

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

In re: Clover Burt
Reg. No. 014-100531

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2014-120(DA)

**Decision on
Preliminary Denial of Registration and Unprofessional Conduct Charge**

Board Members Participating:

John Lavoie, D.D.S., Chair
Edward P. Pantzar, D.D.S., Vice Chair
Katherine Silloway, D.D.S.,
Dixie Vallie, C.D.A.
Jennie Kendall, R.D.H.
Joanne Bugbee, R.D.H.
Gerald Theberge, D.D.S.
Mimi Kevan, Public Member
David Baasch, D.D.S.

Appearances:

for Petitioner, State of Vermont: S. Lauren Hibbert
for Applicant/Respondent: Pro se

Presiding Officer: Larry S. Novins

**Findings of Fact, Conclusions of Law,
and Order**

The Board of Dental Examiners held a hearing in the above matter on July 9, 2014 at the Office of Professional Regulation Conference Room in the City Center in Montpelier, Vermont pursuant to 3 V.S.A. § 129(e). Ms. Burt appeared before the Board after its preliminary denial of her application for registration.

In this case the burden is on the prosecution to show that unprofessional conduct has occurred. Ms. Burt, as applicant, bears the burden to convince the Board that the preliminary denial should be reversed, and that the registration she has applied for should be granted. 3 V.S.A. § 129(e).

Background

Ms. Burt has applied to be registered as a dental assistant. By letter dated January 17, 2014 her application was preliminarily denied because of several criminal convictions which she

disclosed in her application. She filed a timely appeal of the preliminary denial. Charges of unprofessional conduct were filed on April 9, 2014. Ms. Burt filed an Answer admitting commission of the criminal offenses. The State's Motion to Amend to correct a typographical error and properly allege a violation of 3 V.S.A. § 129a(a)(10) is granted.

Findings of Fact

Based upon the evidence presented at the hearing, the Board finds as follows:

1. Ms. Burt is an applicant for registration as a traditional dental assistant. She is therefore subject to the regulatory and disciplinary authority of this Board. 26 V.S.A. § 584, 3 V.S.A. § 129a, the Administrative Rules of the Board of Dental Examiners and the Administrative Rules of the Office of Professional Regulation.
2. Ms. Burt is 38 years old. Ms. Burt has five felony and ten misdemeanor convictions. None of the convictions is directly related to practice as a dental assistant.
3. Ms. Burt's most recent criminal conviction, Assault and Robbery, a felony, is from criminal activity in June, 2008, more than six years ago. She has additional prior convictions for Petty Larceny, Possession of Stolen Property, Retail Theft, Burglary of an Unoccupied Dwelling, Driving While License Suspended, Leaving the Scene of an Accident, False Pretenses, Grand Larceny, False Information to a Public Officer, and Retail Theft. All but the Assault and Robbery occurred before 2006.
4. Ms. Burt described her criminal past as one fueled in large part by alcoholism. She reports that she has been clean and sober for almost six years.
5. After her Assault and Robbery conviction Ms. Burt served time in the custody of the Department of Corrections. She worked through the SkillsUSA in customer service. She cooked and served meals at local homeless shelters and visited nursing homes on Easter and Christmas.
6. Ms. Burt is on parole now and will remain on parole until January 2022. Among her parole conditions are requirements that she notify her parole officer before any change of residence; that she permit reasonable searches of her person, property and possessions; that she commit no new act punishable under the law; that she not purchase, possess or consume any regulated drugs, unless prescribed by a physician; that she not purchase, possess, or handle any firearms, ammunition, and or deadly weapons. Special conditions include that she attend and participate in any program referred by her Parole Officer; that she not purchase, possess or consume any alcoholic beverages; that she submit to alcohol tests if requested; that she abide by a curfew; that she pay restitution in an amount ordered by the Court; that she not enter any establishment where the primary purpose is to sell, or serve alcoholic beverages; that her parole officer has the authority to restrict her associations; that she report in person to her parole office once per week; and, that she is subject to Electronic Monitoring, if warranted.
7. Ms. Burt is in compliance with her parole conditions.
8. Ms. Burt trained to become a dental assistant at the Center for Technology in Essex, Vermont. She completed the training program including the radiology course on June 6, 2013. She was employed at Essex Family Dental in Essex Junction from November 18, 2013 until her application for registration was preliminarily denied. She has completed

the Heartsaver CPR AED course offered by the American Heart Association. Her certification is valid through January 29, 2015.

9. Ms. Burt has demonstrated true remorse for her criminal past. She has credibly described her recovery from alcohol addiction. August 2, 2014 will mark her sixth anniversary of sobriety.

Conclusions of Law

1. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(10):** The Prosecution has proved by a preponderance of the evidence that Ms. Burt was convicted of a felony, whether or not related to the practice of the profession. This is unprofessional conduct.
2. Ms. Burt has met her burden to show that the preliminary denial of her application should be reversed. 3 V.S.A. § 129(e).

Discussion

The sheer number of Ms. Burt's criminal convictions raises serious questions about her ability to conform her conduct to the requirements of the law and her ability to practice a regulated profession. The passage of time has given Ms. Burt a chance to answer those questions.

Over the last almost six years Ms. Burt has shown a strong willingness to overcome her past and lead a law-abiding productive life. The Essex Center for Technology gave her a chance to prove her determination and ability to learn a valued profession. Her dental employer gave her a chance to prove her ability to be a part of his dental team. We note that as a dental assistant Ms. Burt would not be in a supervisory position. Nor would she be able to engage in independent practice. Her employment at the dental office confirms that she is well on her way to meeting her goals.

This Board feels that appropriate conditions can permit Ms. Burt to practice as a dental assistant. To the extent they are necessary, they will protect and permit a prompt response should Ms. Burt indicate that she is unable to practice safely.

Order

Ms. Burt may be registered to practice as a dental assistant. Her registration shall be **conditioned as follows:**

- 1) Ms. Burt shall comply with all her parole conditions.
- 2) Ms. Burt shall provide a copy of this Decision to any dental employer.
- 3) Ms. Burt shall authorize her parole officer to speak with the Board or its designee to inform the board about her conduct on parole.

- 4) After 3 years, Ms. Burt may petition the Board for removal of any of these conditions.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Dental Examiners.

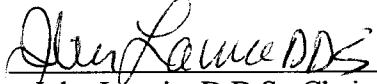
A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main St., Fl. 3, Montpelier, Vermont 056209-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

Vermont Board of Dental Examiners

Dated: July 9, 2014

By:


John Lavoie, D.D.S., Chair

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/16/14