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

IN THE MATTER OF:	*	
ROGER O. OMWAKE, D.V.M.	*	DOCKET NO. 13-41
LICENSE NO. 2669	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 20th day of February, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Roger O. Omwake, D.V.M. (Dr. Omwake), License No. 2669. This Order confirms the intention of Dr. Omwake to waive the right to contest the charge filed by the Board on January 24, 2013 in Docket No. 13-41, alleging that Dr. Omwake violated Agriculture Article Section 2-313(1), Md. Code Ann. of the Veterinary Practice Act and a certain related Code of Maryland Regulation (COMAR). Specifically, in Docket No. 13-41, the Board alleged that Dr. Omwake violated COMAR 15.14.01.11 Annual Registration, on or about July 1, 2012 through September 5, 2012, by practicing veterinary medicine as R.O. Omwake, D.V.M., without a valid registration from the Board for Fiscal Year (FY) 2013. On or about February 14, 2013, Dr. Omwake submitted full payment of the 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. 13-41.

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 or veterinary practitioner . . . [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, or revoking a veterinarian's license, respectively. 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. Omwake has submitted payment of the $250 civil penalty assessed by the Board in Docket No. 13-41, and waived his right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Omwake 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 he did violate Agriculture Article Section 2-313, Md. Code Ann., of the Veterinary Practice Act and a regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.11 Annual Registration, by practicing veterinary medicine as R.O. Omwake, D.V.M., on or about July 1, 2012 through September 5, 2012 without a valid registration from the Board for FY 2013.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of disciplinary history with the Board, and the veterinarian's good faith effort to resolve this matter promptly, 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 20th day of February 2013, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article Section 2-313, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.01.11 Annual Registration, Dr. Omwake is assessed a civil penalty in the amount of $250. The Board acknowledges that payment of $250 was received from Dr. Omwake on February 14, 2013.

Chris H. Runde, DVM

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