

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

In re: Valerie Mason
License No. 014-1512

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Docket No. 2009-176

Appearances:

Petitioner, State of Vermont: Gregg Meyer
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board of Dental Examiners held a hearing on the above matter on November 18, 2009 at the Office of Professional Regulation hearing room at the National Life Building in Montpelier, Vermont. Ms. Mason did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Mason is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § Chapter 13, the Administrative Rules of the Board of Dental Examiners and the Rules of the Office of Professional Regulation.
2. On September 28, 2009 Ms. Mason was sent notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Stamps on the envelope indicate that the notice of the certified mail was delivered, then forwarded to another address in Vermont. Ms. Mason did not file an Answer to the charges within the required time.
6. On October 30, 2009 Notice of the default hearing scheduled for November 18, 2009 was mailed to Ms. Mason at that same address by certified mail. The file shows Ms. Mason signed for the notice on November 6, 2009.
7. Ms. Mason has not answered the charges.
8. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Mason to be in default. The allegations contained in the State's specification of charges dated September 22, 2009 (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

Ms. Mason has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the State's presentation. Because Ms. Mason has failed to answer the charges, the State's factual allegations are treated as if 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 Ms. Mason has violated 3 V.S.A. § 129a(a)(7).

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Mason's registration and any privilege to renew or reinstate her registration is hereby **Revoked**.

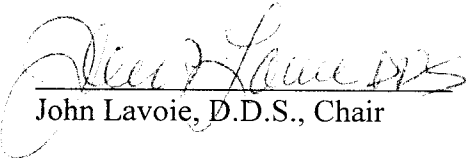
Appeal Rights

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, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 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. To request a stay of the Board's decision, please refer to the attached stay instructions.

By:


John Lavoie, D.D.S., Chair

Date:

11-18-09

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/19/09

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

IN RE:

VALERIE MASON

License No. 014-0001512

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Docket No. 2009-176

SPECIFICATION OF CHARGES

Board Authority

1. The Board of Dental Examiners (the "Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against dentists and dental assistants 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. Respondent Valerie Mason is a traditional dental assistant with registration number 014-0001512.
3. On April 24, 2009 the Office of Professional Regulation - Investigative Division - received a verbal Report of Unprofessional Conduct concerning Respondent from Dr. Gary L. Morris, DDS.
4. Respondent, while in the employ of Dr. Morris, embezzled approximately \$25,000 from Dr. Morris' business bank account by writing checks for her personal expenses and using Dr. Morris' signature stamp to sign the checks.
5. Respondent wrote a total of approximately 133 checks on Dr. Morris' business account that were made payable to, or for her personal expenses with an amount totaling approximately \$122,831.00.
6. Officer Jason Luneau interviewed Respondent at her residence regarding the allegations and Respondent admitted to having written the vast majority of the checks for her personal use. Respondent further admitted that she and other members of her family had repaid approximately \$18,000 to Dr. Morris.
7. At the conclusion of the above mentioned interview, a search warrant was executed at Respondent's home and statements from credit card companies and others bills where Respondent used checks from Dr. Morris' account to pay monthly bills or fees were seized.

STATE OF VERMONT



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8. A final audit for losses to Dr. Morris revealed that as of June 13, 2009, Respondent and her family had repaid Dr. Morris a total of approximately \$17,997.86. Several of the checks were dismissed by Dr. Morris. With these amounts taken into consideration, the total out of pocket loss to Dr. Morris is to be approximately \$102,780.76.
9. By way of further information concerning Respondent, on April 5, 2006, Respondent entered into a Stipulation and Consent Agreement with the Office of Professional Regulation and approved by the Dental Board after admitting to diverting hydrocodone for her own use through Dr. Morris' dental practice account.
10. Similar to the present case, Respondent used the office account in the previous case to pay for the drugs she had diverted. This activity took place during a time period from September 2005 and February 2006 when approximately 700 hydrocodone tablets were ordered and diverted. The office account was subsequently reimbursed for the cost of the drugs.
11. Based on the previous case, Respondent's professional license as a Registered Traditional Dental Assistant was placed in "Conditioned" status.

Charges

12. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because the Respondents violated:
 - a. 3 V.S.A. § 129a(a)(3)(Failing to comply with provisions of federal or state statutes or rules governing the practice);
 - b. 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board of violating any term or condition of a license restricted by the board);
 - c. (26 V.S.A. § 809(a)(4) (immoral conduct of a dentist or hygienist in their respective practices);
 - d. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records);

Request for Relief

WHEREFORE, the State of Vermont respectfully requests that Respondent's registration be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

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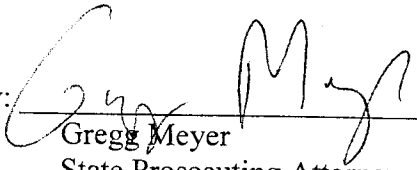


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DATED at Montpelier, Vermont this 22nd day of September, 2009.

STATE OF VERMONT
SECRETARY OF STATE

By: _____


Gregg Meyer
State Prosecuting Attorney

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