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FILED

DEC 24 2015

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[REDACTED]

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION -
ATLANTIC COUNTY
GENERAL EQUITY PART
DOCKET NO.: ATL-C-94-15

JOHN J. HOFFMAN, Acting Attorney General of
the State of New Jersey, STEVE C. LEE, Acting
Director of the New Jersey Division of Consumer
Affairs and the NEW JERSEY STATE BOARD
OF VETERINARY MEDICAL EXAMINERS

Plaintiffs,

v.

JACQUE SMITH a/k/a JACKIE SMITH a/k/a
JACQUELINE SMITH a/k/a JACQUILINE
FABRICO SMITH a/k/a JACKIE FABRICO
SMITH a/k/a JACQUE FABRICO SMITH,

Defendant.

Civil Action

VERIFIED COMPLAINT

Plaintiffs John J. Hoffman, Acting Attorney General of the State of New Jersey ("Attorney General"), by Gezim Bajrami, Deputy Attorney General, Steve C. Lee, Acting Director of the New Jersey Division of Consumer Affairs ("Director"), and the New Jersey State

Board of Veterinary Medical Examiners (“Board”), with offices located at 124 Halsey Street, Newark, New Jersey, by way of Verified Complaint state:

GENERAL ALLEGATIONS

1. Complainant, John J. Hoffman, the Attorney General, is charged with enforcing the laws of the State of New Jersey pursuant to N.J.S.A. 52:17A-4(h).

2. The Director is charged with the responsibility of administering the Consumer Fraud Act (“CFA”) and the regulations promulgated thereunder on behalf of the Attorney General.

3. The Board is charged with regulating the practice of veterinary medicine in the State of New Jersey pursuant to N.J.S.A. 45:16-1 et. seq.

4. By this action, the Attorney General, the Director, and the Board (collectively, “Plaintiffs”) seek injunctive and other relief for violations of N.J.S.A. 45:1-23 of the Uniform Enforcement Act, N.J.S.A. 45:16-1, and the CFA. Plaintiffs bring this summary proceeding seeking an injunction pursuant to their authority under N.J.S.A. 45:1-23 and the CFA, specifically N.J.S.A. 56:8-8, 56:8-11, 56:8-13 and 56:8-19. Venue is proper in Atlantic County, pursuant to Rule 4:3-2, because it is the county in which at least one cause of action arose.

5. Jacque Smith a/k/a Jackie Smith a/k/a Jacqueline Smith a/k/a Jacqueline Fabrico Smith a/k/a Jackie Fabrico Smith a/k/a Jackie Fabrico (“Defendant”) is an individual residing at [REDACTED] Williamstown, New Jersey 08094.

6. Defendant has never been licensed to practice veterinary medicine in the State of New Jersey. (Bajrami Cert., Exhibit 1, October 30, 2015 Certification by Jonathan Eisenmenger, Executive Director of the New Jersey State Board of Veterinary Examiners, Bates Page 3.)

7. Defendant has never attended veterinary school at the University of Pennsylvania. (Bajrami Cert., Exhibit 2, December 14, 2015 Certification by Barbara Dallap Schaer, V.M.D., Medical Director of the University of Pennsylvania's New Bolton Center Hospital for Large Animals, Bates Pages 6 - 7.)

8. Upon information and belief, Defendant has never attended veterinary school anywhere.

9. Defendant, from 1988 to present, has plead or been found guilty of Theft by Deception in violation of N.J.S.A. 2C:20-4 five (5) times, Issuing or Passing Bad Checks in violation of N.J.S.A. 2C:21-5 three (3) times, and Unlawful Use of a Credit Card in violation of N.J.S.A. 2C:21-6(d). (Bajrami Cert., Exhibit 4, December 17, 2015 Certification by State of New Jersey Division of Consumer Affairs Investigator Cecilia Dominguez, Bates Pages 164, 166 – 211.)

10. Banamine, known also as Flunixin, is an analgesic agent with anti-inflammatory and antipyretic activity. Banamine is restricted by federal law for use by or on the order of a licensed veterinarian. <http://www.drugs.com/vet/banamine-injectable-solution.html>.

11. Dexamethasone is an anti-inflammatory agent also used for the treatment of primary bovine ketosis. Dexamethasone is restricted by federal law for use by or on the order of a licensed veterinarian. <http://www.drugs.com/vet/dexamethasone-solution.html>.

12. Morphine is an opioid-based narcotic used for the treatment of pain. Morphine is restricted by federal law for use with prescription only and prescribable in New Jersey only by holders of a State and Drug Enforcement Administration ("DEA") controlled dangerous substance ("CDS") registration. <http://www.drugs.com/morphine.html>; N.J.S.A. 24:21-10 et seq.

13. "Bute powder", "Bute paste", and Banamine paste, also known as Phenylbutazone, are used to treat inflammatory conditions associated with a horse's musculoskeletal system. "Bute powder" and its derivatives are restricted by federal law for use by or on the order of a licensed veterinarian. <http://www.drugs.com/vet/phenylbutazone-powder.html>.

14. Gentamicin, or Gentamicin Sulfate Solution, is recommended for the control of bacterial infections in horses. Gentamicin is restricted by federal law for use by or on the order of a licensed veterinarian. <http://www.drugs.com/vet/gentamicin-sulfate-solution.html>.

15. Acepromazine is a neurologic agent used to tranquilize horses. Acepromazine is restricted by federal law for use by or on the order of a licensed veterinarian. <http://www.drugs.com/vet/acepromazine-maleate-injection.html>.

16. Dosage units imprinted with "MP 85" are Sulfamethoxazole and Trimethoprim DS 800 mg / 160 mg, and are classified as antibiotics. Sulfamethoxazole and Trimethoprim are available by prescription only. <http://www.drugs.com/mtm/sulfamethoxazole-and-trimethoprim.html>.

17. Salix, known also as furosemide, is a diuretic and saluretic. Salix is restricted by federal law for use by or on the order of a licensed veterinarian. <http://www.drugs.com/vet/salix-tablets.html>.

DEFENDANT'S UNLICENSED PRACTICE OF VETERINARY MEDICINE

COUNT I

18. The General Allegations are repeated and re-alleged as if set forth at length herein.

19. In March, 2012, David and Cynthia Bragg of Mays Landing, New Jersey rescued a horse named Bella from a local auction. (Bajrami Cert., Exhibit 3, December 16, 2015 Certification by State of New Jersey Division of Consumer Affairs Investigator Hildred Woolley, Bates Page 14.)

20. The rescue organization from which the Braggs rescued Bella recommended that the Braggs have Bella's teeth examined. The Braggs located an advertisement for "Equine Dentistry" posted by Defendant on www.craigslist.com and contacted Defendant. (Bajrami Cert., Exhibit 3, Bates Page 14.)

21. On April 3, 2012, Defendant told the Braggs that she was in her "final year of veterinarian school" and was performing "farm calls" for an unnamed veterinarian to get "hands on training." (Bajrami Cert., Exhibit 3, Bates Pages 14 - 15.)

22. On April 3, 2012, Defendant "floated" Bella's teeth and charged the Braggs forty dollars (\$40.00). (Bajrami Cert., Exhibit 3, Bates Page 31.)

23. "Floating" a horse's teeth is a veterinary procedure in which a rasp is used to file down rough edges inside a horse's mouth.¹

24. On May 25, 2012, Defendant injected Bella and Windsor, another horse owned by the Braggs, with rabies shots and other unknown substances. (Bajrami Cert., Exhibit 3, Bates Page 15.)

25. On at least two (2) occasions, Defendant anesthetized Bella and Windsor prior to administering dental work on the horses, causing them to become "very wobbly." (Bajrami Cert., Exhibit 3, Bates Page 17.)

¹ Pusterla, Nicola, D.V.M., Henry, Travis, D.V.M., (2011). Equine Internal Medicine and Dentistry Service. Center for Equine Health Horse Report, 29(4), 9. http://www.vetmed.ucdavis.edu/ceh/local_resources/pdfs/pubs-HR29-4-bkm-sec.pdf.

26. In November, 2014, Defendant examined and diagnosed Windsor with a “stifle injury.” To treat Windsor’s injury, Defendant injected the horse with an unknown substance, purportedly to treat his pain and swelling. Defendant also provided the Braggs with Dexamethasone tablets. (Bajrami Cert., Exhibit 3, Bates Page 17.)

27. In approximately February, 2015, Defendant provided the Braggs with more Dexamethasone and instructed them to give Windsor “one or two” tablets per day. (Bajrami Cert., Exhibit 3, Bates Pages 17 - 18.)

28. On March 6, 2015, Mrs. Bragg noticed that Bella appeared to be limping. Mrs. Bragg went to Defendant’s home and obtained a syringe of Phenylbutazone, which Defendant advised Mrs. Bragg could be injected into Bella to treat her limp. (Bajrami Cert., Exhibit 3, Bates Page 18.)

29. On March 7, 2015, Mrs. Bragg contacted Defendant and advised that Bella needed to be examined. Defendant instructed Mrs. Bragg to inject Bella with the syringe she provided her the day before, “wait half an hour”, and then “call her back.” (Bajrami Cert., Exhibit 3, Bates Page 21.)

30. Mrs. Bragg complied with Defendant’s instructions. Thereafter, Mrs. Bragg noted that the injection did not appear to relieve the horse’s discomfort and she again contacted Defendant. (Bajrami Cert., Exhibit 3, Bates Page 21.)

31. Defendant then traveled to the Braggs’ property where she gave Bella an injection. Defendant then instructed Mrs. Bragg to walk Bella until her discomfort passed. (Bajrami Cert., Exhibit 3, Bates Page 22.)

32. A short time later, Defendant injected Bella for a second time with an unknown substance. After Defendant's second injection, Bella raised her front quarters from the ground and then collapsed. (Bajrami Cert., Exhibit 3, Bates Pages 22 - 24.)

33. Upon observing Bella's reaction, Defendant told the Braggs she had "never seen a horse do that before." (Bajrami Cert., Exhibit 3, Bates Pages 22 - 24.)

34. Approximately thirty (30) minutes after Bella collapsed, Defendant advised that it was "time to put Bella down" and that she would "take care of it." Approximately twenty (20) minutes later, Defendant declared that Bella was "gone", even though Bella was still breathing. (Bajrami Cert., Exhibit 3, Bates Pages 22 - 24.)

35. Defendant then injected Bella for a third time with what she stated was "200 ccs of Morphine, enough to kill five horses." (Bajrami Cert., Exhibit 3, Bates Page 23.)

36. Defendant then made a series of phone calls after which she stated that "other veterinarians told her to cut Bella's throat" in order to euthanize her. (Bajrami Cert., Exhibit 3, Bates Page 23.)

37. Bella died approximately two (2) hours after Defendant's third injection. (Bajrami Cert., Exhibit 3, Bates Page 23.)

38. On March 23, 2015, Defendant sent the Braggs a text message reading "do u guys want spring shots." (Bajrami Cert., Exhibit 3, Bates Pages 24, 50.)

39. Defendant, through both the internet and verbal representations, misled the Braggs into believing that she was qualified to perform veterinary medicine. Defendant diagnosed acute medical conditions; "recommended" and, in many cases, injected prescription-

level drugs directly into the Braggs' horses; and euthanized Bella. All of Defendant's activities were conducted under the guise of providing veterinary care for the Braggs' horses.

40. Defendant's conduct as described herein constitutes the unlicensed practice of veterinary medicine within the definition of N.J.S.A. 45:16-8.1 in violation of N.J.S.A. 45:16-9 and fraud in connection with the sale or advertisement of services (as included in the definition of "merchandise") as an unlawful practice in violation of N.J.S.A. 56:8-2 of the CFA.

COUNT II

41. The General Allegations and Count I are repeated and re-alleged as if set forth at length herein.

42. In 2012, Robert and Stacy Anderson rented a barn and opened "Wishing Well Equestrian" in Hammonton, New Jersey. (Bajrami Cert., Exhibit 3, Bates Page 70.)

43. The Andersons learned of Defendant through a third-party's recommendation. Upon meeting the Andersons, Defendant advised that she "was in veterinary school at the University of Pennsylvania", that she is "graduating in a month" and that she is "on call with New Bolton² for emergencies." (Bajrami Cert., Exhibit 3, Bates Page 70.)

44. In April 2012, Defendant administered routine seasonal injections into six (6) horses, for which Defendant charged three hundred dollars (\$300.00). (Bajrami Cert., Exhibit 3, Bates Page 70.)

45. Defendant also sold the Andersons "Bute powder" for twenty dollars (\$20.00) and Banamine paste for twenty five dollars (\$25.00). (Bajrami Cert., Exhibit 3, Bates Page 70.)

² New Bolton Center Hospital is the University of Pennsylvania's School of Veterinary Medicine's hospital for large animals located in Chester County, Pennsylvania.

46. Defendant was in possession of a box containing veterinary tools, medications, and syringes which she stored in the rear passenger seat of her vehicle. (Bajrami Cert., Exhibit 3, Bates Page 70.)

47. In October 2012, Mrs. Anderson contacted Defendant and asked her to examine Annie, a then-five (5) year old thoroughbred. Annie was losing weight and appeared to have a runny nose. (Bajrami Cert., Exhibit 3, Bates Page 71.)

48. Defendant injected Annie with Banamine and provided Mrs. Anderson with syringes and a seven (7) day supply of Gentamicin. (Bajrami Cert., Exhibit 3, Bates Page 71.)

49. In approximately January 2013, the Andersons noted that Annie appeared to be suffering from significant discomfort. (Bajrami Cert., Exhibit 3, Bates Page 71.)

50. Mrs. Anderson contacted Defendant who again injected Annie with Banamine and provided her with another seven (7) day supply of Gentamicin. (Bajrami Cert., Exhibit 3, Bates Page 71.)

51. Mrs. Anderson gave Annie the full supply of Gentamicin as Defendant instructed but noted that Annie appeared to be behaving abnormally. (Bajrami Cert., Exhibit 3, Bates Page 71.)

52. A few days after Mrs. Anderson complied with Defendant's instructions by giving Annie Gentamicin, Annie suffered repeated seizures. (Bajrami Cert., Exhibit 3, Bates Page 72.)

53. Annie was ultimately euthanized by a licensed veterinarian. (Bajrami Cert., Exhibit 3, Bates Page 72.)

54. The Andersons owned Annie for longer than a year. In that time, Annie never experienced a seizure until Defendant's introduction of Gentamicin into the horse's body. (Bajrami Cert., Exhibit 3, Bates Page 72.)

55. In approximately November 2012, the Anderson's then-six (6) year old thoroughbred, Indy, began choking. (Bajrami Cert., Exhibit 3, Bates Page 72.)

56. Mr. Anderson attempted to reach several veterinarians without success. Mr. Anderson eventually called Defendant, who was the first to return his call. Defendant then traveled to the Anderson's property. (Bajrami Cert., Exhibit 3, Bates Page 77.)

57. Defendant injected Indy with Acepromazine followed by another injection of an unknown substance to "counter" the Acepromazine. (Bajrami Cert., Exhibit 3, Bates Pages 73, 77.)

58. Defendant then forced a common garden hose approximately three quarters of an inch ($\frac{3}{4}$ " wide into Indy's nostril, a process Defendant called "tubing." (Bajrami Cert., Exhibit 3, Bates Page 77.)

59. Defendant forced the hose into Indy's nostril for a second time, on this occasion with so much force that Indy began bleeding from his nasal cavity. When Defendant removed the hose from Indy's nasal cavity, he appeared lethargic and his balance was unsteady. (Bajrami Cert., Exhibit 3, Bates Page 77.)

60. Defendant gave the Andersons a bill for two hundred and eighty dollars (\$280.00). Mrs. Anderson paid Defendant two hundred dollars (\$200.00) and advised that she would pay the balance later. (Bajrami Cert., Exhibit 3, Bates Page 73.)

61. Upon learning that Defendant is not a licensed veterinarian, Mrs. Anderson sent Defendant text messages asking why she was falsely representing herself as a veterinarian and noting that she would refuse to pay the balance of Defendant's "bill." (Bajrami Cert., Exhibit 3, Bates Page 74.)

62. Defendant replied that she was in veterinary school and that if the Andersons failed to pay the remainder of the bill, she would have her husband "break Mr. Anderson's legs" and have their "horses killed at any time." (Bajrami Cert., Exhibit 3, Bates Pages 74, 78.)

63. Defendant misled the Andersons into believing that she was qualified to perform veterinary medicine, including her false claim that she attended the University of Pennsylvania's veterinary school and had experience being "on call" for emergencies at New Bolton veterinary hospital. Defendant's unlicensed practice of veterinary medicine encompassed administering injections; selling prescription level drugs; giving detailed orders on how such drugs should be ingested or administered; and attempting to treat a choking horse by thrusting a hose into the horse's nasal cavity hard enough to draw blood and then charge nearly three hundred dollars (\$300.00) for her "services." All of Defendant's actions were conducted under the guise of providing veterinary care for the Anderson's horses. (Bajrami Cert., Exhibit 3, Bates Pages 69 – 84.)

64. Defendant's conduct as described herein constitutes the unlicensed practice of veterinary medicine within the definition of N.J.S.A. 45:16-8.1 in violation of N.J.S.A. 45:16-9 and fraud in connection with the sale or advertisement of services as an unlawful practice in violation of N.J.S.A. 56:8-2 of the CFA.

COUNT III

65. The General Allegations and Counts I and II are repeated and re-alleged as if set forth at length herein.

66. Beginning as early as 2010, Defendant falsely represented to Joseph and Linda Fabrico of West Berlin, New Jersey that she was attending veterinary school. (Bajrami Cert., Exhibit 3, Bates Page 86.)

67. Through much of 2011, Defendant falsely represented to the Fabricos that she was doing “clinical” veterinary work. Defendant regularly called Mrs. Fabrico and relayed elaborate stories about her veterinary classmates and surgeries in which she purportedly participated. (Bajrami Cert., Exhibit 3, Bates Page 86.)

68. In 2011, the Fabricos were seriously injured in an automobile accident, rendering them incapable of caring for their horses, Twister and Pretty Boy. (Bajrami Cert., Exhibit 3, Bates Pages 86 – 87.)

69. The Fabricos asked Defendant for advice as to where they could temporarily place their horses. Defendant referred them to a ranch near Defendant’s residence in Williamstown, New Jersey and advised that she would provide veterinary care for both horses. (Bajrami Cert., Exhibit 3, Bates Page 87.)

70. In 2012, Defendant falsely represented to the Fabricos that she graduated from veterinary school. (Bajrami Cert., Exhibit 3, Bates Page 86.)

71. In late 2012, Defendant’s husband, Steve Smith, called Mr. Fabrico and advised that Twister was lying in a field and Pretty Boy was refusing to leave his side. (Bajrami Cert., Exhibit 3, Bates Page 87.)

72. Mr. Fabrico instructed Mr. Smith not to take any action until he arrived at Defendant's residence. Approximately thirty (30) minutes later, Mr. Fabrico arrived and found that Twister was dead and that his remains were stiff. The Fabricos also observed that a shallow grave had been dug near Twister's body. (Bajrami Cert., Exhibit 3, Bates Pages 87 - 89.)

73. Mr. Fabrico observed Pretty Boy while at Defendant's residence and noted that he had lost a substantial amount of weight. The Fabricos then learned that Defendant extracted Pretty Boy's molars without the Fabricos' knowledge or consent, thereby making it difficult for the horse to retain food. (Bajrami Cert., Exhibit 3, Bates Page 88.)

74. Defendant told the Fabricos that she "did blood work" on Pretty Boy and, in her opinion, he had "heart or kidney failure" and that "he should be put down." (Bajrami Cert., Exhibit 3, Bates Page 88.)

75. Defendant also provided the Fabricos with needles, syringes, a bottle of Salix, and several loose tablets marked "MP 85" and gave them a handwritten bill for eighty five dollars (\$85.00) on which she wrote instructions to administer "1cc [of Salix] not more than once per week." (Bajrami Cert., Exhibit 3, Bates Pages 80 - 84.)

76. The Fabricos instead took possession of Pretty Boy and returned him to their residence. (Bajrami Cert., Exhibit 3, Bates Pages 88 - 89.)

77. In March 2013, the Fabricos contacted Matthew Edson, D.V.M., for a second opinion on Pretty Boy after the horse's condition failed to improve. (Bajrami Cert., Exhibit 3, Bates Page 89.)

78. Upon Dr. Edson's examination, Pretty Boy was diagnosed with anemia, an elevated fibrinogen, positive Lyme, and anaplasmosis titers. Dr. Edson successfully treated Pretty Boy and the horse recovered. (Bajrami Cert., Exhibit 3, Bates Page 93.)

79. Dr. Edson called Defendant to inquire about her "diagnoses" of Pretty Boy. During their conversation, Defendant told Dr. Edson that she was a veterinarian and that she attended veterinary school at the University of Pennsylvania. (Bajrami Cert., Exhibit 3, Bates Page 93.)

80. Defendant misled the Fabricos into believing that she was qualified to perform veterinary medicine, including her false claim that she attended and graduated from the University of Pennsylvania's veterinary school. She continued to perpetrate this falsehood to Dr. Edson, a licensed veterinarian. Defendant's unlicensed practice of veterinary medicine encompassed removing Pretty Boy's molars without the Fabrico's consent; abruptly diagnosing him with terminal organ failure; claiming that he must be euthanized; selling prescription level drugs; and giving detailed orders on how such drugs should be ingested or administered. All of Defendant's activities were conducted under the guise of providing veterinary care for the Fabricos' horses. (Bajrami Cert., Exhibit 3, Bates Pages 86 – 90.)

81. Defendant's conduct as described herein constitutes the unlicensed practice of veterinary medicine within the definition of N.J.S.A. 45:16-8.1 in violation of N.J.S.A. 45:16-9 and fraud in connection with the sale or advertisement of services as an unlawful practice in violation of N.J.S.A. 56:8-2 of the CFA.

COUNT IV

82. The General Allegations and Counts I, II, and III are repeated and re-alleged as if set forth at length herein.

83. Catherine Larose of Newfield, New Jersey, in her capacity as owner of "Second Chance Farm", 2142 Dutch Mill Rd., Newfield, New Jersey 08344, permits various boarders to use her premises to house their horses. (Bajrami Cert., Exhibit 3, Bates Page 118.)

84. Alise Terch, one such boarder, recommended Defendant, who she believed graduated from veterinary school at the University of Pennsylvania, to "float" three (3) horses' teeth at Ms. Larose's farm. (Bajrami Cert., Exhibit 3, Bates Page 118.)

85. In our around April, 2015, Defendant went to Ms. Larose's farm and "floated" the horses teeth. (Bajrami Cert., Exhibit 3, Bates Page 118.)

86. Thereafter, Ms. Larose noticed that one (1) of the horses had a coffee-colored gel-like discharge emanating from his penis as the horse attempted to urinate. Ms. Larose and Ms. Terch again called Defendant, who examined the horse and diagnosed him as "dehydrated." She advised Ms. Larose she would treat the horse with "IV fluids." (Bajrami Cert., Exhibit 3, Bates Pages 118 - 119.)

87. Defendant summoned her husband to Ms. Larose's farm. Approximately fifteen (15) minutes later, Defendant's husband arrived and brought with him a "box" containing what appeared to be veterinary medicine tools and equipment. (Bajrami Cert., Exhibit 3, Bates Page 119.)

88. Defendant then injected the horse with an intravenous applicator and administered a saline solution. The intravenous applicator remained in the horse's body for approximately

forty five (45) minutes, during which time Defendant recounted various stories to Ms. Larose about animals she has “saved” in using “IV medications.” (Bajrami Cert., Exhibit 3, Bates Page 119.)

89. Defendant charged twenty dollars (\$20.00) for her services. (Bajrami Cert., Exhibit 3, Bates Page 121.)

90. Thereafter, Ms. Larose provided a sample of the gel-like discharge to Thomas J. Lurito, D.V.M., a licensed veterinarian in the State of Pennsylvania, for analysis. Dr. Lurito subsequently determined that the horse was suffering from a urinary tract infection, which Defendant failed to screen for, diagnose, and treat. (Bajrami Cert., Exhibit 3, Bates Pages 119 – 120.)

91. Defendant misled Ms. Larose into believing that she was qualified to perform veterinary medicine by regaling her with stories of all of the animals Defendant had purportedly “saved” by administering intravenous medications. Defendant’s unlicensed practice of veterinary medicine encompassed floating several horses’ teeth, diagnosing a horse as being dehydrated and injecting a drug solution into the horse for nearly an hour. All of Defendant’s activities were conducted under the guise of providing veterinary care for the horses under Ms. Larose’s care. When a licensed veterinarian was called for a diagnosis, it was determined that the horse was experiencing a urinary tract infection. Defendant thereby failed to detect, diagnose, and treat a potentially dangerous condition. (Bajrami Cert., Exhibit 3, Bates Pages 118 – 121.)

92. Defendant’s conduct as described herein constitutes the unlicensed practice of veterinary medicine within the definition of N.J.S.A. 45:16-8.1 in violation of N.J.S.A. 45:16-9

and fraud in connection with the sale or advertisement of services as an unlawful practice in violation of N.J.S.A. 56:8-2 of the CFA.

COUNT V

93. The General Allegations and Counts I, II, III and IV are repeated and re-alleged as if set forth at length herein.

94. Around 2005, Terri Chiddenton served as Defendant's "ranch manager" in lieu of payment for a horse she leased from her for two hundred dollars (\$200.00) per month. (Bajrami Cert., Exhibit 3, Bates Page 141.)

95. Beginning as early as 2007, Defendant falsely represented to Mrs. Chiddenton that she was attending veterinary school at the University of Pennsylvania and articulated various anecdotes about her experiences at New Bolton. (Bajrami Cert., Exhibit 3, Bates Page 141 - 142.)

96. While Mrs. Chiddenton served as ranch manager, Defendant "gave out Bute pills as if they were aspirin for use on horses" and other animals and sedated multiple horses by injection prior to their teeth being "floated." (Bajrami Cert., Exhibit 3, Bates Pages 142 - 143.)

97. Defendant charged boarders extra money when she determined that a given horse required sedation in conjunction with teeth "floating." (Bajrami Cert., Exhibit 3, Bates Page 143.)

98. When Defendant learned that Jacob, Mrs. Chiddenton's one (1) year old golden retriever, injured his paw, she provided her Bute pills in a zip-lock bag without having examined or even seen Jacob. Mrs. Chiddenton did not give any of the pills to Jacob and took Jacob to her veterinarian. (Bajrami Cert., Exhibit 3, Bates Pages 142 - 143.)

99. Defendant's conduct as described herein constitutes the unlicensed practice of veterinary medicine within the definition of N.J.S.A. 45:16-8.1 in violation of N.J.S.A. 45:16-9 and fraud in connection with the sale or advertisement of services as an unlawful practice in violation of N.J.S.A. 56:8-2 of the CFA.

FALSE ADVERTISEMENTS AND/OR MISREPRESENTATIONS

COUNT VI

100. The General Allegations and Counts I, II, III, IV and V are repeated and re-alleged as if set forth at length herein.

101. On November 28, 2011, Defendant posted "gotta be something wrong with me. i truely get enjoyment out of castrating a horse/donkey. haha i guess i pretend they r some man in my life, haha" on the social networking website www.facebook.com (Bajrami Cert., Exhibit 3, Bates Page 125.)

102. On January 30, 2012, Defendant posted "ALL MY FB HORSE FRIENDS...yes i do float polish and get plaque off. i don't force my services on anyone. Before u ask i have traditional and power tools." (Bajrami Cert., Exhibit 3, Bates Page 126.)

103. On April 2, 2012, Defendant posted "it feels really good when u get a special thank u from a person u help with really sick animal." (Bajrami Cert., Exhibit 3, Bates Page 128.)

104. In a subsequent post, an individual asked Defendant whether she is a veterinarian. Defendant replied "yes" and claimed that she treats "horses farm animals in a pinch I can hold my own all animals." (Bajrami Cert., Exhibit 3, Bates Page 128.)

105. On August 22, 2012, Defendant posted “hardest part of my job, putting an animal down. i hate it.” (Bajrami Cert., Exhibit 3, Bates Page 132.)

106. On February 6, 2015, Defendant posted “started at 6 horses...clients teeth floated.” (Bajrami Cert., Exhibit 3, Bates Page 109.)

107. Defendant, “Jacque Smith”, is identified on a business card as the owner of “EQUINE HEALTH” located at [REDACTED] Williamstown, New Jersey. The card displays an image of two (2) horses grazing in a field. (Bajrami Cert., Exhibit 3, Bates Page 95.)

108. [REDACTED] Williamstown, New Jersey is Defendant’s home address. (Bajrami Cert., Exhibit 3, Bates Page 20.)

109. Defendant also posted 8.5” by 11” flyers promoting “EQUINE DENTISTRY” which identify her by name, in at least one (1) barn in Bordentown, New Jersey. The flyer features a cartoon caricature of two (2) grinning horses and indicates that “your horses teeth are no laughing matter! They need regular check-ups just like humans!” The flyer also notes that Defendant uses “TRADITIONAL AND POWER TOOLS!” (Bajrami Cert., Exhibit 3, Bates Page 98.)

110. Upon information and belief, as of the filing of this Complaint, Defendant has engaged and continues to engage in the unlicensed practice of veterinary medicine by convincing or allowing the owners or caretakers of such animals to believe that she is a veterinarian or otherwise educated and trained as a veterinarian.

111. “Equine Health” and “Equine Dentistry” are assumed names used by Defendant while conducting business within the State. Neither of these names are legally formed entities registered to conduct business in New Jersey.

112. Defendant's conduct as described herein constitutes the unlicensed practice of veterinary medicine within the definition of N.J.S.A. 45:16-8.1 in violation of N.J.S.A. 45:16-9.

113. Defendant's actions described herein misled, deceived or damaged or could have misled, deceived or damaged members of the public into falsely believing that Defendant has the knowledge and training necessary to perform veterinary medicine.

114. Defendant's actions described herein therefore constitute fraud in connection with the sale or advertisement of services as an unlawful practice in violation of N.J.S.A. 56:8-2 of the CFA.

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment against Defendant:

- (a) Finding that Defendant's acts constitute violation of the Uniform Enforcement Act, N.J.S.A. 45:1-23, N.J.S.A. 45:16-9, and multiple violations of the CFA, N.J.S.A. 56:8-1 et seq.;
- (b) Permanently enjoining Defendant from engaging in the unlicensed practice of veterinary medicine as defined by N.J.S.A. 45:16-8.1;
- (c) Permanently enjoining Defendant from administering injections into animals in exchange for a fee or gratuitously; administering, dispensing, or providing any drugs or medication to animals or to a third party when Defendant knows or should know that such drugs or medication will be used in conjunction with the treatment of animals;
- (d) Permanently enjoining Defendant from "floating" horse's or any other animal's teeth in exchange for a fee or gratuitously and from applying or touching any apparatus, tool, or foreign object, whether such items are used by licensed veterinarians in the regular course of business or not, onto animals except such apparatuses or tools used by Defendant in the ordinary course of grooming and/or maintenance of animals she owns (if applicable);
- (e) Permanently enjoining Defendant from referring to herself or permitting others to refer to her without correction, whether orally, in print, or on the internet, as a "veterinarian", "vet", "D.V.M.", "animal doctor", or any other title or designation denoting licensure or the legal ability to practice


veterinary medicine;

- (f) Permanently enjoining Defendant from falsely claiming to have attended, graduated from, or been trained by any veterinary education institution, including but not limited to the University of Pennsylvania's School of Veterinary Medicine and the New Bolton Center Hospital for Large Animals;
- (g) Permanently enjoining Defendant from marketing, advertising, and/or publicizing veterinary services and/or animal healthcare services to the public in exchange for a fee or gratuitously, whether orally, in print, or on the internet, including but not limited to "equine health" and "equine dentistry";
- (h) Permanently enjoining Defendant from operating a business, entity, or organization which wrongfully indicates or implies that she is a licensed veterinarian, has graduated from a veterinary school, or is in any way permitted by the laws of the State of New Jersey to engage in the practice of veterinary medicine;
- (i) Permanently enjoining Defendant from employment or volunteering with any business, entity, or organization whose business or services involve the treatment, housing/boarded, or care of animals, including but not limited to horses;
- (j) Permanently enjoining Defendant from collecting, directly or indirectly, any monies from consumers in connection with her past or present unlicensed practice of veterinary medicine;
- (k) Directing Defendant to restore to any affected person, whether named in this Complaint or not, any money or real or personal property acquired by means of any practice alleged herein to be unlawful and found to be unlawful, as authorized by the Uniform Enforcement Act, N.J.S.A. 45:1-25(b), and the CFA, N.J.S.A. 56:8-8;
- (l) Directing the Attorney General to write letters to every affected person, whether named in this Complaint or identified later, notifying each individual that (i) Defendant is not and has never been licensed to practice veterinary medicine in New Jersey; (ii) Defendant has never been enrolled in or completed courses from the University of Pennsylvania's School of Veterinary Medicine and/or New Bolton Center Hospital for Large Animals; and (iii) that such individuals are entitled to the return of any money or real property acquired by Defendant by means of any of the practices alleged herein to be unlawful and found to be unlawful;

- (m) Directing Defendant to pay the maximum statutory civil penalties for each and every violation of the Uniform Enforcement Act, Board laws and regulations, and the CFA, in accordance with N.J.S.A. 45:1-25 et seq., N.J.S.A. 45:1-18.2, N.J.S.A. 45:1-23, and N.J.S.A. 56:8-13;
- (n) Directing Defendant to pay costs and fees, including attorneys' fees, for the use of the State, pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-25(d) and the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19; and
- (o) Granting such other relief as the interests of justice may require.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By


Gezim Bajrami
Deputy Attorney General

Dated: December 21, 2015
Newark, New Jersey

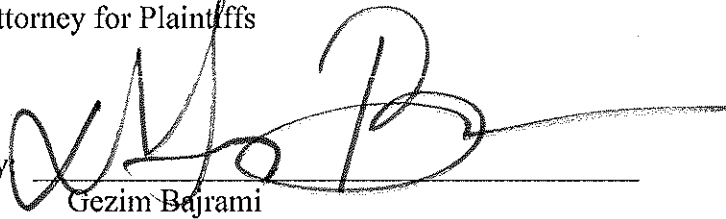
RULE 4:5-1 CERTIFICATION

I certify, to the best of my information and belief, that the matter in controversy in this action involving the aforementioned violations of the CFA, is not the subject of any other action pending in any other court of this State.

I further certify, to the best of my information and belief, that the matter in controversy in this action is not the subject of a pending arbitration proceeding in this State, nor is any other action or arbitration proceeding contemplated. I certify that there is no other party who should be joined in this action at this time.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By

A handwritten signature in black ink, appearing to read 'Gezim Bajrami', written over a horizontal line.

Gezim Bajrami
Deputy Attorney General


Dated: December 21, 2015
Newark, New Jersey

RULE 1:38-7(c) CERTIFICATION OF COMPLIANCE

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By:



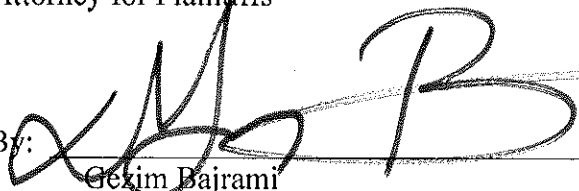
Gezim Bajrami
Deputy Attorney General

Dated: December 21, 2015
Newark, New Jersey

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Deputy Attorney General Gezim Bajrami is hereby designated as trial counsel for the Plaintiffs in this action.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 
Gezim Bajrami
Deputy Attorney General

Dated: December 21, 2015
Newark, New Jersey

VERIFICATION

I, Gezim Bajrami, of full age, hereby certify as follows:

1. I am a Deputy Attorney General assigned to prosecute matters on behalf of the professional boards of the State of New Jersey within the Division of Consumer Affairs ("Division").

2. I have read the foregoing Verified Complaint and on my own personal knowledge and review of documents in the Division's possession, I know that the facts set forth herein are true and they are incorporated in this certification by reference, except for those alleged upon information and belief.

3. The facts set forth herein and incorporated hereto by reference supports the filing of the Verified Complaint and accompanying Order to Show Cause.

I certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Gezim Bajrami
Deputy Attorney General

Dated: December 21, 2015
Newark, New Jersey