

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF
DAVID R. CASTLETON
TO PRACTICE AS A DENTAL HYGIENIST
WITH LOCAL ANESTHESIA
IN THE STATE OF UTAH

: ORDER REINSTATING LICENSE
.
.
: Case No. DOPL-2005-56
:

BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth
in the Division's Stipulation and Order, dated March 3, 2005, in the
above-referenced case number.

IT IS HEREBY ORDERED the probation on the license of DAVID R
CASTLETON to practice as a dental hygienist with local anesthesia is
terminated and said license be reinstated with full privileges
effective the date of this Order

Dated this 18 day of March, 2008.


F. David Stanley
Director

S E A L

L. MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
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BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
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OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF
DAVID R. CASTLETON TO PRACTICE
AS A DENTAL HYGIENIST
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STIPULATION AND ORDER
Case No DOPL-2005- 56

STIPULATION

DAVID R. CASTLETON ("Respondent") and the **DIVISION OF OCCUPATIONAL
AND PROFESSIONAL LICENSING OF THE DEPARTMENT OF COMMERCE** (the
"Division") stipulate and agree as follows

- 1 Respondent is licensed by the Division of Occupational and Professional
Licensing to practice as a Dental Hygienist
- 2 Respondent admits the jurisdiction of the Division over him and over the subject
matter of this action

3 Respondent acknowledges that he enters into this Stipulation knowingly and voluntarily and that no threat has been made by any representative of the Division or of the Attorney General's Office to induce him to enter into this Stipulation

4 Respondent acknowledges that he has the right to retain legal counsel to assist him in this matter and that he is either consulted with an attorney or has chosen to represent himself and waive his right to counsel in this matter

5 Respondent acknowledges that he has a right to receive a Petition and Notice of Agency Action, and, by signing this Stipulation, he waives those rights

6 Respondent understands that he is entitled to a hearing before the Utah Dental and Dental Hygienist Licensing Board, or other Division presiding officer, to contest any allegations raised in a Petition. At said hearing, Respondent understands that he may present to the Board evidence on his own behalf, call witnesses, and confront adverse witnesses

7 By signing this Stipulation, Respondent acknowledges that he knowingly and voluntarily waives the following

- a the right to a hearing before the Board or a presiding officer of the Division to contest, dispute or otherwise challenge a Petition of the Division,
- b the right to present evidence on his own behalf,
- c the right to call witnesses,
- d the right to confront adverse witnesses, and
- e such other rights to which Respondent may be entitled in connection with said hearing

8 Respondent admits the following facts on or about January 25, 2005, Respondent was convicted in the South Salt Lake City Justice Court of domestic assault and criminal mischief Respondent was placed on a one-year term of probation with the court with terms and conditions, including a fine and requirements to complete domestic violence counseling

9 Respondent admits his conduct described above is "unprofessional conduct" as defined in Utah Code Ann § 58-1-501(2) and that said conduct is a basis for the Division to act with respect to his license pursuant to Utah Code Ann § 58-1-401

10 Based on the forgoing, the Respondent agrees to the following.

- (1) Respondent's license to practice as a dental hygienist in the state of Utah shall be revoked That revocation shall be immediately stayed in favor of a three-year term of probation with conditions as follows
 - a. Respondent shall comply with all provisions of his probation imposed by the South Salt Lake City Justice Court
 - b. Respondent shall meet with the Board within thirty (30) days of the signing of the accompanying Order and on a quarterly basis or at other greater or lesser frequency as determined by the Board and Division for the duration of the probationary period thereafter
 - c. Respondent shall meet with a designated Division staff member to review his Order prior to meeting with the Board
 - d. Respondent shall be evaluated by a mental health practitioner approved by the Board who specializes in anger management within 60 days of the effective date of the Order in this matter Any reports obtained by or made by Division personnel while conducting their investigation shall be made available to the evaluator Respondent shall execute the necessary releases to allow the evaluator to communicate completely with the Division and Board regarding the evaluation and any treatment recommended
 - e. After Respondent has been evaluated, he shall comply with any recommended treatment or training recommended by the evaluator

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- f Respondent shall provide to his employer(s) a copy of this Order and cause each employer to acknowledge to the Board in writing, that a copy of the Order has been provided to the employer(s)
 - g Respondent shall notify the Board, within one (1) week, and in writing, of any change of employer or employment status. This is required regardless of whether Respondent is employed in the practice of ~~Chiropractic~~ Dental Hygiene.
 - h Should Respondent not be employed in practice as a dental hygienist during his probationary period for a consecutive period of more than 60 days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable
 - i In the event Respondent should leave the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation. Periods of residency or practice outside this State may apply to the reduction of the probation period if the new state of residency places Respondent on probation with equal or greater terms and conditions
 - j Should Respondent be arrested or charged with a criminal offense by any law-enforcement agency for any reason or should Respondent be admitted as a patient to any institution in this State or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Board to be notified immediately

- k Respondent must maintain a current license at all times during the period of probation
- l Respondent shall immediately notify the Division, in writing, of any changes of address within ten (10) working days
- m In the event Respondent violates or fails to fulfill any terms or conditions as contained in this Stipulation above, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation and impose any sanction stayed thereby, and otherwise proceed against Respondent under applicable law. If a complaint or petition to revoke probation is filed against Respondent during probation, the period of probation and all relevant probationary terms and conditions shall be extended until the matter is final
- n Should Respondent be subject to any court-ordered probation or parole at the time his probation under this agreement is due to be terminated, the probation under this agreement shall be extended until Respondent is no longer under the supervision of the courts
- o The Board/Division may reduce any term or condition contained herein without further proceedings by issuance of an amended Order

11 This Stipulation and Order, upon approval by the Director of the Division shall be the final compromise and settlement of this matter. Respondent acknowledges that the Director of the Division is not required to accept the terms of this Stipulation and Order, and, if the Director does not so accept, the Stipulation and Order shall be null and void.

12 The Division and Respondent waive any claim of bias or prejudgment they might have with regard to the Director by virtue of his having reviewed this Stipulation.

13 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will constitute a public document and may be released by the Division to members of the public and other entities. In addition, the Division may inform other persons and entities of the action taken herein and of the content of this Stipulation and Order.

14 Respondent acknowledges that this Stipulation constitutes the entire agreement between the parties and supersedes any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject matter of this Stipulation. There are no verbal agreements that modify, interpret, construe, or affect this Stipulation.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY *Daniel T Jones*
DANIEL T. JONES
Bureau Manager

DATE 2-23-05

RESPONDENT

BY *David R. Castleton*
DAVID R. CASTLETON
Respondent

DATE *DC* 3/1/05
3/1/05

MARK L. SHURTLEFF
ATTORNEY GENERAL

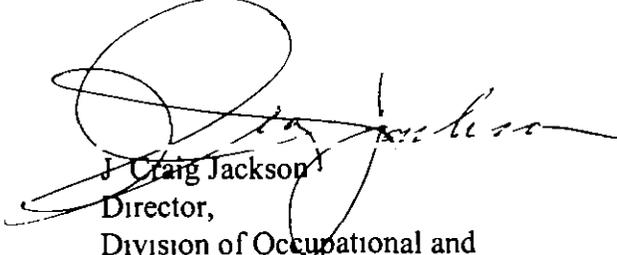
BY *L. Mitchell Jones*
L. MITCHELL JONES
Counsel for the Division

DATE 22 Feb 2005

ORDER

THE STIPULATION ABOVE, in the matter of **DAVID R. CASTLETON**, is approved by the
Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and
Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated
herein and constitute my final Order in this case.

DATED this 3rd day of March, 2005


J. Craig Jackson
Director,
Division of Occupational and
Professional Licensing