

BEFORE THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

WEST VIRGINIA BOARD
OF DENTAL EXAMINERS,

Complainant,

CASE #: 2007-DB-0036D

v.

MICHAEL A. HAZEY, DDS,

Respondent.

CONSENT DECREE AND ORDER

Now comes the West Virginia Board of Dental Examiners (hereinafter "Board") and Michael A. Hazey, DDS (hereinafter "Respondent"), for the purpose of agreeing to disciplinary action to be taken against the Respondent by the Board.

WHEREAS, the parties have reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby Find and Order as follows:

FINDINGS OF FACT

1. That the Board is the State entity created by W. Va. Code § 30-4-1 *et seq.* and is empowered to regulate the practice of dentistry.
2. That the Respondent is a licensee of the Board, possessing License No. 2255 and is subject to the license requirement of the Board.
3. That the Respondent pled guilty to one count of tax evasion in the United States District Court and a subsequent Judgment was entered on August 13, 2007, adjudicating him guilty of tax evasion for the tax year 1999.

CONCLUSION OF LAW

1. That the Board has jurisdiction to take disciplinary action against the Respondent.

2. That pursuant to W. Va. Code § 30-4-1 *et seq.*, the Board may revoke a license, suspend a license, reprimand a licensee or take other disciplinary action for violation of the rules and regulations of the Board.

3. The Respondent is a licensee of the West Virginia Board of Dental Examiners and is subject to license requirements of the Board.

4. Based on the investigation conducted along with the Respondent's acknowledgments of the foregoing facts, the Board finds that there is substantial evidence to believe that the Respondent has violated the Practice Act, W. Va. Code § 30-4-1 *et seq.*

CONSENT OF LICENSEE

The Respondent by affixing his signature hereto, acknowledges the following:

1. Respondent has been given the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to enter this Consent Decree and Order other than as set forth herein.

3. Respondent acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

4. Respondent acknowledges that he is aware that this Consent Decree and Order is a public document, available for inspection at any time by any member of the public under Chapter 29B *et seq.*, of the West Virginia Code, Freedom of Information Act and may be reported to other governmental, professional Boards or organizations.

5. Respondent waives any defense of laches, statute of limitations, estoppel and waiver that he may have otherwise claimed as a condition of this Consent Decree and Order.

6. The Respondent acknowledges that this Consent Decree and Order shall be presented to the Board as soon as practical but no later than next scheduled meeting of the Board, with a recommendation for approval from the Complaint Committee.

7. The Respondent, by affixing his signature hereon, consents and agrees to the following terms and conditions.

ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, it is by West Virginia Board of Dental Examiners, hereby ORDERED:

1. The Respondent's license to practice dentistry in the State of West Virginia is **SUSPENDED** for one (1) year, the suspension to be effective September 14, 2007; with all but ninety (90) days **STAYED**.

2. The Respondent's license to practice dentistry will be deemed automatically reinstated as of December 14, 2007, however, the Respondent shall remain on probation from December 14, 2007 through September 14, 2008.

3. The Respondent shall enroll in and successfully complete a three (3) hour course in ethics, which shall be pre-approved by the Board. The Respondent shall submit a written request for approval of the course to the Board's Complaint Committee.

4. The Respondent shall submit written verification to the Board of his enrollment and proof of successful completion of the course before September 14, 2008. The Respondent shall be responsible for all costs incurred for this course.

5. The Respondent shall obey all laws of the United States, the State of West Virginia and its political subdivisions.

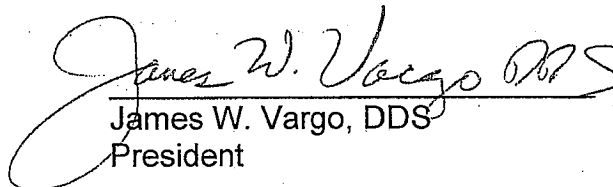
6. The Respondent shall comply with the West Virginia Dental Practice Act and its rules and regulations.

7. The Respondent shall reimburse the Board in the amount of One Thousand Four-Hundred Dollars (\$1,400.00) for all cost incurred by the Board in the investigation and disposition of this case. All cost shall be paid to the Board on or

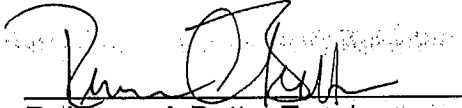
before September 14, 2008.

Entered this 13th day of September 2007.

West Virginia Board of
Dental Examiners:


James W. Vargo, DDS
President

Reviewed and Agreed to by:



Rebecca A Betts, Esquire

ALLEN, GUTHRIE, MCHUGH & THOMAS, PLLC

P.O. Box 3394

Charleston, West Virginia 25333-3394

Counsel for Respondent



Michael A. Hazey, DDS

Respondent