

**STATE OF FLORIDA
BOARD OF VETERINARY MEDICINE**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	1/7/2015
File #	2015-00141

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,**

Petitioner,

vs.

**CASE NUMBERS: 2013 – 001836
LICENSE NO.: VM 9477**

ABDEL HAKIM HAMICI, D.V.M,

Respondent.

FINAL ORDER

THIS MATTER came before the BOARD OF VETERINARY MEDICINE (hereinafter referred to as the “Board”) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at a duly-noticed public meeting on December 2, 2014, in Saint Augustine, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit “A” and incorporated herein by reference) filed in the above-styled matter pursuant to Respondent’s Election of Rights and a subsequently filed proposed Settlement Stipulation agreement entered into between the parties (attached hereto as Exhibit “B,” and incorporated herein by reference).

Board members present were Robert O’Neil, D.V.M., Robert R. Hase, Jr., D.V.M., Ms. Suzanne S. Inzina, Ms. Connie Mae Johnson, Robert B. Leonard, Jr., D.V.M., Nanette Parratto-Wagner, D.V.M., and Terry Spencer, D.V.M. As a member of the probable cause panel that initially reviewed the matter, Dr. Parratto-Wagner was recused from participating in the

proceedings. Legal advisor to the Board was Clark R. Jennings, Assistant Attorney General.
Respondent was present and represented by counsel at the proceedings.

APPEARANCES

For Petitioner: Elizabeth Fletcher Henderson, Esq.
Assistant General Counsel
Department of Business and Professional Regulation
1940 N. Monroe St., Ste. 60
Tallahassee, Florida 32399-2202

For Respondent: Bryan W. Reynolds
8700 4th Street North
St. Petersburg, Florida 33702

DETERMINATION

Upon consideration of the Administrative Complaint and the proposed Settlement Stipulation in this matter and being otherwise fully advised in the premises, it is hereby ordered that the Settlement Stipulation is approved as an acceptable disposition of these proceedings. The parties shall adhere to and abide by the terms of the Settlement Stipulation.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 30th day of December 2014.

BOARD OF VETERINARY MEDICINE



ROBERT O'NEIL, D.V.M.
CHAIRMAN

Voting for the Order

Voting against the Order

Unanimous

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by United States Mail to: Counsel for Respondent, Bryan W. Reynolds, 8700 4th Street North, St. Petersburg, Florida 33702; and by hand/interoffice delivery to Elizabeth Fletcher Henderson, Esq., Assistant General Counsel, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and Clark R. Jennings, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 7th day of January, 2014.

2015 BM

Brandon M. Nicks

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

CASE NUMBERS: 2013-001836

ABDEL HAKIM HAMICI, D.V.M.,

Respondent,

SETTLEMENT STIPULATION

ABDEL HAKIM HAMICI, D.V.M., hereinafter referred to as "Respondent", and the Department of Business and Professional Regulation, hereinafter referred to as "Department", hereby stipulate and agree to the following Stipulation and the entry of a Final Order of the Board of Veterinary Medicine, hereinafter referred to as "Board", incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed veterinarian in the State of Florida, having been issued license number VM 9477.
2. Respondent was charged by an administrative complaint with violations of Chapter 474, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A".

3. Respondent neither admits nor denies the matters of fact alleged in the Administrative Complaints attached hereto as Exhibit "A".

4. Respondent admits no civil liability for the actions alleged in the Administrative Complaints and agrees to enter this stipulation for the limited purposes of avoiding further litigation.

STIPULATED CONCLUSIONS OF LAW

5. Respondent, in his capacity as a licensed veterinarian, admits that in such capacity he is subject to the provisions of Chapter 455 and 474, Florida Statutes, the rules promulgated pursuant thereto, and the jurisdiction of the Department and the Board.

6. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute a violation of Chapter 474, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

7. Respondent shall not, in the future, violate Chapter 474, Florida Statutes, or the rules promulgated pursuant thereto.

8. APPEARANCE: Respondent shall be present at the board hearing considering this stipulation.

9. COSTS: Respondent shall pay six hundred and seventy-five cents (\$683.75) in investigative costs to the Board of

Veterinary Medicine. Payment shall be in the form of a cashier's or certified check and made payable to the Executive Director of the Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0792. Payment shall be made no later than thirty (30) days from the date of filing of a Final Order adopting this stipulation.

10. FINE: Respondent shall pay an administrative fine in the amount of \$500.00 to the Board of Veterinary Medicine. Payment is due thirty (30) days after the issuance of the Final Order adopting this stipulation. Payment shall be in the form of a cashier's or certified check and made payable to the Executive Director of the Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0792.

11. PROBATION: Respondent's veterinary medical license shall be placed on non-reporting probation for a period of one year. It shall be a violation of probation for Respondent to commit a violation of Chapter 455 or 474, Florida Statutes, during the probationary period. It shall further be a violation of the probationary period for Respondent to fail to comply with any of the terms contained in this Stipulation.

12. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Stipulation of Facts,

Conclusions of Law, the Stipulated Disposition, and the Final Order of the Department incorporating said Stipulation, or any part thereof.

13. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear its own attorney's fees and legal costs resulting from prosecution and/or defense of this proceeding.

14. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation by the Respondent may be used as direct evidence against the Respondent in any proceeding. However, such statements may be used by the Department for impeachment purposes.

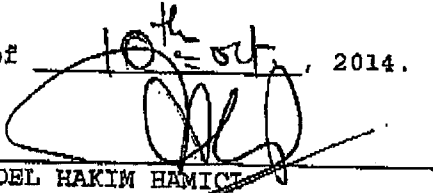
15. Respondent agrees to waive demand, notice of non-payment and protest, and in the event suit is brought for the collection of fines or costs set forth herein, Respondent shall be liable to Petitioner for reasonable attorney's fees for making such collection.

16. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Should this Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this

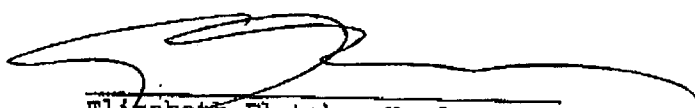
Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

WHEREFORE, the parties hereto request the Board of Veterinary Medicine to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 27 day of October, 2014.


ABDEL HAKIM HAMICT
Respondent
Case No. 2013-001836

APPROVED this 30th day of October, 2014.


Elizabeth Fletcher Henderson
Assistant General Counsel
Florida Bar No. 0980404
Department of Business and
Professional Regulation
Office of the General Counsel
1940 North Monroe St.
Tallahassee, Florida 32399-2202
Phone: (850) 488-0062
Facsimile: (850) 414-6749

EFH/bnj

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	4/30/2014
File #	

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2013-001836

ABDEL HAKIM HAMICI, D.V.M.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department Of Business and Professional Regulation (Petitioner), files this Administrative Complaint before the Board of Veterinary Medicine, against ABDEL HAKIM HAMICI, D.V.M. (Respondent), and alleges:

1. Petitioner is the state agency charged with regulating the practice of veterinary medicine pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 474, Florida Statutes.
2. At all times material to this Complaint, Respondent was licensed to practice Veterinary Medicine in the State of Florida, having been issued license number VM 9477.
3. Respondent's address of record is 595 North Avenue, Naples, FL 34108.

MATERIAL FACTS

4. On November 27, 2012, six three day old Jack Russell puppies were brought to Old 41 Veterinary & Emergency Clinic by their owner to have their tails docked and dewclaws removed. The owner also brought in a six year old Jack Russell Terrier "Bitsey" for an examination

5. Respondent examined "Bitsey," and noted she was healthy and prescribed Panacur with instruction to give one ml orally once a day for three consecutive days. Respondent failed to note "Bitsey's" respiration rate and heart rate, when the last shots or heartworm vaccinations were given to "Bitsey" and did not conduct a fecal exam on "Bitsey." Respondent further failed to note the amount of Panacur prescribed.

6. Respondent examined the six puppies, docked their tails, and removed their declaws. Respondent noted he did not use any anesthesia or medication for the procedure. Respondent noted the incorrect weight of each puppy and failed to note the heart rates and respiratory rates of each puppy.

7. Based on his examination of the puppies, Respondent recommended all puppies receive first vaccinations at eight weeks of age. Respondent prescribed each puppy 1 cc Panacur and advised each puppy receive 1cc each day for 2 more days.

8. The owner stated two puppies died and the rest could not nurse after being treated by Respondent. Respondent advised him it was from the medication and to use a syringe to give the puppies a soapy water enema to pass the medication.

9. The owner further stated on November 27, 2012 he took the puppies to another veterinarian Dr. Ogden who alleged Subject overmedicated the puppies. All but one of the puppies had died by this time.

10. The owner alleged she requested medical records from Respondent's office but was told Respondent had them, and they were not in the office.

COUNT I

11. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one (1) through nine (9) as though fully set forth herein.

12. Section 474.214(1)(ee), Florida Statutes (2011), subjects a licensee to discipline for "[f]ailing to keep contemporaneously written medical records as required by rule of the Board."

13. Respondent failed to keep contemporaneously written medical records as required by rule of the Board, when he failed to record how much Panacur he prescribed for "Bitsey" within the

medical records as required by *Rule 61G18-18.002(4) Florida Administrative Code* (2011).

14. Respondent failed to keep contemporaneously written medical records as required by rule of the Board, when he failed to record the heart rate and respiration rates for "Bitsey" and each of the six puppies, and failed to record "Bitsey's" last date of vaccination and heartworm prevention treatment as required by *Rule 61G18-.002(3) Florida Administrative Code* (2011).

15. Respondent violated Section 474.214(1)(ee), Florida Statutes (2011), when he failed keep contemporaneously written medical records as required by rule of the Board.

WHEREFORE, Petitioner respectfully requests the Veterinary Medicine Board enter an order imposing one or more of the following penalties: suspension or permanent revocation or of Respondent's license, restriction of Respondent's practice, imposition of an administrative fine not to exceed \$5,000 for each count or separate offense, issuance of a reprimand, placement of Respondent on probation subject to specified conditions, corrective action, assessment of costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time or any other relief that the

Florida Board of Veterinary Medicine is authorized to impose pursuant to Chapters 455 and 474, Florida Statutes, and the rules promulgated thereunder.

Signed this 28th day of April, 2014.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

By: *Elizabeth Fletcher Henderson*
Elizabeth Fletcher Henderson
Assistant General Counsel
Florida Bar No. 0980404
Department of Business and
Professional Regulation
Office of the General Counsel
1940 North Monroe St., Ste. 42
Tallahassee, Florida 32399-2202
(850) 488-0062 Telephone
(850) 414-6749 Facsimile

PCP Found: February 26, 2014
PCP Found By: K. Jones and N. Parratto-Wagner

EFH/bnj

NOTICE OF RIGHTS

Please be advised that mediation under section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, *Florida Administrative Code*. Rule 28-106.111, *Florida Administrative Code*, provides in part that if Respondent fails to request a hearing within twenty-one (21) days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against Respondent in addition to any other discipline imposed.