

BEFORE THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

WEST VIRGINIA BOARD
OF DENTAL EXAMINERS,

Complainant,

v.

CASE #: 2010-DB-0001D

FRANK RAINIERI, DDS,

Respondent.

CONSENT DECREE AND ORDER

Now comes the West Virginia Board of Dental Examiners (hereinafter "Board") and Frank Rainieri, DDS, (hereinafter "Respondent"), for the purpose of resolving all issues regarding the above-styled matter without further litigation.

The Board agrees and acknowledges that this Consent Decree is a compromise of claims disputed by the Respondent, and that his agreement and consent to these terms do not constitute an admission of guilt or culpability on his part.

As reflected in this Consent Decree, 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 AND CONCLUSIONS OF LAW

1. That the Board is the State entity created by West Virginia Code § 30-4-1 *et seq.* and is empowered to regulate the practice of dentistry.
2. That the Board has jurisdiction to take action against the Respondent.

3. That pursuant to West Virginia Code § 30-4-1 *et seq.*, the Board may revoke a license, suspend a license, reprimand a licensee or take other disciplinary action as deemed appropriate by the Board.

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

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 is 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 into 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 expressly acknowledges that the entire agreement is contained in this Consent Decree and Order and no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Decree and Order.

5. Respondent acknowledges 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 agencies, professional Boards or other organizations.

6. 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.

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

8. Respondent consents to the entry of the following Order affecting his license in the State of West Virginia.

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

ORDER

That the Board pursuant to the Consent Decree between the Board and Respondent, Frank Rainieri, DDS, the Board hereby Orders as follows:

1. That the Respondent shall be and is hereby reprimanded.
2. That the Respondent shall be placed on probation for a period of one year commencing upon entry of this Consent Decree and Order.

3. The Respondent shall reimburse the Board for costs associated with this matter in the amount of Nine Hundred Fifty Dollars (\$950.00) which shall be tendered to the West Virginia Board of Dental Examiners within thirty (30) day following entry of this Consent Decree and Order.

4. The Respondent shall pay a fine in the amount of Five Hundred Dollars (\$500.00) which shall be tendered to the West Virginia Board of Dental Examiners within thirty (30) day following entry of this Consent Decree and Order.

5. That the Respondent shall fully comply with the terms of this Consent Decree and Order. Failure to do so shall be deemed a violation by this Board.

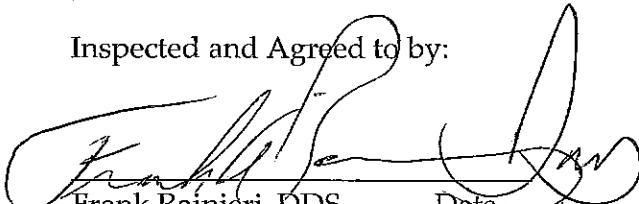
Entered this 7th day of January 2011.

West Virginia Board of
Dental Examiners:

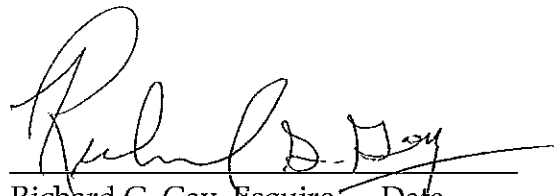


Richard D. Smith, DDS
President

Inspected and Agreed to by:



Frank Rainieri, DDS Date
Respondent 1/5/11



Richard G. Gay, Esquire Date
The Law Office of Richard G. Gay, L.C.
31 Congress Street
Berkeley Springs, WV 25411
Counsel for Respondent