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

IN THE MATTER OF:	*	
SUSAN MENDE, D.V.M.	*	DOCKET NO. 14-42
LICENSE NO. 4449	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 30th day of April, 2014, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Susan Mende, D.V.M. (Dr. Mende), License No. 4449. This Order confirms the intention of Dr. Mende to waive the right to contest the charges filed by the Board on April 4, 2014 in Docket No. 14-42, alleging that Dr. Mende violated Agriculture Article (Agric. Art.) , Section 2-310(7), Md. Code Ann., of the Veterinary Practice Act and certain Code of Maryland Regulations (COMAR); specifically, COMAR 15.14.01.04 relating to professional conduct, COMAR 15.14.01.06 relating to advertising, and COMAR 15.14.11.03 relating to employment of an unregistered veterinarian, from July 2012 until sometime in August 2013 at her veterinary hospital, Wolf Creek Equine, Hospital License No. 02-065, located at 936 Fiorenza Drive, in Lothian, Maryland 20711. On or about April 30, 2014, Dr. Mende agreed to pay the $18,000 in civil penalties to resolve this matter. Dr. Mende 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

Susan Mende, D.V.M. (Dr. Mende), License No. 4449, while generally and specifically denying liability in this matter, has offered to submit payment of $18,000 in civil penalties assessed by the Board in Docket No. 14-42, and waived her right to a hearing or appeal of the charges in order to resolve this matter. After having the opportunity to seek advice of legal counsel, Dr. Mende acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she did violate Agric. Art., Section 2-310(7), Md. Code Ann., of the Veterinary Practice Act and certain Code of Maryland Regulations, including COMAR 15.14.01.04 relating to professional conduct, COMAR 15.14.01.06 relating to advertising, and COMAR 15.14.11.03 relating to employment of an unregistered veterinarian, from July 2012 until sometime in August 2013 at her veterinary hospital, Wolf Creek Equine, Hospital License No. 02-065, located at 936 Fiorenza Drive, in Lothian, Maryland 20711. Dr. Mende has no prior disciplinary history with the Board.

Taking all the facts and circumstances into consideration, including the nature of the violations, 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 combined civil penalty only.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 30th day of April, 2014, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of the Veterinary Practice Act, Agric. Art., Section 2-310(7), employing an unlicensed veterinarian, COMAR 15.14.01.04 Professional Conduct, COMAR 15.14.01.06 Advertising, COMAR 15.14.11.03 Violations at J, Dr. Mende is assessed a civil penalty in the total amount of $18,000. Payment shall be made within 60 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 – 14-42."

Chris H. Runde DVM

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