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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)
TAD H. BUTTERFIELD) **STIPULATION AND ORDER**
TO PRACTICE AS A DENTIST AND TO)
ADMINISTER AND PRESCRIBE) CASE NO. DOPL 2010- 219
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

TAD M. BUTTERFIELD (“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 Board ("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 understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-46b-12 through R156-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G4-102(4).

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

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent was first licensed to practice as dentist and to administer and prescribe controlled substances in the State of Utah on or about October 11, 1990.
- b. On or about October 20, 2008 Respondent voluntarily signed a Stipulation and Order in DOPL Case No. 2008-255 in which Respondent admitted to unprofessional conduct. Among other violations, Respondent took money from patients and then failed to provide services. Respondent's licenses were revoked, the revocation stayed, and Respondent's licenses were placed on probation for three years, subject to terms and conditions.
- c. Respondent allowed his licenses to lapse on or about May 31, 2010 in violation of paragraph 7(1)(t) of the Stipulation and Order in DOPL Case #2008-255. Respondent has not renewed his Utah licenses.
- d. Respondent has violated other terms and conditions of the Stipulation and Order in DOPL Case No. 2008-255, including failing to timely complete a psychological evaluation within 90 days, failing to attend recommended therapy, failing to timely submit an essay, and failing to timely submit a practice plan. Respondent has also failed to reimburse or complete dental procedures for patients mentioned in the Stipulation and Order in DOPL Case No. 2008-255.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a). Respondent agrees by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

- (1) Respondent's licenses to practice as a dentist and to administer and prescribe controlled substances in the State of Utah shall be suspended and remain suspended until Respondent has reimbursed in full all the clients mentioned in the Stipulation and Order in

DOPL Case No. 2008-255 as set forth in the document created by Respondent dated October 1, 2009, which incorporated by reference and attached as Exhibit A; and has an imminent employment opportunity in the dentistry field. Respondent shall submit a request to the Division that the suspensions be lifted on his licenses when Respondent has complied with the preceding requirements. Once the suspension of Respondent's licenses is lifted, all the terms and conditions of the Stipulation and Order in DOPL Case No. 2008-255 shall remain in effect. The period of Respondent's probation shall be tolled while Respondent's licenses are suspended.

- (2) If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, 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 Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, including an offense based on the conduct described in this Stipulation and Order, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.
- (3) Respondent shall renew his licenses within 30 days of the effective date of this Stipulation and Order. Respondent shall maintain current licenses to practice dentistry and to administer controlled substance in the State of Utah at all times during the period of this agreement.
- (4) Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.

9. Upon approval by the Director of the Division, this Stipulation and Order 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 the Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

11. 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. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Division or Board. Failure to comply with and timely complete a term or condition shall constitute a violation of the

Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. 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. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

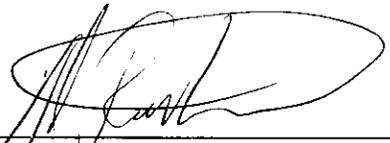
15. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY: 
NOEL TAXIN
Bureau Manager

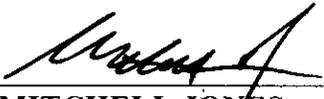
DATE: 7/29/10

RESPONDENT

BY: 
TAD H. BUTTERFIELD
Respondent

DATE: 7/28/2010

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 29 July 2010

ORDER

THE ABOVE STIPULATION, in the matter of **TAD H. BUTTERFIELD**, 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 29TH day of July, 2010.



DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

for W. Peay Walker, Acting Director
MARK B. STEINAGEL
Director

Investigator: Noel Taxin