

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION (PRIVATE)
BOARD OF DENTAL EXAMINERS**

IN RE:

FRED W. SALVATORIELLO, D.M.D.
License No.: 016-0001165

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Docket No: DE03-0706

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through Robert H. Backus and the Respondent, Fred W. Salvatoriello, D.M.D., in person and through counsel, Sean M. Gorman, and enter into the following stipulation and consent order.

Agreement

The parties enter this stipulation and consent order to end this litigation. The Respondent does not admit that he had any fraudulent intent, but rather acted out of a reasonable interpretation of the licensing renewal form; however, the Respondent does agree that if a hearing were conducted in this matter the state could produce evidence from which the Board could find the facts as set out below and that based on those facts the Board could, and may, enter the order set out below.

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, Fred W. Salvatoriello, is licensed as a dentist by the State of Vermont under license number 016-0001165. The Respondent was originally licensed on August 14, 1991 and the Respondent's license is currently set to expire on September 30, 2009.
3. The Respondent maintains orthodontic dental practices in Vermont in the towns of Woodstock and Springfield.
5. On the Respondent's license renewal application dated September 15, 2003, the Respondent answered "No" to the question "Has any state or federal licensing authority restricted, suspended, revoked, or taken any other disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?"
6. Subsequently, it was discovered that the Respondent was disciplined by the New Hampshire Board of Dental Examiners pursuant to a Decision and Order dated August 12,

2002. The Respondent was reprimanded and he was ordered to pay \$8,500.00 in administrative penalties based on his excessive delay and/or failure to respond to complaints of misconduct against him (which were dismissed based on findings of no violations) and requests for information by the New Hampshire Board.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- 12/12/2007
The N.H. Bd.
Reprimanded
by stipulation
Paragraph ii
- i. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
 - ii. ~~3 V.S.A. §129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice).~~

Understandings

- 8) The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.
- 9) The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
- 10) This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
- 11) The Respondent is voluntarily waiving his right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
- 12) Respondent agrees that the Order set forth below may be entered by the Board.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Dental Examiners finds that the Respondent has committed unprofessional conduct as alleged above and **warns** the Respondent.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

C. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO: STATE OF VERMONT

SECRETARY OF STATE

Dated: 12/11/07

By: [Signature]

Robert H. Backus
State Prosecuting Attorney

Dated: 12/11/07

By: [Signature]

Fred. W. Salvatoriello, D.M.D.
Respondent

Dated: 12/11/07

By: [Signature]

Sean M. Gormann
Attorney for Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERS

Dated: 12/12/07

By: [Signature]

Chairperson

Date of Entry: 12/13/07