

JUL 5 1989

DOCKET NUMBER

89-337

BEFORE THE GEORGIA BOARD OF DENTISTRY

IN THE MATTER OF:

CHARLES STAMITOLES, D.D.S.
License No. 9979

Respondent.

)
) Docket No. 89-337
)
) AG NO. 64PA-CA-94304-89
)
)

TO: Charles Stamitoles, D.D.S.
1163 Northlake Mall
Atlanta, Georgia 30345

NOTICE OF HEARING

You are hereby notified that the Georgia Board of Dentistry, through its appointed representative, will hold a hearing at the offices of the Board, 166 Pryor Street, S.W., Atlanta, Georgia 30303, at 10:00 o'clock, A.m., on the 23rd day of August, 1989, for the purpose of hearing charges that, if proven, may result in the suspension, revocation or other sanction of your license to practice dentistry in the State of Georgia. You are also notified of the following matters:

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Georgia Board of Dentistry by O.C.G.A. Ch. 11, T. 43, as amended, and in accordance with the Administrative Procedure Act, O.C.G.A. Ch. 13, T. 50, as amended, the Rules and Regulations of the Board and the Rules and Regulations of the Joint Secretary, State Examining Boards.

HEARING OFFICER

Pursuant to the provisions of O.C.G.A. Ch. 13, T. 50, the Georgia Board of Dentistry hereby appoints the hearing officer designated below as hearing officer for the above-styled matter.

NAME: _____
ADDRESS: _____ Jay Ricketts
615A Peachtree West Bldg.
161 Spring Street, N.W.
Atlanta, Georgia 30303

TELEPHONE: 404-523-0839

The hearing officer shall have the authority to exercise those powers on behalf of the Board enumerated in O.C.G.A.

§ 50-13-13(a)(6) or elsewhere in the Georgia Administrative Procedure Act or the rules of the Joint Secretary, as adopted by the Board, in conducting the hearing.

RIGHTS OF RESPONDENT

You have the following rights in connection with this hearing:

- (1) To respond and to present evidence on any relevant issue;
- (2) to be represented by counsel at your expense;
- (3) to subpoena witnesses and documentary evidence through the Board and the Joint Secretary;
- (4) such other rights as are conferred by the Rules and Regulations of the Board and the Rules and Regulations of the Joint Secretary, State Examining Boards.

FILING OF ANSWER AND OTHER PLEADINGS

An Answer to this Notice of Hearing must be filed within fourteen (14) days after receipt or service of this Notice. The original and one duplicate of the Answer and any subsequent pleading or response, each designated as "Original" and "Duplicate" by appropriate marking or stamp, should be filed with the Docket Clerk of the Joint Secretary, 166 Pryor Street, S.W., Atlanta, Georgia 30303. An additional copy of the Answer and any subsequent pleading or response should also be sent to or served upon counsel for the Board, whose name and address appear on the last page of this Notice.

STATUTES AND RULES INVOLVED

Sanction of the Respondent's license is sought pursuant to the following provisions of O.C.G.A. § 43-11-47, as amended:

(a) The board shall have authority to refuse to grant a license to an applicant or to revoke the license of a dentist licensed by the Board or to discipline a dentist licensed under this chapter or any antecedent law upon a finding by the majority of the entire board, that the licensee or applicant has:

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice dentistry; or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of

dentistry but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing dental practice;

O.C.G.A. § 43-1-19(a) provides that a state examining board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of the licensed business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title.

MATTERS ASSERTED

1.

The Respondent is licensed to practice dentistry in the State of Georgia and was so licensed at all times relative to the matters asserted herein.

2.

In violation of the minimal standards of acceptable and prevailing dental practice, Respondent repeatedly attempted to place a porcelain fused to metal crown on tooth # 30 of Patient E.H., Jr., on or about 6/18/85. However, Respondent's final effort at the crown displayed poor marginal adaptation.

3.

In violation of the minimal standards of acceptable and prevailing dental practice, Respondent placed a porcelain fused to metal crown on tooth # 30 on or about 12/9/84 on Patient K.E., which exhibited poor preparation and marginal adaptation. The crown fell out and subsequently had to be remade.

4.

In violation of the minimal standards of acceptable and prevailing dental practice, Respondent made upper and lower dentures for Patient B.J. on or about 3/85, which exhibited extremely poor fit, improper occlusion and poor retention.

5.

In violation of the minimal standards of acceptable and prevailing dental practice, Respondent failed to take

appropriate x-rays and other diagnostic records prior to beginning extensive restorative treatment of Patient L.L. on or about 6/85. In addition, Respondent placed a porcelain fused to metal bridge from teeth #s 11 to 13 on or about 6/11/85, which exhibited poor marginal adaptation and poor retention, and placed a porcelain fused to metal crown on tooth # 10 on or about 6/11/85 which was inadequately prepared, resulting in a loss of the crown.

6.

In violation of the minimal standards of acceptable and prevailing dental practice, Respondent placed a DO amalgam on tooth #3 of Patient B.M. on or about 8/84, which exhibited a gross gingival overhang.

7.

In violation of the minimal standards of acceptable and prevailing dental practice, Respondent performed extensive crown and bridge treatment on Patient V.T. in 1984, which displayed poor marginal adaptation and anatomical form and design, particularly, although not limited to, teeth #s 8 and 9.

8.

In violation of the minimal standards of acceptable and prevailing dental practice, Respondent failed to deliver to Patient S.Y. a crown which had been fabricated and received in Respondent's office on or about 9/30/87 upon the prescription of a previous treating dentist. Respondent improperly refused to give the crown to the patient so that she could have the

crowns placed at her wish by the previous dentist, rather than the Respondent.

The foregoing, if correct, constitutes sufficient grounds for the imposition of sanctions upon the Respondent's license to practice dentistry in the State of Georgia, under O.C.G.A. §§ 43-1-19(d) and 43-11-47(d).

This Notice of Hearing is signed and attested by the Joint Secretary of the State Examining Boards, on behalf of the Georgia Board of Dentistry.

This 5th day of July, 1989.

GEORGIA BOARD OF DENTISTRY

ANNE HANSE, D.D.S.
President

(BOARD SEAL)

William G. Miller, Jr.
WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

Counsel:

ROGER M. SIEGEL
Assistant Attorney General
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MICHAEL J. BOWERS
ATTORNEY GENERAL

The Department of Law
State of Georgia
Atlanta

30334

132 STATE JUDICIAL BUILDING
TELEPHONE (404) 656-3300

DATE: 6/29/89

M E M O R A N D U M

TO: William G. Miller, Jr., Joint Secretary
State Examining Boards

FROM: Roger M. Siegel *RM*
Assistant Attorney General

RE: Notice of Hearing, In the Matter of:
Charles Semtels, DDS
before the Georgia Board of Dentistry

Enclosed please find a Notice of Hearing to be executed in the above-styled matter. Please have the Joint Secretary execute the document in the appropriate manner. I have listed three available dates for the hearing in the spaces below, in order of preference:

July August 23 or 24

Please advise when this document has been served, by forwarding me either a copy of the certified mail receipt or other evidence of service.

Thank you for your assistance in this matter.

Enclosure