

By Uniform Penalty Letter (UPL) of February 25, 1999, respondent was notified that the Board had found that he had violated N.J.S.A. 45:1-21 (e) (professional misconduct) by selling an unhealthy kitten while portraying it as healthy, and by representing the kitten as being purebred Himalayan without forwarding documentation to this effect to the customer. Respondent was offered the opportunity to settle the matter to avoid the initiation of formal disciplinary proceedings by signing a certification (a) acknowledging the allegations and paying a penalty of \$1500; or (b) waiving any right to a hearing and submitting a written statement for the Board's final consideration; or (c) requesting a hearing before the Board. Respondent selected (b) and again stated his defenses. He added that the documentation in question had been forwarded to Ms. Wardrope and that he had indirectly reimbursed her (in the civil court of Freehold) the amount of \$100.00 by accepting only \$200 in settlement of a civil case filed against her for stopping payment on her check. Ms. Wardrope confirmed this information.

At its meeting of April 28, 1999, the Board considered respondent's submission and rescinded its finding that respondent had failed to provide documentation pertaining to the kitten in question, and rescinded the fine of \$500 pertaining to this allegation, but further determined that respondent had violated the Veterinary Practice Act by selling an unhealthy kitten.

Based on the foregoing;

IT IS on this 24th day of May, 1999.

ORDERED that:

Respondent Helmy Rizkalla, BVSc., shall pay to the Board of Veterinary Medical Examiners a civil penalty in the amount of \$1000 for the violation of N.J.S.A. 45:1-21(e) (professional misconduct) for selling an unhealthy kitten. Said payment shall be made by certified check or money order payable to the State Board of Veterinary Medical Examiners shall be delivered within ten (10) days of the service of this Order to the Executive Director at the Board of Veterinary Medical Examiners, P.O. Box 45020, Newark, New Jersey 07101.

2. Respondent shall cease and desist from engaging in the conduct found herein to be unlawful.

BOARD OF VETERINARY MEDICAL EXAMINERS

By David A. Meirs, II, VMD
David Meirs, V.M.D.
President