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

IN THE MATTER OF:	*	
DENNIS G. FOSTER, D.V.M. LICENSE NO. 868	*	DOCKET NO. 12-61
	*	
DUNDALK ANIMAL HOSPITAL HOSPITAL LICENSE NO. 03-009	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 5th day of JULY, 2012, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Dennis G. Foster, D.V.M. (Dr. Foster), License No. 868. This Order confirms the intention of Dr. Foster to waive the right to contest the charge filed by the Board on June 7, 2012 in Docket No. 12-61, alleging that Dr. Foster violated a certain Code of Maryland Regulation (COMAR) under the Maryland Veterinary Practice Act. Specifically, in Docket No. 12-61, the Board alleged that Dr. Foster violated COMAR 15.14.01.12-3 Expired Medications, on or about February 14 and April 11, 2012, in that Dr. Foster failed to keep expired drugs separate and apart from unexpired drugs at his veterinary hospital, Dundalk Animal Hospital, Hospital License Number 03-009, located at 7810 Wise Avenue, Baltimore, Maryland 21222. On or about June 27, 2012, Dr. Foster submitted full payment of the $1,000 civil penalty assessed by the Board as the only sanction in this matter and, thus, voluntarily waived the right to a hearing and appeal on the charge in Docket No. 12-61.

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 related 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 impose a civil penalty of not more than $5,000 for a first offense or $10,000 for a second or subsequent offense in lieu of or in addition to suspending a veterinarian's license. Md. Code Ann., Agric. Art. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and the history of prior violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art. § 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Foster has submitted payment of the $1,000 civil penalty assessed by the Board in Docket No. 12-61, and waived the right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Foster voluntarily agreed to the Board's sanction, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that on or about February 14 and April 11, 2012, he did violate a regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.12-3 Expired Medications, in that Dr. Foster failed to keep expired drugs separate and apart from unexpired drugs at his veterinary hospital, Dundalk Animal Hospital, Hospital License Number 03-009, located at 7810 Wise Avenue in Baltimore, Maryland 21222.

Taking all the facts and circumstances into consideration, including the severity of the violation, the veterinarian's history of numerous prior violations with the Board, and the veterinarian's good faith effort in this matter, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 5th day of July, 2012, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of a regulation under the Maryland Veterinary Practice Act, specifically, COMAR 15.14.01.12 Controlled Dangerous Substances, Dr. Foster is assessed a civil penalty in the amount of $1,000. The Board acknowledges that the payment of $1,000 has been received from Dr. Foster.

Chris H. Runde, DVM

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

