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

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| IN THE MATTER OF: | * | |
| DANIEL D. PECK | * | DOCKET NO. 07-040 |
| LICENSE NO. 4930 | * | |

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## CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 8th day of ~~January~~ February, 2008, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Daniel D. Peck, D.V.M. ("Dr. Peck"), License No. 07-040. This Agreement concerns the resolution of a complaint filed with the Board in November 2006 by Ms. Margot Kindig, the owner of two kittens, named Mack and Cheddar, who were brought to Dr. Peck in October and November 2006 for physical examinations. As a result of Ms. Kindig's complaint, the Board charged Dr. Peck on September 26, 2007, with two violations of the Maryland Veterinary Practice Act:

(1) Dr. Peck failed to perform physical examinations prior to administering vaccines on the two kittens presented to him in November 2006 and thereby did not comply with the minimal standards of care and treatment which are customary among veterinarians in Maryland in violation of COMAR 15.14.01.07.

(2) Alternatively, if Dr. Peck did perform physical examinations, he failed to indicate in the patients' records that such examinations were performed by recording, for example, the patients' weight and other physical conditions such as pulse, temperature, respiration, and other pertinent

findings in violation of COMAR 15.14.01.10.

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

Dr. Peck, by entering into and signing this document, while generally and specifically denying liability in this case, agrees to this Agreement & Order, acknowledging that the Board has sufficient evidence to (a) find, as fact, that, while Dr. Peck did perform physical examinations on the kittens, he failed to properly record the findings from such physical examinations and (b) based on these findings of fact, conclude as a matter of law that Dr. Peck did violate the Veterinary Practice Act, specifically COMAR 15.14.01.10, which requires veterinarians to prepare a legibly written record that accurately and thoroughly reflects the treatment provided.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that Dr. Peck violated the Veterinary Practice Act, it is this 6th day of ~~January~~ February 2008, by the Maryland State

Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Peck is assessed a civil penalty in the amount of Two Hundred Fifty Dollars (1 recordkeeping charge at $250.00); and

2.) That Dr. Peck 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.

Chris H. Runde, DVM

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

## CONSENT

I, Daniel D. Peck, 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 three pages.

I sign this Consent without reservation as my voluntary act after an opportunity to consult with counsel, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

1-29-08
Date

Daniel D. Peck, D.V.M.

## NOTARY

STATE OF

CITY/COUNTY OF Kent

I HEREBY CERTIFY that on this 29 day of Jan, 2008, before me, a Notary Public of the State and City/County aforesaid, personally appeared Daniel D. Peck, 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.

Sheila M Dwyer
Notary Public

My Commission expires:

SHEILA M. DWYER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 10, 2010