued no

formal ruling with respect to the remaining cases, the Board treated each case as though it had granted Mr. Krum's motion; that is, it heard each case separately. Post-hearing, in its review and decision-making process, the Board continued to treat each case separately. Consistent with its actions, the Board formally grants this motion.

When the hearing in the above-captioned case involving Ms. Rowen commenced (Docket No. 08-91), the Presenter-of-Evidence, Claudia A. Diamond, indicated that she would be taking Ms. Rowen's testimony by telephone. The record shows that Ms. Diamond, in a letter dated December 1, 2009, already had informed Dr. Oweis' attorney, Stephen L. Miles, of this arrangement, noting therein that Ms. Rowen had moved to California. Mr. Miles objected to this arrangement, arguing that: (1) He could not effectively cross-examine Ms. Rowen because he was unable to observe her; and (2) He did not know who was on the other end of the line. Although the Board overruled Mr. Miles' objection and permitted Ms. Rowen's telephone testimony, it did attempt to address Mr. Miles' concerns. First, towards the close of Ms. Rowen's direct examination, the Board twice indicated that it would halt the hearing and afford Dr. Oweis the opportunity to cross-examine Ms. Rowen by video electronic means at a later date. Each time, however, Dr. Oweis declined the Board's invitation. Second, the Board, having learned that Ms. Rowen had a driver's license from the State of California, requested that she send a facsimile of it to the Board, indicating that it would keep the record open until its receipt. On December 11, 2009, the Board received the facsimile of Ms. Rowen's California driver's license.

EXHIBITS

The only exhibit introduced and made a part of the record was Ms. Rowen's California driver's license that the Board had requested she submit.

DISCUSSION

Jillian Rowen, who initiated the complaint that triggered the disciplinary action filed against Dr. Oweis in this matter, was the primary witness. The Board has no doubt that it was Ms. Rowen who provided the testimony by telephone in this matter – particularly after receiving, at its request, a copy of her California driver's license. Ms. Rowen testified as follows:

At the time of the incident, which took place in early May 2008, Ms. Rowen stated that she was twenty-four years old, held a position with the Maryland State Board of Dental Examiners, and worked part-time as a paralegal. Ms. Rowen also stated that: (1) She owned a cat, Brownie, whom she had recently adopted, adding that at the time of his adoption, Brownie was limping, sneezing, and had a "goopy" eye; and (2) Because Brownie's condition had not improved since his adoption, she sought veterinary care for him, eventually finding Dr. Oweis after conducting an internet search.

Initially, Ms. Rowen stated that she had attempted to have Brownie treated at the Light Street Animal Hospital, a facility close to her home. When she presented her cat at that hospital, however, Ms. Rowen noted that she was turned away because appointments had been double-booked and, for this reason, the facility could not treat her cat that day. Ms. Rowen noted that it was at this point that she settled on Dr. Oweis, noting that: (1)

Dr. Oweis' facility was near her place of work; (2) Dr. Oweis was "super nice" to her when she spoke to him by telephone; and (3) Dr. Oweis could see Brownie that day.

Later that same day, Ms. Rowen stated that she presented Brownie to Dr. Oweis for veterinary care. Sometime after arriving at his veterinary hospital, Ms. Rowen noted that she observed that Dr. Oweis had posted a "help wanted" advertisement for his facility. Stating that she could have used the extra money to help defray the cost of gas for her "gas guzzling" Jeep, Ms. Rowen indicated that she completed the job application.

At this point in time, Ms. Rowen noted that Dr. Oweis advised her that he sometimes takes x-rays of animals, and added that if she took the position, she would need to make sure that she did not become pregnant. Ms. Rowen also noted that Dr. Oweis asked her if she took birth control, and further advised her that if she did become pregnant she needed to tell him before telling her boyfriend. Ms. Rowen, believing some of Dr. Oweis' statements to be "inappropriate," stated that she "let [them] go," noting that Dr. Oweis' behavior may have been due to "some sort of cultural [difference]," and his age, adding that he is "a lot older" than she is.

While Dr. Oweis treated the cat's eye, Ms. Rowen stated that she held Brownie. During this procedure, Ms. Rowen stated that Dr. Oweis, apparently concerned that "whatever he was sticking" in the cat's eye might stain her shirt, asked her if it was expensive, and came "creepishly close" to touching her breasts. Finally, Ms. Rowen noted that after Dr. Oweis treated Brownie that day, they "chatted a little bit," and when she went to leave, he hugged her. Although Dr. Oweis' behavior made her feel "uncomfortable," Ms. Rowen stated that she did not tell him so.

During the next few days, Ms. Rowen stated that Dr. Oweis telephoned her several times, inquiring about her cat and Ms. Rowen's interest in the job opening. Shortly thereafter, Ms. Rowen indicated that she observed that Brownie still was having problems with his eyes. For this reason, Ms. Rowen stated that she once again presented Brownie to Dr. Oweis for veterinary care.

When she returned to the facility with Brownie, Ms. Rowen stated that she informed Dr. Oweis that she no longer was interested in working for him. Noting that Dr. Oweis, during this time period, was trying to get her to adopt a "cute," "long-haired" cat, Ms. Rowen indicated that Dr. Oweis led her to the back room – which she believed to be the kennel, and where she thought that he might have more kittens, adding that she is a "sucker" for kittens. After they entered the back room, Ms. Rowen indicated that Dr. Oweis tried to hug her, and that she responded by telling him that she had a boyfriend and that she was happy with him.

Ms. Rowen indicated that, at this point, Dr. Oweis tried to kiss her and that, in response to his unwelcomed action she backed away, raised her voice, reached into her purse, and grabbed the can of mace attached to her keys. Noting Dr. Oweis' age, however, Ms. Rowen indicated that she did not pull the can of mace out of her purse. During this encounter, Ms. Rowen indicated that Dr. Oweis questioned her ability to pay the bill, telling her that since he had "serviced her cat," she could "service" him. To put an end to this matter, Ms. Rowen stated that she told Dr. Oweis that she had a credit card and just wanted to pay her bill "now." In response to her actions, Ms. Rowen noted that Dr. Oweis stated that there had been a misunderstanding, called her a "tough cookie," and

"knocked twenty dollars" off the bill. At this point, Ms. Rowen indicated that she left and immediately began calling her friends and telling them what happened to her.

Although the Board only had an opportunity to hear Ms. Rowen while she testified, it found that she was a very credible witness. Indeed, the Board found no reason to think that Ms. Rowen was anything but truthful and candid in the testimony she provided. For example, when Ms. Rowen was asked if she told Dr. Oweis, the first time that he hugged her, that she did not like it, the Board found that Ms. Rowen candidly answered: "No." The Board also found Ms. Rowen's explanation of the events detailed and convincing. For example, the Board has no doubt that Dr. Oweis acted in a vulgar and aggressive manner towards Ms. Rowen when she made her second visit to this facility. In sum, the Board found her testimony both credible and compelling.

Although he did not testify, Dr. Oweis, following the hearing, submitted a letter to the Board indicating, among other things, the following: (1) During the past three years, he has been "dealing with a difficult, painful divorce from [his] wife"; (2) He and his wife "struggled to put [their] six children through college"; (3) He is facing "astronomical ... legal fees" stemming from his divorce; (4) His "day-to-day struggles have taken a toll on [his] physical and emotional health"; (5) He is "taking steps to get back on [his] feet, including medical treatment and counseling as he [approaches] his 70th year"; and (6) He hopes to take a two-month vacation to Egypt "in [his] effort to regain control of [his] personal and professional interests," knowing that he is planning to remarry while there. Before deciding this case, the Board did review Dr. Oweis' letter.

FINDINGS OF FACTS

1. Dr. Oweis, a licensed veterinary practitioner in this State, is, and was, at the time of the incidents described in the above-captioned matter, the owner of Beltway Animal Clinic & Hospital, located at 612 Edmondson Avenue, Catonsville, Maryland 21228.

2. On or about early May 2008, Ms. Rowen presented her recently adopted male cat, "Brownie," to Dr. Oweis for veterinary care – the cat's chief complaint being that he was limping, sneezing, and had a "goopy" eye.

3. During that visit, Ms. Rowen completed an employment application. When explaining that he sometimes takes x-rays of animals, Dr. Oweis made certain inappropriate statements to Ms. Rowen, such as: (a) inquiring whether she took birth control; and (b) telling her that if she became pregnant, she should tell him before telling her boyfriend. Dr. Oweis also acted inappropriately when he came "creepishly close" to touching Ms. Rowen's breasts when treating the cat's eye; and when he hugged Ms. Rowen as she was leaving the facility that night.

4. Over the next few days, Dr. Oweis called Ms. Rowen several times to inquire about the cat's health and her interest in the job opening at his facility.

5. Shortly thereafter, observing that the cat still had a "goopy" eye, Ms. Rowen once again presented Brownie to Dr. Oweis for veterinary care.

6. During this visit, Ms. Rowen informed Dr. Oweis that she no longer was interested in working for him.

7. During this same visit, Dr. Oweis also led Ms. Rowen to a back room of the facility. Ms. Rowen followed, believing the room to be a kennel where he might have kittens.

8. Once in the room, Dr. Oweis proceeded to hug Ms. Rowen. In response, Ms. Rowen told Dr. Oweis that she had a boyfriend and was happy with him.

9. Dr. Oweis also tried to kiss Ms. Rowen. Ms. Rowen backed away, raised her voice, reached into her purse, and grabbed a can of mace that was attached to her keys. However, noting that Dr. Oweis was much older than she was, Ms. Rowen did not pull the mace outside of her purse. At the time of this incident, Ms. Rowen was in her early 20s and Dr. Oweis was in his late 60s.

10. Dr. Oweis also questioned Ms. Rowen's ability to pay the bill, and made a vulgar comment to her stating that since he serviced her cat, she should service him.

11. To end the matter, Ms. Rowen indicated that she would use her credit card, stating that she wanted to pay the bill immediately.

12. Noting that there must have been a misunderstanding, Dr. Oweis reduced his veterinary bill for treating Brownie by twenty dollars. Shortly thereafter, Ms. Rowen left.

13. Ms. Rowen did not by word or deed invite Dr. Oweis' sexual advances towards her. For this reason, there could have been no misunderstanding on Dr. Oweis' part that his actions were welcomed. If anything, Dr. Oweis' actions toward Ms. Rowen were predatory in nature.

14. In summary, Dr. Oweis' actions towards Ms. Rowen were unwelcomed, completely inappropriate, and utterly unprofessional, particularly given the professional setting in which they occurred – that is Dr. Oweis took these actions during the course of or in conjunction with treating Ms. Rowen's animal.

CONCLUSIONS OF LAW

Based on the forgoing findings of fact, the Board determines that Dr. Oweis, the owner of Beltway Animal Clinic & Hospital, located at 612 Edmondson Avenue, Catonsville, Maryland 21228, acted in an unprofessional and immoral manner towards Ms. Jillian Rowen, a violation of Agriculture Article, §2-310, Annotated Code of Maryland, and COMAR 15.14.01.04.

ORDER

Based on the forgoing findings of fact and conclusions of law, the nature of the offense, and the fact that Dr. Oweis has been disciplined previously, the Board, on this 25 day of February, 2010, hereby ORDERS:

1.) That Dr. Oweis' license to practice veterinary medicine in this State (License #2099) is SUSPENDED FOR TWO YEARS, beginning on March 1, 2010, but that one year of this suspension is conditionally stayed;

2.) That Dr. Oweis pay a CIVIL PENALTY in the amount of FIFTEEN HUNDRED DOLLARS; and

3.) That beginning on March 1, 2010, Dr. Oweis is placed on PROBATION FOR A PERIOD OF FIVE YEARS, on the following terms and conditions:

a.) That he obey all laws and regulations governing the practice of veterinary medicine in this State; and

b.) That he pay the aforementioned civil penalty within six months from the date of this Order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

February 25, 2010
Date

Chris H. Runde, D.V.M.
President, State Board of Veterinary
Medical Examiners
50 Harry S. Truman Parkway
Annapolis, MD 21401

cc: Badr E. Oweis, D.V.M.
Members, State Board of
Veterinary Medical Examiners
Stephen L. Miles, Esquire
Jeremy R. Krum, Esquire

Attach: Notice of Right to Appeal