

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

on this date of: 5/10/00

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS

In the Matter of:

HOWARD BAKER, D.V.M.

ORDER VACATING PRIOR ORDER
OF LICENSURE REVOCATION AND
RESTORING LICENSURE

This matter was reopened before the New Jersey State Board of Veterinary Medical Examiners (the "Board") upon the filing by respondent Howard Baker, D.V.M., of a petition seeking the restoration of his license to practice veterinary medicine in the State of New Jersey without restriction. Respondent's petition was based upon an April 14, 2000 determination made by Superior Court Judge Joyce Munkacsi, pursuant to which respondent's conviction in the Old Bridge Township Municipal Court on fourteen counts of violations of N.J.S.A. 4:22-17(a) (cruelty to animals) was overturned.

The petition was considered by the Board on April 26, 2000. On that date, respondent's counsel, Craig P. Caggiano, Esq., appeared and presented oral argument in support of respondent's position to the Board. Complainant Attorney General did not appear at the hearing, but instead presented his position in writing within correspondence dated April 25, 2000 by Brenda T. Lewis, Deputy Attorney General. Within said letter, Deputy Attorney

General Lewis stated that, based on the ruling of the Superior Court in Middlesex County, she had no objection to respondent's motion.

By way of background, respondent's license to practice veterinary medicine in the State of New Jersey had been revoked by Order of this Board dated September 21, 1999. The ordered revocation was then based exclusively upon respondent's conviction, by the Old Bridge Municipal Court on July 12, 1999, of fourteen counts of animal cruelty in violation of N.J.S.A. 4:22-17(a). The Board then concluded that the municipal court convictions conclusively established facts which provided grounds for the revocation of respondent's license pursuant to N.J.S.A. 45:1-21(c), 45:1-21(d) and 45:1-21(e), and that the conviction standing alone provided basis for disciplinary sanction pursuant to N.J.S.A. 45:1-21(f).

All fourteen counts of respondent's municipal court conviction were overturned on appeal by decision and Order of Superior Court Judge Joyce E. Munkacsi dated April 14, 2000. As the initial Order of the Board was based exclusively upon respondent's conviction, and the facts deemed established by reason of said conviction, the predicate for the Board's September 21, 1999 action no longer exists. The Board finds and determines, accordingly, that the Order of licensure revocation of September 21, 1999, must presently be vacated, and that the revocation of

respondent's license effected by operation of said Order must be immediately discontinued.¹

WHEREFORE it is on this 10th day of May, 2000

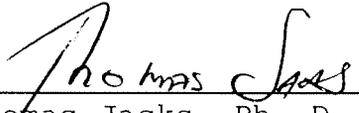
ORDERED, effective April 26, 2000

1. The final Order of this Board filed on September 21, 1999, pursuant to which the license of respondent Howard Baker, D.V.M., had been revoked, is hereby vacated.

2. Respondent's license to practice veterinary medicine in the State of New Jersey is hereby reinstated without limitation.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By:


Thomas Jacks, Ph. D.
Board President

¹ It must be noted that the action taken herein in no way would preclude the Board or the Attorney General from conducting further investigation concerning the conduct which was the subject of respondent's municipal court action, and, should cause be found to do so, from initiating administrative disciplinary proceedings against respondent based upon said conduct.