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

IN THE MATTER OF:	*	
DAVID E. VAUGHAN, D.V.M. LICENSE NO. 3941	*	DOCKET NO. 13-63
FINKSBURG VETERINARY CENTER HOSPITAL LICENSE NO. 06-018	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 9th day of April, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against David E. Vaughan, D.V.M. (Dr. Vaughan), License No. 3941. This Order confirms the intention of Dr. Vaughan to waive the right to contest the charge filed by the Board on March 27, 2013 in Docket No. 13-63, alleging that Dr. Vaughan violated a certain Code of Maryland Regulation (COMAR) under the Maryland Veterinary Practice Act. Specifically, in Docket No. 13-63, the Board alleged that Dr. Vaughan violated COMAR 15.14.01.12C, Schedule II Drugs, on or about February 25, 2013, in that Dr. Vaughan failed to keep a Schedule II Controlled Dangerous Substance (CDS) under lock at his veterinary hospital, Finksburg Veterinary Center, Hospital License Number 06-018, located at 2025 Suffolk Road, in Finksburg, Maryland 21048. On or about April 4, 2013, Dr. Vaughan submitted full payment of the $250 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. 13-63.

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. Vaughan has submitted payment of the $250 civil penalty assessed by the Board in Docket No. 13-63, and waived the right to a hearing or appeal of the charges. After having the opportunity to seek advice of legal counsel, Dr. Vaughan 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 25, 2013, he did violate a regulation adopted under the Veterinary Practice Act, specifically, COMAR 15.14.01.12C(3) Schedule II Drugs, in that Dr. Vaughan failed to keep a Schedule II drug, specifically Telazol, locked at his veterinary hospital, Finksburg Veterinary Center, Hospital License Number 06-018, located at 2025 Suffolk Road, in Finksburg, Maryland 21048.

Taking all the facts and circumstances into consideration, including the severity of the violation, the veterinarian's lack of a 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 9th day of April, 2013, 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 15.14.01.12C(3) Schedule II Drugs, Dr. Vaughan is assessed a total civil penalty in the amount of $250. The Board acknowledges that the payment of $250 was received from Dr. Vaughan on April 4, 2013.

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

