

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Mark Sminkey

Petition No. 970220-000-014

CEASE AND DESIST CONSENT ORDER

WHEREAS, the Connecticut Board of Veterinary Medicine (hereinafter "the Board") is a state agency charged with the regulation of the professional practice of veterinary medicine;

WHEREAS, Mark Sminkey of Hampton Bay, New York (hereinafter "respondent") has at no time been issued a license to practice veterinary medicine by the Connecticut Department of Public Health (hereinafter "the Department") under the Connecticut General Statutes Chapter 384;

WHEREAS, the Connecticut General Statutes §20-197 indicates that no person shall engage in the practice of veterinary medicine in this State until he has obtained a license;

WHEREAS, the Department alleges that, during November of 1996, respondent practiced as a veterinarian at Shoreline Animal Hospital without having a valid license to do so;

WHEREAS, the Board is authorized under the Connecticut General Statutes §19a-11 to issue an appropriate order to any person found to be violating an applicable statute; and,

WHEREAS, respondent agrees that in any proceeding to enforce this order the above allegations shall have the same effect as if proven and ordered after a full hearing held pursuant to Section 19a-10 of the Connecticut General Statutes.

NOW THEREFORE, pursuant to Chapter 384 and §19a-11 respondent hereby stipulates and agrees to the following:

1. That he agrees to cease and desist in the practice of veterinary medicine or in any other practice that requires licensure in the State of Connecticut without first obtaining an appropriate license.
2. That this Cease and Desist Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any other rights that he may have under the laws of the State of Connecticut or of the United States.
3. That this Cease and Desist Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
4. That this Cease and Desist Order is effective after the last signatory is fixed to this document.
5. That respondent permits a representative of the Legal Office of the Bureau of Regulatory Services of the Department to present this Cease and Desist Consent Order and the factual basis for said Cease and Desist Consent Order to the Board. He understands that said Board has complete and final discretion as to whether or not an executed Cease and Desist Consent Order is approved or granted.
6. Respondent understands that he has the right to consult with an attorney prior to signing this document.
7. That this Cease and Desist Consent Order is a matter of public record.

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I, Mark Sminkey, have read the above Cease and Desist Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Cease and Desist Consent Order to be my free act and deed.

Mark Sminkey
Mark Sminkey

Subscribed and sworn to before me this 2nd day of April 1998

COLLYANNE I. BROWN
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2003

Collyanne I. Brown
Notary Public or person authorized
by law to administer an oath or affirmation

The above Cease and Desist Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 5th day of April 1998, it is hereby accepted.

Cynthia Denne
Cynthia Denne, Director
Division of Health Systems Regulation

The above Cease and Desist Consent Order having been presented to the duly appointed agent of the Connecticut Board of Veterinary Medicine on the 22nd day of April 1998, it is hereby ordered and accepted.

Jackson P. Dunn
Connecticut Board of Veterinary Medicine