



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

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General
MARK S. HERR
Director

August 25, 1997

VIA REGULAR 7 CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mailing Address:
P.O. Box 45020
Newark NJ 07101
(201) 504-6500

Mark D. Esser, V.M.D.
Rothman Animal Hospital
718 Dwight Avenue
Collingswood, NJ 08107

Re: Case Number 97-28
Franciana Gladys Still

Dear Dr. Esser:

This is to advise you that the New Jersey State Board of Veterinary Medical Examiners has had the opportunity to review information concerning the above matter.

Specifically, the information reviewed included:

1. Complaint from the above-named individual
2. Your letter of 05/97, along with the patient's medical records.

Upon review of all available information, the Board has preliminarily found that you was negligent, in that you did not maintain communication with the client and you permitted a patient to be injured while under your care.

The Board has determined that it will first offer you an opportunity to settle this matter and thereby avoid the initiation of disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the attached certification form and agree to the following:

August 25, 1997

Page two

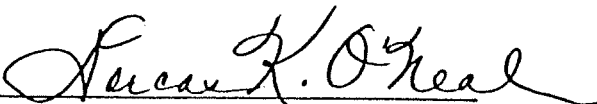
- pay a penalty in the amount of \$400.00 (to be paid immediately upon your signing of the certification form)
- pay restitution to Ms. Still in the amount of \$99.00.

Alternatively you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any of the terms set forth on the certification form. This disposition will be a public record.

If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing you may, either personally or with the assistance of an attorney, submit evidence and present testimony as may be necessary for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, to cease and desist from engaging in unlawful acts, and/or to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Brenda Lewis, who may be reached at (201) 648-4738.

The enclosed certification should be completed and returned to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, the allegations contained herein shall be deemed admitted, and the Board will proceed to finally review the matter and enter an appropriate order.

NEW JERSEY STATE BOARD
VETERINARY MEDICAL EXAMINERS

By: 
Dorcas K. O'Neal
Executive Director

DO:jf
C Brenda Lewis, DAG

Pd 09/15/97
Bus ck # 6917
\$ 400.00

CERTIFICATION

I, Mark Esser, hereby acknowledge that I have read and reviewed the Board's letter of August 25, 1997 regarding allegations of violations of the Board's enabling act and/or Board regulations.

FILED

SEP 12 1997

PLEASE CHECK ONE:

- I acknowledge the conduct which has been charged and agree to:
 - pay a penalty in the amount of \$400.00 (to be paid upon signing of this certification) and restitution to Ms. Still in the amount of ~~\$99.00~~ \$179

BOARD OF VETERINARY MEDICAL EXAMINERS

I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification form are public documents.

I hereby waive any rights I may have to a hearing in this matter to defend myself against any charges, but ask the Board to consider my explanation before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public records.

I request a formal administrative hearing to contest the charges specified by the Board. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents.

Mark Esser
(Signature)

Dated: 9/9/97

MARK ESSER DVM
(Print Name)