

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

IN THE MATTER OF:

SAMIR A. HAFEZ, D.V.M.
LICENSE NO. 2096

DOCKET NO. 18-07

WORCESTER ANIMAL CLINIC
LICENSE NO. 23-008

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order ("Order"), dated this 20th day of September, 2017, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board") against Samir A. Hafez, D.V.M., ("Dr. Hafez"), License No. 2096 and Worcester Animal Clinic, License No. 23-008 ("Hospital"). At all times relevant to these charges, Dr. Hafez was a veterinarian licensed to practice in the State of Maryland and was the owner of Hospital, located at 1402 Market Street, Pocomoke City, Maryland 21851.

This Order confirms the intention of Dr. Hafez, as the owner of Hospital, to waive the right to contest the charge filed by the Board on August 28, 2017, in Docket No. 18-07 alleging that Dr. Hafez and Hospital violated the Maryland Veterinary Practice Act, Agriculture Article, Sections 2-301 - 2-316, Annotated Code of Maryland, ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17. Specifically, in Docket No. 18-07, the Board alleged that Dr. Hafez violated the Veterinary Practice Act, Agriculture Article, § 2-304.1, Annotated Code of Maryland, and Code of Maryland Regulations ("COMAR") 15.14.03.01-1C, which require that every veterinary hospital be licensed with the Board for each licensing year.

On or about September 2, 2017, Dr. Hafez notified the Board that he wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 18-07 by mailing a check to the Board in the full amount of the civil penalty in this matter. Dr. Hafez' check in the amount of \$500.00 was received by the Board on September 11, 2017.

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 . . . [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 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. Hafez, after having the opportunity to seek advice of legal counsel, voluntarily waived his right to a hearing on the charge and paid a civil penalty of \$500.00. In so doing, Dr. Hafez 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 2-304.1, Md. Code Ann., and a related regulation; specifically COMAR 15.14.03.01-1C, as follows:

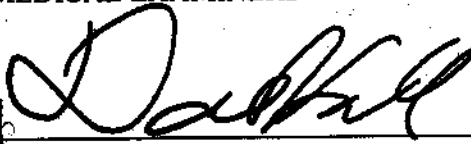
1. The Veterinary Practice Act, Agriculture Article, § 2-304.1, Annotated Code of Maryland, and Code of Maryland Regulations (“COMAR”) 15.14.03.01-1C require that every veterinary hospital be licensed with the Board for each licensing year.
2. As of July 1, 2017, the first day of Fiscal Year (“FY”) 2018, Dr. Hafez was owner of Hospital, located at 1402 Market Street, Pocomoke City, Maryland 21851, but had not renewed the hospital license for FY 2018.
3. From July 1, 2017 through and July 27, 2017, the Hospital was open for business and continuing to see patients. However, the Hospital license for FY 2018 was not renewed until July 27, 2017.
4. Accordingly, from July 1 through July 27, 2017, Hospital was operating without a valid license from the Board, in violation of Agriculture Article Section 2-304.1, Md. Code Ann., and COMAR 15.14.03.01-1C.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian’s prior 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 September, 2017, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-304.1, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.03.01-1C, Dr. Hafez is assessed a civil penalty in the amount of \$500.00. The Board acknowledges receipt of the full amount of the civil penalty on or about September 11, 2017.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read 'D. Handel', is written over a horizontal line.

David L. Handel, D.V.M.
President