

**STATE OF VERMONT
BOARD OF
DENTAL EXAMINERS**

In re: Leonard Scott Berl
License No. 016-0001212

}
}
}

Docket No. DE 18-0105

Appearances:

Petitioner, State of Vermont:

Respondent:

Presiding Officer: Larry S. Novins

DEFAULT ORDER

On June 8, 2005 the Board of Dental Examiners held a hearing on the above matter on at the Redstone Building, 26 Terrace in Montpelier, Vermont. The Respondent did not attend and was not represented.

Findings of Fact

1. Respondent, is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 809(a).
2. The Board summarily suspended Dr. Berl's license on February 10, 2005. The suspension was based on felony convictions in New York State. A copy of the summary suspension order was mailed to him certified mail to his last known address. The envelope was returned and indicated that it had been forwarded before its return.
3. The Respondent was sent notice of the Specification of Charges against him by certified mail on February 18, 2005 to his last known address. The envelope was returned "unclaimed."
4. Notice of the default hearing scheduled for this date was similarly mailed.
5. The Respondent has not answered the charges against him.
6. Upon hearing the State's presentation and taking notice of its own file, the Board finds the Respondent to be in default. The allegations contained in the State's specification of charges dated February 10, 2005 (copy attached) are therefore treated as the facts on which the Board's order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

The Respondent has received adequate notice of the charges against him as indicated by the Board's file and the State's presentation. Because the Respondent has failed to answer

the charges against him, the State's factual allegations are treated as proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby **REVOKED**, effective as of the date of the hearing.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Dental Examiners. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: 
Board of Dental Examiners,
Randall Miller, DDS, Chair

Date: June 8, 2005

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 6/10/05

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF DENTAL EXAMINERS**

IN RE:)
LEONARD SCOTT BERL, D.D.S.) **Docket No: DE 18-0105**
License No. 016-0001212)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Leonard Scott Berl, D.D.S.:

Board Authority

1. The Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against dentists pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §§767 and 809; the Administrative Rules of the Board of Dental Examiners; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Leonard Scott Berl, is licensed in Vermont as a dentist under license number 016-0001212.

3. The Respondent's license was originally issued on November 10, 1993 and the Respondent's license is currently set to expire on September 30, 2005.

4. The Respondent's license has been suspended since February 9, 2005 pursuant to a Summary Suspension Order entered by the Board of Dental Examiners. This discipline was based upon the facts below.

5. At all times relevant, the Respondent was licensed as a dentist in New York and was employed at Aesthetic Dental Associates located in Albany, New York.

6. On July 28, 2004, the Respondent was convicted in the Albany County Supreme Court, Docket No. 2-8485, of one count of Grand Larceny 3rd Degree; one count of Insurance Fraud 3rd Degree; and one count of Falsifying Business Records 1st Degree. These are felony convictions.

7. These convictions were the result of the Respondent having defrauded numerous of his dental clients out of money after falsely claiming to have performed a series of complex procedures called "deep pocket cleanings" in July 1999.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. As a result of these convictions, on January 7, 2005, the Respondent received five years of probation. Additionally, he was required to pay restitution and his license to practice dentistry in New York was forfeited.

Charges

9. The above acts and circumstances, alone or in combination, constitute unprofessional conduct pursuant to:

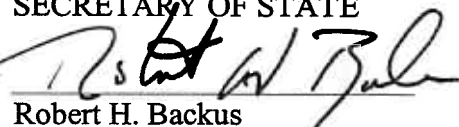
- (i) 3 V.S.A. §129a(a)(9) (Whether or not the conduct at issue was committed within or outside the state, conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the profession); and
- (ii) 3 V.S.A. §129a(a)(3) (Whether or not the conduct at issue was committed within or outside the state, failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Leonard Scott Berl should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 10th day of February 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Robert H. Backus
State Prosecuting Attorney

de.berl.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602