

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

IN THE MATTER OF:

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NVA & THOMAS KOZEK, DVM, ET AL.,
OWNERS, AAVEC, LLC

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DOCKET NO. 16-64

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HOSPITAL LICENCE NO. 02-020

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 26 day of May, 2016, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against National Veterinary Associates and Thomas Kozek, Janet Peterson, and Mark Hitt, owners (Owners) of Anne Arundel Veterinary Emergency Clinic DBA AAVEC, LLC, Hospital License No. 02-020. This Order confirms the intention of the Owners to waive the right to contest the charge filed by the Board on April 27, 2016 in Docket No. 16-64, alleging that Owners violated Code of Maryland Regulation (COMAR) 15.14.03.01-1 Licensing Requirement on or about October 27, 2015, by operating a veterinary hospital, specifically, Anne Arundel Veterinary Emergency Clinic DBA AAVEC, LCC, without a valid hospital license from the Board at 808 Bestgate Road, in Annapolis, Maryland 21401. By letter of May 6, 2016, on behalf of Owners, Dr. Kozek wrote to the Board and voluntarily waived the right to a hearing and appeal on the charge in Docket No. 16-24. On May 24, 2016, the Board received a check for the \$300 civil penalty in this matter.

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.

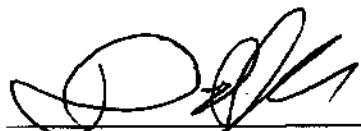
FINDINGS OF FACT AND CONCLUSIONS OF LAW

Thomas Kozek, DVM, License No. 3281, a veterinary hospital co-owner, has agreed to submit payment of the \$300 civil penalty assessed by the Board in Docket No. 16-64, and waived the Owners' right to a hearing or appeal of the charge issued on April 27, 2016. After having the opportunity to seek advice of legal counsel, Dr. Kozek acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that the Owners violated COMAR 15.14.03.01-1 Licensing Requirement, by operating a veterinary hospital, Anne Arundel Veterinary Emergency Clinic, AAVEC, LLC, Hospital License No. 02-020, at 808 Bestgate Road, in Annapolis, Maryland 20401, on or about October 27, 2015 without a valid license from the Board after a change of ownership. The Board issued the new hospital license on or about January 11, 2016.

Taking all the facts and circumstances into consideration, including the nature of the violation, the Owners' lack of disciplinary history with the Board, and the 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 26 day of May, 2016, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of COMAR 15.14.03.01-1 Licensing Requirement, the Owners of AAVEC, LLC are assessed a civil penalty in the amount of \$300. Payment was received by the Board on May 24, 2016.



David L. Handel, DVM
President
Maryland State Board of Veterinary Medical Examiners