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

IN THE MATTER OF:	*	
LUIS A. CASTRO, D.V.M.	*	DOCKET NO. 14-38
LICENSE NO. 5414	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 23rd day of April, 2014, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Luis A. Castro, D.V.M. (Dr. Castro), License No. 5414. This Order confirms the intention of Dr. Castro to waive the right to contest the charge filed by the Board on January 31, 2014 in Docket No. 14-38, alleging that Dr. Castro violated Code of Maryland Regulation (COMAR) 15.14.01.15 Complying with Certain Requests of the Board, by failing without good cause to respond to the September 3, 2013 written request of the Board to submit documentation of continuing education (CE) for fiscal year (FY) 2014 by a certain date. On or about March 26, 2014, Dr. Castro agreed to pay the $500 civil penalty to resolve this matter. Dr. Castro has no prior disciplinary history with the Board.

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

Luis A. Castro, D.V.M., License No. 5414, has offered to submit payment of the $500 civil penalty assessed by the Board in Docket No. 14-38, and waived his right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Castro acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he did violate COMAR 15.14.01.15 Complying with Certain Requests of the Board, by failing without good cause to respond to the September 3, 2013 written request of the Board to submit documentation of continuing education (CE) for fiscal year (FY) 2014 within 15 days of receipt of the Board's letter. Dr. Castro's office received the Board's letter on or before September 10, 2013 and he failed to respond by September 25, 2013. Dr. Castro has no prior disciplinary history with the Board.

Taking all the facts and circumstances into consideration, including the nature 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, 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 23rd day of April, 2014, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that, for the violation of COMAR 15.14.01.15 Complying with Certain Requests of the Board, Dr. Castro is assessed a civil penalty in the amount of $500. Payment shall be made within 30 days of the date of this Order to "Maryland Department of Agriculture," 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401, with the notation "SBVME – 14-38."

Luis A. Runde, DVM

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