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

IN THE MATTER OF:	*	
MYSORE P. NAGARAJ, D.V.M.	*	DOCKET NO. 14-13
LICENSE NO. 3499	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 2nd day of December, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Mysore P. Nagaraj, D.V.M. (Dr. Nagaraj), License No. 3499. This Order confirms the intention of Dr. Nagaraj to waive the right to contest the charge filed by the Board on October 29, 2013 in Docket No. 14-13, alleging that Dr. Nagaraj 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. 14-13, the Board alleged that Dr. Nagaraj violated COMAR 15.14.01.11 Annual Registration, on or about July 2 and 29, 2013 and August 6 and 21, 2013, by practicing veterinary medicine at a veterinary hospital; specifically, at his practice, Seabrook Station Animal Hospital, Hospital License No. 16-088, without a current registration from the Board for Fiscal Year (FY) 2014. By letter of November 12, 2013, Dr. Nagaraj wrote to the Board and voluntarily waived the right to a hearing and appeal on the charge in Docket No. 14-13.

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 Sections 2-301 through 2-316, Annotated Code of Maryland and related COMAR 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., Section 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. Section 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. Section 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mysore P. Nagaraj, D.V.M., License No. 3499, has agreed to submit payment of the $350 civil penalty assessed by the Board in Docket No. 14-13, and waived his right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Nagaraj acknowledges 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(1), 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 at a veterinary hospital, specifically Seabrook Station Animal Hospital, located at 9455 Lanham Severn Road, Seabrook, Maryland 20706, on or about July 2 and 29, 2013 and August 6 and 21, 2013 without a current registration from the Board for FY2014. Dr. Nagaraj renewed his registration online with the Board on August 22, 2013.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's disciplinary history with the Board in Docket Nos. 12-24 and 13-15, 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 2nd day of December, 2013, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article Section 2-313(1), Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.01.11 Annual Registration, Dr. Nagaraj is assessed a civil penalty in the amount of $350. Payment should be made to "Maryland Department of Agriculture," at 50 Harry S. Truman Parkway, Annapolis, MD 21401, within **30** days of this **Order** with the notation "SBVME – 14-13."

David L. Handel, DVM

David L. Handel, D.V.M.
Vice President
Maryland State Board of Veterinary Medical Examiners