

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

In re: Jill Marie Steele	}	
License No. 014-1760	}	Docket No. 2012-269(DA)
	}	

Appearances:

Petitioner, State of Vermont: S. Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board of Dental Examiners held a hearing on the above matter on August 14, 2013 at the Office of Professional Regulation conference room at the City Center in Montpelier, Vermont. The Ms. Steele did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Steele was last registered as a dental assistant in 2007. She is subject to the regulatory authority of this Board. 3 V.S.A. §§ 127,129, 129a, 814(d), 26 V.S.A. §§ 582, 584, the Administrative Rules of the Board of Dental Examiners, and the Rules of the Office of Professional Regulation.
2. On May 9, 2013, Ms. Steele was sent a 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. Stamps on the envelope indicate the notice of charges was delivered.
5. Ms. Steele did not file an Answer to the charges within the required time.
6. On July 22, 2013 notice of the Default Hearing scheduled for this date was mailed to Ms. Steele at that same address by certified mail. She received notice of today's hearing.
7. Ms. Steele has not answered the charges.
8. Upon hearing the State's presentation and taking notice of its own file, the Board finds the Ms. Steele to be in default. The allegations contained in the State's specification of charges dated May 8, 2013 (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. Steele 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. Steele 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. Steele has engaged in the conduct alleged in the State's Specification of Charges.

Order

For practicing without being properly registered with the Board, the Board imposes a civil penalty in the amount of \$500.00 to be paid within 90 days of this Order. The Board will not accept a petition for reinstatement of Ms. Steele's registration unless or until the penalty is paid in full.

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 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:

Katherine Silloway D.D.S.
Katherine Silloway, D.D.S., Chair

Date: August 14, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/14/13

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

IN RE:	)	
JILL MARIE STEELE	)	
License No. 014.0001760	)	Docket No: 2012-267

IN RE:	)	
WENDY KATZ EVERHART, D.D.S.	)	
License No. 016.0000890	)	Docket No: 2012-268

IN RE:	)	
AUDRA JEAN PINTO, D.D.S.	)	
License No. 016.0001236	)	Docket No. 2012-269

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondents, Jill Marie Steele, Wendy Katz Everhart, D.D.S., and Audra Jean Pinto, D.D.S.:

Board Authority

1. The Vermont Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by dentists and dental surgeons pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§767 and 809; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

Facts

2. Jill Marie Steele ("Respondent Steele") of Milton, Vermont was registered with the State of Vermont as a dental assistant under license number 014.0001760. This license was originally issued on or about November 1, 2001 and expired on September 30, 2007.
3. Wendy Katz Everhart, D.D.S. ("Respondent Everhart") of South Burlington, Vermont is licensed by the State of Vermont as a dentist under license number 016.0000890. This license was originally issued on or about July 7, 1982 and expired on September 30, 2013.
4. Audra Jean Pinto, D.D.S. ("Respondent Pinto") of South Burlington, Vermont is licensed by the State of Vermont as a dentist under license number 016.0001236. This license was originally issued on or about February 22, 1995 and expires on September 30, 2013.

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Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

5. Respondent Everhart and Respondent Pinto operate a dental practice in South Burlington, Vermont.
6. Respondent Steele began working for Respondents Everhart and Pinto as a dental assistant in June of 2011 on a part time basis. Respondent Steele's registration as a dental assistant expired on September 30, 2007, and she did not renew her registration when she began working in June of 2011.

Charges

7. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 127(b) (A person practicing a regulated profession without authority may, upon the complaint of the attorney general or a state's attorney or an attorney assigned by the office of professional regulation, be enjoined there from by the superior court where the violation occurred or the Washington County superior court and may be assessed a civil penalty of not more than \$1,000.00. The attorney general or an attorney assigned by the office of professional regulation may elect to bring an action seeking only a civil penalty of not more than \$1,000.00 for practicing a regulated profession without authority before the board having regulatory authority over the profession. Hearings shall be conducted in the same manner as disciplinary hearings. A civil penalty imposed by a board or administrative law officer under this subsection shall be deposited in the professional regulatory fee fund established in section 124 of this title for the purpose of providing education and training for board members and advisor appointees. The director shall detail in the annual report receipts and expenses from these civil penalties);
 - b. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
 - c. 3 V.S.A. § 129a(a)(6) (Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education, or licensing credentials to perform them); and
 - d. 26 V.S.A. § 863(a) (No person shall practice as a dental assistant in this state unless registered for that purpose by the board).

Relief Requested

WHEREFORE, the licenses of Jill Marie Steele, Wendy Katz Everhart, D.D.S., and Audra Jean Pinto, D.D.S should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

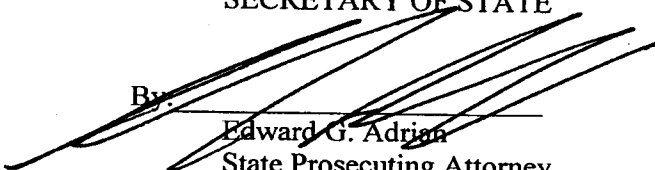
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DATED at Montpelier, Vermont this 8 day of May 2013.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

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