



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

DAVID SAMSON
Attorney General
RENI ERDOS
Director

Mailing Address:

P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

August 23, 2002

Dr. Fred Cuccinello
Animal Hospital at Washington
PO Box 720
Turnersville, NJ 08012

RE: File #02-041 – “Madison” MacHenry

Dear Dr. Cuccinello:

This is to advise you that the New Jersey State Board of Veterinary Medical Examiners has received and reviewed certain information regarding activity in which you were engaged as a Board licensee. The Board's initial review discloses what appears to be a violation of N.J.A.C. 13:44-4.9, a patient records violation, in that you refused to cooperate with the consumer's and the University of Pennsylvania veterinarian's request for medical records until after the consumer had already been to the University of Pennsylvania. Additionally, the Board has determined that the summary which you sent was not sufficient for the second veterinarian's purpose and was not reflective of this patient's medical records. When this veterinarian requested additional records from you, you failed/refused to provide them.

You are hereby offered the opportunity to settle this matter and avoid the initiation of formal disciplinary proceedings by signing the enclosed certification and paying a civil penalty in the amount of **\$1,000**. Alternatively, you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider this statement and render a final decision. You may also request a hearing in which case the matter will be scheduled, and this notice will serve as a complaint. At the hearing you may, either personally or with the assistance of an attorney, submit such testimony or other evidence as you may deem necessary in order for the Board to finally determine whether the unlawful acts set forth herein have been proven.

You should also be aware that upon final evaluation of the evidence submitted at the hearing, the Board may, if unlawful acts are found to exist, assess civil penalties in an amount greater than that herein offered in settlement. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring the restoration of any monies acquired by unlawful acts, the payment of costs and directing that you cease and desist from continued use of those acts found to be unlawful.

Dr. Fred Cuccinello

August 23, 2002

-2-

The enclosed certification must be returned to the Board with your indicated course of action within ten (10) days following receipt hereof. In the event that the Board receives no response within ten (10) days, the Board will consider you in default, the allegations contained herein shall be deemed uncontested, and the Board will proceed to finally review this matter and enter an appropriate final order.

Yours very truly,

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



DIANE I. ROMANO
Executive Director

c: Lori MacHenry

Enclosure
CERTIFIED MAIL/C.R.R.R.
7001 0360 0003 0130 0868

CERTIFICATION

I have received the Board's letter dated August 23, 2002 regarding alleged violations of the Board's enabling act and/or Board regulations.

I have read the allegations set forth therein, and I enclose herewith a check in the amount of \$1,000.00 payable to the State Board of Veterinary Medical Examiners. Without admitting any violation has occurred, assurance is hereby given that the conduct alleged in the notice will not continue or recur.

File Number: 02-041

Fred, Cucumella DVM
(Signature)

Date: September 5, 2002