

1 rehearing or review. The filing of a petition for rehearing or review is required to preserve any
2 rights of appeal to the Superior Court that the party may wish to pursue.

3 This Order shall be effective and in force upon the expiration of the above time period for
4 filing a motion for rehearing or review with the Board. However, the timely filing of a motion
5 for rehearing or review shall stay the enforcement of the Board's Order, unless, pursuant to
6 A.A.C. R3-11-904 (F), the Board has expressly found good cause to believe that this Order shall
7 be effectively immediately upon the issuance and has so stated in this Order.

8
9 Dated this 23rd day of April, 2010.

10 Arizona State Veterinary Medical Examining Board
11 Richard Crisler, D.V.M.
12 Chairman

13 By: 
14 Jenna Jones, Executive Director

15 Original of the foregoing filed
16 this 23rd day of April, 2010
17 with the:

18 Arizona State Veterinary
19 Medical Examining Board
1400 W. Washington, Room 240
Phoenix, AZ 85007

20
21 Copy of the foregoing sent by regular and
certified, return receipt mail #

22 7006 2150 0004 5359 9770
23 this 23rd day of April, 2010 to:

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Copy of the foregoing sent or delivered
this 23rd day of April, 2010 to:

Keely Verstegen
Assistant Attorney General
Arizona Attorney General's Office
1275 W. Washington, CIV/LES
Phoenix, AZ 85007

Copy of the foregoing sent or delivered
This 23rd day of April, 2010 to:

Brian Brendan Tully
Office of Administrative Hearings
1400 W. Washington, Ste. 101
Phoenix, AZ 85007

By: 
Board Staff

Case No. 09-78

- 1
- 2
- 3 5. On or about October 22, 2008, Bob and Kay Armstrong filed a complaint (Case
- 4 No. 09-41) with the Board against Respondent pertaining to the veterinary
- 5 services performed on their dog in Tucson.
- 6 6. On June 17, 2009, the Board conducted an informal interview in Case No. 09-41
- 7 in Phoenix, Arizona. Bob Armstrong and Respondent testified at the informal
- 8 interview.
- 9 7. Dr. Michael Lent, D.V.M. is a veterinarian who practices in Tucson, Arizona.
- 10 8. Dr. Lent was a member of the Board. Dr. Lent's term on the Board has expired.
- 11 9. At the time of the above-described informal interview, Dr. Lent participated in
- 12 Case No. 09-41.
- 13 10. In Case No. 09-41, the Board determined that Respondent had committed
- 14 unprofessional conduct in his treatment of the Armstrong's dog and issued an
- 15 Order placing his veterinary license on probation.
- 16 11. Later in the day after the informal interview, Kay Armstrong received a telephone
- 17 call from Respondent. Ms. Armstrong recognized his voice.
- 18 12. By email dated June 18, 2009 to Board staff, Ms. Armstrong wrote the following
- 19 recollection of Respondent's telephone call the prior day:
20 I answered the phone to hear, your husband is a fucking lying son
21 of a bitch you are a fucking bitch. this [sic] was repeated over and
22 over during the call. All being yelled in a very angry scream. He
23 then threatened me by yelling "that we would regret living in
24 Tucson" and "we won't be happy living here anymore." That was
25 followed by more profanities listed above. I pulled the phone from
26 my ear and handed it to Bob. He hit the speaker option and the
27 rant continued until Bob said "I'm here Majewski keep going." He
28 then hung up.
29 What he said was awful, the tone of voice is the issue. He was
30 threatening and verbally abusive.
13. At the hearing, Bob Armstrong confirmed his wife's recollection of Respondent's
telephone call. Mr. Armstrong testified that he took notes immediately after

1 Respondent's telephone call and that Ms. Armstrong's email reflected what took
2 place during Respondent's telephone call.

3 14. After Respondent's telephone call, the Armstrongs called 911 to report
4 Respondent's abusive call. They were contacted by the Pima County Sheriff's
5 office, with whom they filed an incident report.

6 15. Respondent's testimony denying that he called the Armstrong residence is not
7 credible.¹ Mr. Armstrong testified that he recognized Respondent's voice on the
8 telephone. Respondent lived in Poland until emigrating to the United States. He
9 speaks with a distinctive accent.

10 16. Also on June 17, 2009, Dr. Stacey Lent, the wife of Dr. Michael Lent, received a
11 telephone call from Respondent at her home in the late afternoon. The male
12 caller wanted to know where Dr. Michael Lent was. Dr. Stacey Lent is also a
13 veterinarian.

14 17. Dr. Michael Lent testified that he received a telephone call from his wife between
15 5:00 p.m. and 6:00 p.m., who explained the telephone call to him.

16 18. Dr. Stacey Lent noted that the caller id for the incoming telephone call showed
17 the name "Kerman Dubash" and identified the caller's telephone number.

18 19. Kerman Dubash is the wife of Respondent. Dr. Dubash is also a veterinarian.

19 20. On Thursday, August 6, 2009, Respondent left two voice mail messages on Drs.
20 Lents' telephone, which were time and date stamped. Respondent identified
21 himself on the messages. Respondent stated that he would destroy Dr. Michael
22 Lent and that he was making a promise not a threat. Respondent ran out of time
23 leaving the first voice mail message and then called back.

24 21. Dr. Michael Lent used a digital recorder to preserve Respondent's two voice mail
25 messages, both of which were played during the hearing and admitted into
26 evidence.

27
28
29
30 ¹ Respondent appeared at the hearing wearing a green flight suit with boots and a bandana on his head
which read "U.S. Navy Seals."

1 22. Dr. Michael Lent reported Respondent's telephone calls to the local law
2 enforcement authorities, who opined that Respondent's telephone calls to the
3 Lents were threatening.

4 23. The Lents obtained an Injunction against harassment from the Pima County
5 Justice Court in Case No. CV09-021588 against Respondent on August 7, 2009.

6 **Case No. 09-92**

7 24. On or about July 16, 2009, Barbara McNeill filed a complaint with the Board
8 against Respondent pertaining to his veterinary services performed on a cat,
9 K.C., which she was taking care of for the cat's owner.

10 25. K.C. was, at the time, a 15-year old cat who presented to Respondent with an
11 ear problem.

12 26. Respondent informed Ms. McNeil that sedation was required to examine, clean,
13 and treat the cat's ears due to the cat's aggressiveness. Ms. Neil testified that
14 K.C. was a docile cat.

15 27. K.C. was in Respondent's custody for much of the morning and a portion of the
16 afternoon.

17 28. Ms. McNeil was not comfortable with the circumstances occurring during K.C.'s
18 examination and treatment in Respondent's care. At some point in time, Ms.
19 McNeil went back into Respondent's treating area with one of his technicians.
20 Ms. McNeil saw K.C. in a shoe size box with two bags of feed on top of it. Ms.
21 McNeil observed K.C. in the box on an examining table. The box had no hoses
22 attached to it.

23 29. Ms. McNeil then left Respondent's practice to go home, and then returned
24 approximately 35 minutes later.

25 30. Frustrated at the length of time it was taking to treat K.C., Ms. McNeil decided to
26 take K.C. home. She went to the area where K.C. was being confined. Ms.
27 McNeil saw K.C. still in the plastic box, which was now inside a cage. She
28 observed no hoses attached to the plastic box.

29 31. When Ms. McNeil took K.C. out of the plastic box, K.C. was wet and did not fight.
30 Ms. McNeil did not detect any urine smell on K.C. Ms. McNeil then placed K.C.

- 1 in her carrier, which was located on the floor below the cage where K.C. had
2 been confined.
- 3 32. Ms. McNeil then quickly left Respondent's practice with K.C.
- 4 33. Dr. Steve Dow is the owner and practitioner of the Prescott Animal Hospital. He
5 has practiced veterinary medicine for 31 years and is a former member of the
6 Board.
- 7 34. Dr. Dow testified as the Board's expert witness.
- 8 35. Dr. Dow testified that K.C. had been placed in an A.M. Bickford Anesthesia
9 Induction Chamber ("Induction Chamber") by Respondent. Dr. Dow is familiar
10 with the Induction Chamber because he has one in his practice.
- 11 36. Dr. Dow explained that the Induction Chamber resembles an aquarium. An
12 animal is placed inside the Induction Chamber for introducing anesthesia for
13 treatment.
- 14 37. Dr. Dow stated that Oxygen is immediately run into the Induction Chamber,
15 which does not have any other method of ventilation for the animal inside.
16 Anesthetic is then introduced into the Induction Chamber to anesthetize the
17 patient, a process dependent upon the size of the animal. The process usually
18 takes approximately 3 to 4 minutes.
- 19 38. Once anesthetized, the patient is then removed from the Induction Chamber and
20 intubated.
- 21 39. Dr. Dow opined that an animal placed inside an Induction Chamber should never
22 be left unattended or for a long period of time.
- 23 40. Dr. Dow further opined that it was not appropriate for Respondent to have
24 restrained K.C. inside the Induction Chamber, which could have lead to the
25 patient's death. Dr. Dow stressed that an Induction Chamber is not a restraining
26 device. Its sole use is induction of anesthesia.
- 27 41. The instructions for use of the Induction Chamber gave the following warning:
28 "Warning: Do not leave animal in chamber beyond the time required for
29 induction of anesthesia."
30

- 1 42. Dr. Dow testified that, if Respondent administered oxygen to K.C. while inside
2 the Induction Chamber, then Respondent's medical records would reflect that.
- 3 43. Respondent claims that he intended to induce anesthesia to K.C., but that Ms.
4 McNeil took K.C. before he could do so. That testimony is determined to be not
5 credible. The evidence of record established that K.C. was confined inside the
6 Induction Chamber for an extended period of time.
- 7 44. Respondent testified that K.C. received oxygen while inside the Induction
8 Chamber. However, his medical records for K.C. do not contain any notation of
9 oxygen having been administered to the cat. Further, Ms. McNeil credibly
10 testified that she observed K.C. inside the Induction Chamber, with two bags of
11 feed on top of it, without any oxygen hoses into the Induction Chamber while the
12 Induction Chamber was sitting on the examining table and later inside the cage.
- 13 45. The credible evidence of record supports a determination that Respondent
14 placed K.C. inside the Induction Chamber for restraint without oxygen for an
15 extended period of time.
- 16 46. Ms. McNeil did testify that K.C. was all right after being at Respondent's
17 practice.

18 ***Further Discussion***

- 19 47. On January 12, 2010, after these cases had been forwarded to the Office of
20 Administrative Hearings for an evidentiary hearing, Respondent sent the
21 following email message to the Board's Executive Director, Jenna Jones:

22 Dear Jenna Jones

23 I recently received your proposal for agreement with the board
24 concerning meter pending at the administrative judge, my attorney
25 forwarded me copy of this. I really admire how much work you put
26 in this and 5 years of license suspension sound like a good deal.
27 But I have to inform you that your stupidity surpasses everything I
28 ever experience it is bigger than the whole universe and therefore I
29 declare you completely unfit to carry your duties any more. You
30 must leave your office as soon as possible for the public safety
since you can not even read simple instruction properly. You have
to go back to school and study more English especially reading to
be able to work in mc Donald, may be, but not at the veterinary
medical board. You bring disgrace to this office and offend every

1 veterinary intelligence by holding this position. Who appointed you
2 it is mystery to me? It must be another smart governor like
3 neapolitano for example by some affirmative action which is
4 destroying this country anyhow. I will surrender my license only to
5 dr crisler personally and i already informed him about it. As for you
6 after you pass your reading test in English i will examine you and
7 may give you some job to clean my toilet but only under
8 supervision since you can get hurt while handling my shit.

9 all best to you study hard it is not that difficult to read English if you
10 need some help don't hesitate to call me, i am always read to you. I
11 also know that stupidity is not your fault you were simply born like
12 that, god bless you my child
13 forever yours Dr George Majewski DVM MS it always be like this
14 wether you like it or not²

- 15 48. On January 13, 2010, Respondent sent the following email message to
16 Executive Director Jones:

17 Listen
18 as of today my license is till on probation status, i asked you
19 politely to put back as active since i appealed the verdict and the
20 problem is not finally resolved yet. i am entitled to be treated fairly
21 by the constitution and this means my license status should be
22 active. I waited long enough for you to change this and my
23 patience is running out. I want to see my license status active till
24 the end of today. i know you are very busy in this office of yours
25 doing nothing but you must find some time today to do this. By the
26 way don't use al the paper for yourself be nice leave some for
27 another board members.
28 Dr George Majewski DVM, MS wether you like it or not bitch³

- 29 49. Dr. Lent testified that Respondent requested that Dr. Stacy Lent become his
30 Face book friend, and Respondent included a picture of himself without a shirt
on.
50. Respondent testified that the instant matter is frivolous.

² Due to the numerous typographical, grammatical and spelling errors in Respondent's email, the use of "sic" was not used.

³ See footnote 2 *supra*.

- 1 51. Respondent further testified that he has had a nervous breakdown, which
2 resulted in memory loss and psychological problems. He admitted to being
3 suicidal and having a sleep disorder.
- 4 52. Respondent expressed admiration for Dr. Dow.
- 5 53. Respondent admitted that he has a history of sending emails to the Board. He
6 also admitted that he referred to Executive Director Jones as a bitch.
- 7 54. Respondent fails to comprehend the wrongdoing of his actions described in the
8 above Findings of Facts.
- 9 55. Respondent compares the Board to the former communists in Poland.
- 10 56. Respondent agreed that his present medical condition prevents him from
11 treating patients.
- 12 57. Admitted into evidence was a letter dated January 15, 2010 from James C. Van
13 Doren, M.D., a psychiatrist, who wrote the following to Respondent's former
14 attorney of record in this matter:

15 Dr. Majewski presented to my office for treatment on 12-14-2010
16 [sic]. He came voluntary [sic] and of his own accord. I have
17 evaluated him and we have begun an intensive regimen of
18 treatment consisting of medication and weekly psychotherapy.

19 Clearly Dr. Majewski's current problems with Veterinary Board and
20 the extenuating circumstances have been caused by his severe
21 mental illness. I say this with a high degree of medical certainty.
22 The Board's actions against Dr. Majewski have triggered a severe
23 relapse of his PTSD. Additionally I believe he suffers from bipolar
24 affective disorder. Until coming to me for help, Dr. Majewski had
25 never been evaluated or treated for mental illness before. It
26 appears that he was relatively stable and high functioning until
27 recent events.

28 To put this in perspective, you must appreciate Dr. Majewski's
29 history of being an immigrant to this country after defecting from
30 communist Poland. He and his family were enemies of the state
and were severely persecuted. He had an estranged relationship
with his father, who passed away in Canada just a couple of weeks
ago. Dr. Majewski felt threatened by the Board's actions, which he
felt were unjust. These powerful associations to his early life
experiences with oppressive regimes cause him to snap. He

1 became acutely paranoid, delusional and agitated. He also
2 experienced several episodes of disassociation, during which he
3 made harassing gestures to various members of the Board, for
4 which he does not have any conscious recollection.

5 Please take these circumstances into consideration in your
6 defense of Dr. Majewski. I recommend a comprehensive IME
7 (independent medical evaluation).

- 8 58. The evidence of record clearly establishes that Respondent is not capable of
9 being regulated by the Board.
- 10 59. Respondent is not competent to practice veterinary medicine. Respondent's
11 practice of veterinary medicine constitutes a real threat to the public health,
12 safety and welfare.

13 CONCLUSIONS OF LAW

- 14 1. The Board has jurisdiction over Respondent and the subject matter in these
15 consolidated cases.
- 16 2. Pursuant to A.R.S. § 41-1092.07(G)(2) and A.A.C. R2-19-119(B), the Board has
17 the burden of proof in these consolidated cases. The standard of proof is
18 preponderance of the evidence. A.A.C. R2-19-119(A).
- 19 3. Respondent violated the provisions of A.R.S. § 32-2232(12), specifically A.A.C.
20 R3-11-501(1), as charged by the Board. The above Findings of Fact support this
21 conclusion of unprofessional conduct by Respondent.
- 22 4. Respondent violated the provisions of A.R.S. § 32-2232(11), as defined in
23 A.R.S. § 32-2232(11). The above Findings of Fact support this conclusion of
24 unprofessional conduct by Respondent.
- 25 5. Pursuant to A.R.S. § 32-2234(A) (3), Respondent should be assessed civil
26 penalties for each of the above-provided statutory violations of unprofessional
27 conduct. The above Findings of Fact support this conclusion of law.
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RECOMMENDED ORDER

1
2 Respondent's License No. 3617 for the practice of veterinary medicine in the
3 State of Arizona shall be revoked on the effective date of the Order entered in these
4 consolidated matters.

5 In addition to the above-provided license revocation, Respondent is assessed
6 civil penalties totaling \$2,000.00 for the two statutory violations described in the above
7 Conclusions of Law. Respondent shall pay the civil penalties totaling \$2,000.00 to the
8 Board on or before 30 days following the effective date of the Order entered in these
9 consolidated matters.

10
11
12 Done this day, March 11, 2010.

13
14 /s/ Brian Brendan Tully
15 Administrative Law Judge
16

17 Transmitted electronically to:

18 Jenna Jones, Executive Director
19 Veterinary Medical Examining Board
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