

FILED WITH THE BOARD OF
VETERINARY MEDICAL EXAMINERS

ON January 26, 1995

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL
EXAMINERS
DOCKET NO.

IN THE MATTER OF THE SUSPENSION :	:	
OR REVOCATION OF THE LICENSE OF :	:	Administrative Action
	:	
SIREL A. REELE, D.V.M. :	:	FINAL DECISION AND ORDER
LICENSE # VI 01383 :	:	
	:	
TO PRACTICE VETERINARY MEDICINE :	:	
IN THE STATE OF NEW JERSEY :	:	

This matter having been opened to the State Board of Veterinary Medical Examiners, by complaint filed August 25, 1994, by Deborah T. Poritz, Attorney General of the State of New Jersey, by Brenda Talbot Lewis, Deputy Attorney General. That complaint charged that respondent, the holder of License #VI 01383 to practice veterinary medicine, surgery and dentistry in the State of New Jersey, and so licensed at all times pertinent to the complaint, undertook to castrate a dog, Beezley, a long-haired Chihuahua, owned by Mr. and Mrs. William Baccigaluppi on April 19, 1994. The complaint charged that respondent castrated Beezley without first obtaining a signed consent from the Baccigaluppis; without determining whether Beezley had had anything to eat or drink prior to the operation; without conferring with the veterinarian who had treated Beezley for eight years, despite a specific request from the owners that he do so; without requesting or acquiring Beezley's medical prior medical record; without taking a history; and without performing tests prior to surgery, despite his having been informed that Beezley suffered from occasional seizures. The complaint charged that on or about April 30, 1994, Beezley's owners

telephoned respondent concerning the outcome of the operation. Respondent informed Mrs. Baccigaluppi that Beezley had had seizures during the surgery and was dead. Mr. and Mrs. Baccigaluppi proceeded to respondent's office to retrieve Beezley's body. The facility they observed was an unsanitary, dimly lit shack. The complaint charged that respondent advised Mrs. Bacciagaluppi that Beezley had seized while coming out of anesthesia; that he had given the dog more anesthesia, which he described as Brotol; and that each time Beezley regained consciousness, he had seized and respondent reacted by administering additional anesthesia, which cycle of purported treatment continued for three (3) days. Beezley died on the third day following surgery.

The complaint charged that in February 1988 respondent's license to practice veterinary medicine had been suspended for thirty (30) days by the Board for his gross negligence in the treatment of a dog which had been brought to him for treatment of a skin condition but which instead had been castrated by respondent. Respondent was ordered to pay a penalty of \$2,500, costs of investigation of \$830 and \$206 in restitution to the dog's owner. The complaint further charged that in September 1988, respondent's license was again suspended for an indefinite period because of his failure to pay the aforementioned sums. Respondent's license was restored in January 1989.

The complaint also charged that respondent had been criminally charged with child abuse and that in July 1992, respondent had been convicted of two criminal charges of endangering the welfare of children. The criminal convictions stemmed from charges that respondent had forced his two (2) adopted sons, then ages nine (9)

and eleven (11), to sleep in a dog kennel for three (3) nights and that he had forced them to eat out of metal dog food dish because they did not respond to conventional discipline. Respondent was sentenced for these crimes to three (3) weeks incarceration, a term of probation and was ordered to pay a fine of \$5,000.

The complaint further alleges that by registered letter of May 24, 1994, respondent was requested to forward his medical records for Beezley to the Board of Veterinary Medical Examiners, which letter respondent failed to acknowledge. Respondent subsequently failed to respond to at least three requests left on his answering machine that he telephone the Board office. The complaint charged that on or about August 4, 1994, an investigator from the Enforcement Bureau of the Division of the Consumer Affairs, attempted to serve respondent with a copy of the letter from the Board. The complaint charged that respondent refused to accept the letter, stating that he had already communicated with the Board, that he no longer practiced veterinary medicine and that respondent loosed dogs upon the investigator in order that he could not safely approach his domicile and/or office.

Respondent's course of conduct by performing surgery without a proper consent; without determining whether the animal had eaten or drank; without conferring with the veterinarian who regularly had treated the animal; without requesting or requiring a medical record; without taking a history; and without performing any tests, was alleged to constitute gross malpractice or gross neglect which endangered the life of an animal, subjecting him to suspension or revocation of his license pursuant to N.J.S.A. 45:16-6; gross negligence, gross malpractice and gross incompetence pursuant to N.J.S.A. 45:1-21(c);

repeated acts of negligence, malpractice and incompetence pursuant to N.J.S.A. 45:1-21(d); and professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting him to revocation or suspension of his license.

Respondent's course of conduct by continuing to administer anesthesia over a period of three days each time Beezley began to regain consciousness without considering or administering any other treatment, was alleged to constitute gross malpractice or gross neglect which endangered the life of an animal, subjecting him to the suspension or revocation of his license pursuant to N.J.S.A. 45:16-6; gross negligence, gross malpractice and gross incompetence pursuant to N.J.S.A. 45:1-21(c); repeated acts of negligence, malpractice and incompetence pursuant to N.J.S.A. 45:1-21(d); and professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting respondent to suspension or revocation of his license to practice veterinary medicine.

Respondent's course of conduct in maintaining veterinary facilities in an unsanitary manner was alleged to constitute gross negligence, gross malpractice and gross incompetence pursuant to N.J.S.A. 45:1-21(c); repeated acts of negligence, malpractice and incompetence pursuant to N.J.S.A. 45:1-21(d) and professional misconduct pursuant to N.J.S.A. 45:1-21(e) subjecting respondent to suspension or revocation of his license to practice veterinary medicine.

Respondent's conduct in refusing to respond to mail and telephone inquiries from the Board of Veterinary Medical Examiners and by refusing to accept a personally served copy of a letter from the Board was alleged to constitute professional misconduct pursuant

to N.J.S.A. 45:1-21(e), subjecting respondent to suspension or revocation of his license to practice veterinary medicine.

Respondent's criminal convictions for endangering the welfare of children by forcing the children to live in a dog kennel for three (3) days was alleged to constitute crimes involving moral turpitude and crimes adversely relating to the practice of veterinary medicine, subjecting respondent to suspension or revocation of his license to practice veterinary medicine pursuant to N.J.S.A. 45:1-21(f).

A hearing before the Board was held on November 30, 1994. Respondent did not appear. Deputy Attorney General Lewis appeared on behalf of the Attorney General. Mary Ann C. Kehoe, Executive Director of the Board and custodian of the records testified and identified documents concerning the level of respondent's cooperation with the Board in this inquiry.

Respondent was served with the Notice of Complaint and Demand to File an Answer and the Complaint by certified mail on September 6, 1994, as evidenced by a return receipt received by the Board on September 8, 1994. Respondent did not file a formal or complete answer to the complaint, although by letter of September 19, 1994, respondent replied to the complaint by generally referring to Beezley's history of seizures, his alleged conversion with Beezley's trainer concerning the dangers of anesthesia and that Beezley's owners had consented to his castration. Respondent denied that Beezley's owners had been to his clinic. Respondent complained that the Division's investigator had come on to his property without permission. Respondent did not deny any of the allegations of the complaint

reciting both the facts and circumstances of his pre-operative and post-operative treatment of Beezley and his prior criminal history. Respondent did allege that there was an outstanding Complaint against the Board which he had filed with the Public Advocate which rendered any action against him by the Board a conflict of interest. On September 19, 1994, respondent was advised by letter that the section of the Office of the Public Advocate to which respondent referred had been abolished, that the Board had never received notification of a pending complaint, that his hearing was scheduled for October 21, 1994, and that he or his attorney should arrange to be provided with discovery. Respondent did not reply to the letter and did not request discovery.

On October 14, 1994, respondent was advised by certified mail and by regular mail that the date of his hearing before the Board was November 30, 1994. Respondent received the certified letter on October 17, 1994, as evidenced by the signed return receipt. On November 15, 1994, a second letter advising respondent of the hearing date of November 30, 1994 was sent by certified and regular mail. There is no return receipt indicating respondent's acceptance of the certified letter.

Ms. Kehoe identified the following documents offered by the State and admitted into evidence:

S1 - The return receipt of September 9, 1994 indicating respondent's receipt of the Complaint and Notice of Demand for an Answer.

S2 - The letter of October 14, 1994 advising respondent of the hearing before the Board on November 30, 1994 and the return

receipt indicating his receipt of this notification on October 17, 1994.

S3 - The letter of November 14, 1994 reaffirming that the hearing date on the complaint was scheduled for November 30, 1994 and a proof of mailing by certified mail.

S4 - The letter of September 19, 1994 to respondent advising him of the receipt of his letter of September 12, 1994, fixing the date of his hearing and proffering discovery.

S5 - The complaint filed with the Board on May 23, 1994 by Mr. and Mrs. William A. Baccigaluppi against respondent.

S6 - A twelve (12) page handwritten letter authored by Mrs. Camille Baccigaluppi and Mr. William Baccigaluppi which was submitted by them with S5 and which recites in detail the facts in support of their complaint against respondent.

Deputy Attorney General Lewis referred the Board to paragraph 20 of the complaint and to newspaper accounts in the possession of the Board which recite that respondent had been convicted in July 1992 of endangering the welfare of his two children by forcing them to sleep in a dog kennel for several days. DAG Lewis requested the Board to take judicial notice of the convictions. The Board agreed to this request in view of the absence of any denial by respondent to paragraph 20 of the complaint, which explicitly recites his conviction as a basis for imposition of discipline in accordance with N.J.S.A. 45:1-21(f)..

Mrs. Camille Baccigaluppi testified on behalf of the State. Mrs. Baccigaluppi testified that the contents of her letter (S6) detailing respondent's treatment of Beezley was truthful and accurate

in its entirety. Mrs. Baccigaluppi reviewed the letter at the hearing and authenticated its contents under oath.

Both the testimony of Mrs. Baccigaluppi and S6 establish that Beezley was an eight (8) year old male long coat Chihuahua. Beezley suffered from occasional seizures. The seizures occurred approximately six (6) times per year. Beezley had not been completely housebroken. The Baccigaluppis came upon an advertisement for housebreaking pets in a local newspaper announcing the services of the "Joseph Vincent School for Dogs". The Baccigaluppis retained Joseph Vincent to housebreak Beezley. Vincent suggested the castration of Beezley and referred the Baccigaluppis to respondent. Prior to departing for a vacation, the Baccigaluppis left Beezley with Vincent with the understanding that the dog would be neutered by respondent. Prior to departing, Mrs. Baccigaluppi had a conversation with respondent in which she explicitly requested him to consult with Beezley's personal veterinarian prior to surgery. Respondent assured Mrs. Baccigaluppi that the chances were one (1) in ten thousand (10,000) that anything of a serious nature would occur. Respondent did not inquire of Mrs. Baccigaluppi if Beezley had eaten or drunk, nor did he request Beezley's medical records and prior history from his regular treating veterinarian.

The Baccigaluppis returned from their trip in late April. They called respondent and were informed by him that Beezley had died as a result of seizures after the surgery. The Baccigaluppis proceeded to respondent's address and retrieved Beezley's remains. The premises at which respondent practiced was described as an unsanitary, dimly lit "shack". The Baccigaluppis' regular veterinarian informed them that

respondent had not called him before the surgery or at any time before Beezley died. Mrs. Baccigaluppi had a conversation with respondent in which he advised her that the surgery was performed at approximately 9:00 p.m. on April 19, 1994. Respondent admitted to her that he did not perform any blood work or obtain Beezley's medical history prior to surgery. Respondent admitted to Mrs. Baccigaluppi that subsequent to the surgery Beezley went into seizures each time he regained consciousness. As a result, respondent admitted to Mrs. Baccigaluppi that he administered additional anesthesia to Beezley each time he began to regain consciousness. Respondent admitted that this cycle continued for three days, until Beezley's death. Aside from administering anesthesia on a continuing basis and placing Beezley near a heater, respondent admitted to Mrs. Baccigaluppi that he did not provide any additional post-operative treatment to Beezley. The Baccigaluppis were not billed for the services rendered by respondent.

Respondent continually refused the Board's repeated requests for his records of treatment of Beezley. Respondent did not file an answer to the complaint or deny the allegations of the complaint relating to his care and treatment of Beezley. Respondent did not appear pursuant to the Notice of Hearing and did not otherwise offer any evidence on his behalf.

DECISION OF THE BOARD

The Findings of Fact and Conclusions of Law which the Board makes and which immediately follow are predicated on the uncontroverted evidence presented to the Board at the hearing of November 30, 1994. The Board finds by a preponderance of the evidence that, in the complete absence of any proofs to the contrary, the testimony and

proofs presented by the State are both credible and reliable. The Board's finding in this regard is premised in part on respondent's failure to answer or deny the allegations against him despite the full opportunity to do so afforded by the Board. In reaching its Findings of Fact and Conclusions of Law, the Board's experience, technical competence and specialized knowledge has been utilized in the evaluation of the evidence regarding respondent's acts and omissions, many of which were admitted to Mrs. Baccigaluppi, in the context of his pre-operative and post-operative care of Beezley, as more specifically described in **Findings Nos. 1 through 6** below. See In re Suspension of License of Silberman, 169 N.J. Super. 243, 256 (App. Div. 1979), aff'd o.b. 84 N.J. 303 (1980).

FINDINGS OF FACT

1. On or about April 19, 1994, respondent castrated a long-haired chihuahua, Beezley, owned by Mr. and Mrs. Baccigaluppi.
2. Respondent did not take adequate history prior to performing surgery on Beezley.
3. Respondent did not conduct an adequate presurgical examination of Beezley and failed to contact Beezley's regular veterinarian as requested by his owners.
4. Respondent failed to conduct any presurgical tests, including blood tests.
5. Respondent's pre-operative care of Beezley was negligent in that he failed to adequately assess the dog and determine the risks to which he would be subjected during surgery.
6. Respondent's post-operative care of Beezley was grossly negligent. Beezley suffered seizures when coming out of the

anesthesia. This condition required the initiation of IV therapy, a diagnostic work-up to determine the etiology of the seizures and the procurement of expert advice to control the seizures. Despite the foregoing, after the onset of the seizures, respondent administered more anesthesia. On each instance when Beezley regained consciousness and suffered seizures, respondent administered more anesthesia. This lack of treatment continued for three days and Beezley died on the third day following surgery.

7. Respondent failed to cooperate with the Board's investigation by refusing to provide medical records as requested by the Board, by failing to respond to three telephonic messages, by his refusal to accept hand delivery of a letter from the Board by an agent of the Board, by failing to file an answer to the allegations of the complaint and by failing to appear before the Board on the date of the hearing.

8. In July 1992, respondent was convicted of endangering the welfare of his two sons by forcing them to live and sleep in a dog kennel for several days. Respondent was sentenced to three weeks in jail and probation and ordered to pay a fine of \$5,000.

9. In February 1988, respondent's license to practice veterinary medicine was suspended for thirty (30) days after the Board found him guilty of gross negligence for castrating a dog which had been brought to him solely for treatment of a skin condition. Respondent was ordered to pay a penalty of \$2,500, costs of investigation of \$830 and \$206 in restitution to the dog's owner. In September 1988, respondent's license was again suspended for an

indefinite period because of his failure to pay the aforesaid sums and his license was restored in January 1989.

CONCLUSIONS OF LAW

The record establishes by a preponderance of the evidence that respondent's surgical care of Beezley, including both his pre-operative and post-operative care, resulted in the death of Beezley from complications from the administration of anesthesia and surgery which constitutes gross negligence, gross malpractice, gross incompetence, repeated acts of negligence, malpractice and incompetence and professional misconduct contrary to N.J.S.A. 45:16-6, N.J.S.A., 45:1-21 (c), N.J.S.A. 45:1-21(d) and N.J.S.A. 45:1-21(e). Respondent engaged in repeated acts of negligence, malpractice, incompetence and professional misconduct in the pre-operative phase of this matter, including inadequate history taking; inadequate presurgical examination; failure to perform presurgical tests, including blood tests; the failure to contact Beezley's regular veterinarian as requested and the failure to adequately assess the dog and determine the risks to which he would be subjected during surgery. Respondent engaged in gross negligence, gross malpractice, gross incompetence and professional misconduct in the post-operative treatment of Beezley by his failure to treat the animal's postsurgical condition as an emergency; his failure to institute IV therapy; his failure to institute appropriate diagnostics to determine the etiology of the seizures, his failure to seek expert advice to control the animal's seizures; and his continual administration of anesthesia each time the dog began to regain consciousness for a period of three days without considering or administering any other treatment or seeking any

professional assistance. The Board finds that respondent's conduct was unprofessional, reckless and callous. His actions not only evidence a lack of humane concern and compassion and care, but a substantial breach of professional standards to which all licensed veterinarians must adhere.

The record further establishes by a preponderance of the evidence that respondent refused to cooperate with the Board's investigation and refused to appear in compliance with the Board's request. Respondent thereby engaged in professional misconduct contrary to N.J.S.A. 45:1-21(e).

The record further establishes by a preponderance of the evidence that respondent has been criminally convicted of charges of endangering the welfare of children, by placing such children in a kennel for three days, which crimes involve moral turpitude contrary to N.J.S.A. 45:1-21(f).

IT IS, THEREFORE, on this 25th day of JANUARY, 1995,

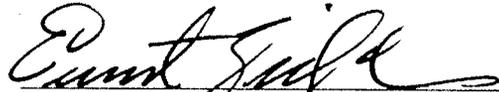
ORDERED, that respondent's license to practice veterinary medicine in the State of New Jersey is hereby revoked, and it is further

ORDERED, that respondent shall pay a civil penalty in the amount of \$10,000; which represents a penalty of \$2,500 for his professional misconduct in failing to cooperate with the Board in the investigation and disposition of this matter; a penalty of \$2,500 for respondent's repeated acts of negligence, malpractice, incompetence and misconduct in his pre-operative treatment, or lack thereof, of Beezley; and a penalty of \$5,000 for respondent's gross negligence, gross malpractice and gross incompetence and repeated acts of

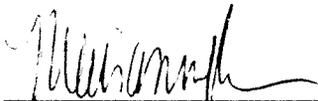
negligence, malpractice and misconduct in his post-operative treatment, or lack thereof, of Beezley, such conduct constituting respondent's second offense; and it is further

ORDERED that the penalty of \$10,000 is to be paid by means of a certified check or money order made payable to the State of New Jersey and submitted within ten (10) days of the service of this ORDER to the Board's Executive Director, and it is further

ORDERED that respondent shall pay costs in the amount of \$1,653.41, which includes investigative costs, made payable to the State of New Jersey, and submitted within ten (10) days of the service of this ORDER to the Board's Executive Director.


Ernest Zirkle, D.V.M.
President
State Board of Veterinary
Examiners

I CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY.


Marianne C. Kehoe
Executive Director