

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 5-27-04

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

IN THE MATTER OF

JOSEPH W. ADAMS, D.V.M.
License No: VI00098800

TO PRACTICE VETERINARY
MEDICINE IN THE STATE
OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Veterinary Medical Examiners (hereinafter the "Board"), following its review of a biennial renewal application for licensure as a veterinarian in this State filed by John W. Adams, D.V.M. The Board has reviewed the application and makes the following findings:

FINDINGS OF FACT

1. Respondent, John Warren Adams, D.V.M., is a veterinarian in the State of New Jersey and was a licensee of the Board at all times relevant to the underlying facts upon which the Board's actions herein are based.

2. On or about March 24, 2003, the New York Education Department, Office of Professional Discipline, State Board for

Veterinary Medicine ("New York Board") entered into a Consent Order with the respondent. In this Consent Order, Dr. Adams acknowledged that he had been charged with one (1) specification of professional misconduct by the New York Board and further agreed in the Consent Order not to contest the aforementioned specification of professional misconduct. Specifically, the New York Board charged the respondent with

. . . practicing the profession of veterinary medicine with negligence on more than one occasion (by failing to perform a dental treatment and by failing to maintain an adequate record of visits, diagnoses and prescribed treatments).

3. Additionally, pursuant to the terms of the Consent Order, Dr. Adams agreed to the penalty that his license to practice veterinary medicine in the State of New York be suspended for one (1) year; that the suspension be stayed and that he be placed on probation for a period of one (1) year; and that he pay a civil penalty of \$1,000.00. [A copy of the New York Application for Consent Order and Original Vote and Order are attached hereto and made a part hereof].

4. Prior to June 30, 2003, the respondent was sent a biennial renewal application by the Board to renew his license to practice veterinary medicine in this State from July 1, 2003 to June 30, 2005. As part of this renewal application, Dr. Adams was asked to respond to the following question:

6. Since your last renewal has any action been taken or is any action now pending against your professional license or have you been permitted to surrender or otherwise relinquish your license to avoid inquiry, investigation or action by any other licensing authority that you have not already reported to your board/committee?

5. The respondent checked the box on the application which answered "no" to the question outlined above, signed the application form and returned it to the Board's administrative office on or about May 20, 2003. A copy of the biennial renewal application, in the relevant portion, is attached hereto and made a part hereof.

CONCLUSIONS OF LAW

Respondent's suspension of his license to practice veterinary medicine in the State of New York provides grounds for disciplinary action of his license to practice veterinary medicine in New Jersey pursuant to N.J.S.A. 45:1-21(g). Additionally, the respondent's conduct of failing to complete the renewal application truthfully and accurately concerning the disciplinary action taken by the New York Board in March 2003 constitutes the use of dishonesty, fraud, deception, misrepresentation and provides grounds for discipline of his license in this State pursuant to N.J.S.A. 45:1-21(c).

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline formally reprimanding the respondent and imposing a civil penalty of \$1,000.00 was entered on March 24, 2004, and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

An undated handwritten submission was provided to the Board by Dr. Adams on or about April 23, 2004. Dr. Adams was not represented by counsel during this matter. In this correspondence, the respondent maintained that he must have erroneously marked the box indicating that he had not been disciplined in another state during the biennial period. He therefore acknowledged the mistake and paid the civil penalty in full.

The respondent's submission was reviewed by the Board on May 26, 2004. The Board determined that further proceedings were not necessary and that no material discrepancies had been raised.

The Board, following its review of the respondent's renewal application and other relevant documents, concluded that the respondent failed to notify it in the renewal application, or in another fashion, of the disciplinary action taken against his New York veterinary medical license. Moreover, the Board concluded that the respondent engaged in fraud, deception and/or misrepresentation in his completion of the renewal application by indicating that **no** action had been taken against his professional license by any other licensing authority in May 2003 when he had consented to disciplinary action by the New York in March 2003. Hence, the Board voted to finalize the Provisional Order, which issued a formal reprimand and imposed a civil penalty, as issued without any modifications.

IT IS, THEREFORE, on this 26th day
of **MAY 2004, ORDERED that:**

1. The respondent, John Warren Adams, D.V.M., is hereby formally reprimanded for having had his authority to practice veterinary medicine in New York suspended, as outlined in the New York Consent Order, pursuant to N.J.S.A. 45:1-21(g).

2. The respondent is also hereby formally reprimanded for engaging in the use of dishonesty, fraud, deception or misrepresentation, contrary to N.J.S.A. 45:1-21(b), by failing to accurately report on his renewal application that his New York license had been disciplined.

3. Dr. Adams is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,000.00 for having had his authority to practice veterinary medicine in New York suspended and for engaging in the use of dishonesty, fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(g) and (b), respectively. Payment of the civil penalty was made in full on or about April 223, 2004.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

By: _____



ALFRED R. SCERNI, JR., ESQUIRE
President