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

—

IN THE MATTER OF THE LICENSES OF)	
MATTHEW O. LYMAN TO PRACTICE)	STIPULATION AND ORDER
AS A DENTIST AND TO ADMINISTER AND)	
PRESCRIBE CONTROLLED SUBSTANCES)	CASE NO DOPL 2007- 228
IN THE STATE OF UTAH)	

—

MATTHEW O. LYMAN (“Respondent”) and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by
counsel in this matter and Respondent's signature below signifies that Respondent has either
consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State
of Utah's Dentist and Dental Hygienist Licensing Board ("the Board"), or other Division
Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf,
call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this
document Respondent hereby waives the right to a hearing and any other rights to which
Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency
Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the
Director of the Division, will be classified as a public document and may be released to other
persons and entities

7 Respondent admits the following facts are true

(a) In or about May 2005 Respondent fondled the breasts and groin of an adult
female patient while the patient was sedated with Halcion during a root canal
procedure

(b) On October 16, 2007 Respondent pleaded guilty to one count of attempted
sexual abuse, a third degree felony, and one count of sexual battery, a Class A
misdemeanor, in First District Court in Logan, Utah

8 Respondent admits that Respondent's conduct described above is unprofessional
conduct as defined in Utah Code Ann § 58-1-501(2)(a), (c) and (k), and that said conduct
justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-

401(2)(a) Respondent hereby surrenders Respondent's licenses to practice as a dentist and to administer and prescribe controlled substances in the State of Utah. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action against Respondent's licenses by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). Respondent agrees not to reapply for licensure as a dentist or to administer and prescribe controlled substances in the State of Utah for a period of five years from the date the Division Director signs this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a dentist and to administer and prescribe controlled substances in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudice Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no

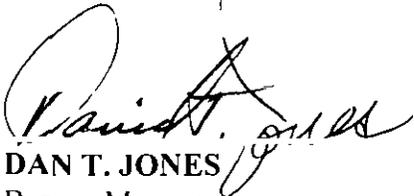
verbal agreements that modify, interpret, construe or affect this Stipulation

11 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law

12 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

RESPONDENT

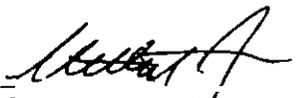
BY 
DAN T. JONES
Bureau Manager

BY 
MATTHEW O. LYMAN

DATE 11-1-07

DATE 10/23/07

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE 1 Nov 2007

ORDER

THE ABOVE STIPULATION, in the matter of **MATTHEW O. LYMAN**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 5 day of *November*, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F DAVID STANLEY
Director

Investigator Galen Kester