

IN THE MATTER OF

ERIC SEREJSKI

License No. R093054

RESPONDENT

*

*

*

*

BEFORE THE

MARYLAND STATE

BOARD OF ACUPUNCTURE

OAH CASE NUMBER:
DHMH-AB-107-03-41737

* * * * *

FINAL DECISION AND ORDER

PROCEDURAL BACKGROUND

On October 2, 2003 the Maryland State Board of Acupuncture (the "Board") issued charges against Eric Serejski ("Respondent") for not filing a truthful renewal application in violation of the Maryland Acupuncture Act, (the "Act") Md. Code Ann., Health Occ. §1A-309(3) and (10).

The parties attended a pre-hearing conference on December 17, 2003. A hearing on the merits was held on January 6, 2004 before Louis N. Hurwitz, Administrative Law Judge ("ALJ"). The Respondent was present and was represented by Athan Tsimpedes, Esquire. Victoria Pepper, Assistant Attorney General represented the State. In a Proposed Decision dated April 24, 2004 the ALJ concluded as a matter of law that the Respondent did not file a truthful renewal application and further found that the Respondent violated H.O. §1A-309 (3) and (10) of the Act.

On May 12, 2004 the Respondent filed exceptions to the Proposed Decision of the ALJ. On May 24, 2004 the Administrative Prosecutor filed a response to the Respondent's exceptions. On September 14, 2004, an Exceptions Hearing was held before a full quorum of the Board.

FINDINGS OF FACT

After consideration of the record, the Respondent's exceptions and the Administrative Prosecutor's response to the exceptions, the Board adopts the Findings of Fact as set out in the Proposed Decision of the ALJ issued on April 24, 2004. Said Proposed Decision is incorporated by reference as if it were fully set forth herein. (April 24, 2004, Proposed Decision of ALJ attached as Exhibit A).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact Board concludes, as a matter of law, that the Respondent violated H.O. §1A-309-(3) and (10) of the Act for failing to truthfully file a renewal application.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, this 27 day of October, 2004, by the Maryland State Board of Acupuncture hereby

ORDERED that, pursuant to the authority vested in the Maryland State Board of Acupuncture by Md. Code Ann., Health Occ. Article, § 1A-309, Respondent is hereby **REPRIMANDED**; and be it further

ORDERED that the Respondent reimburse the Board hearing costs in the amount of \$852.50; and be it further

ORDERED that this document is a public record, pursuant to Md. Code Ann., State Gov't Article, §10-617(h).

10/27/04

Date



David Paton, L.Ac.
Board President

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Code Ann., Health Occ. Article, § 3-316, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days of your receipt of this Findings of Fact, Conclusion s of Law and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't Article, §§ 10-201 *et seq.*, and Title 7 Chapter 200 of the Maryland Rules.