

**BEFORE THE DENTAL BOARD OF THE STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE NOTICE OF HEARING AGAINST**

**BRIAN L. JAMES, D.D.S., RESPONDENT**

**MONTICELLO, IOWA**

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**NOTICE OF HEARING, SETTLEMENT AGREEMENT AND FINAL ORDER**

**(combined)**

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**COMES NOW** the Iowa Dental Board (the Board), and Brian L. James, D.D.S. (Respondent), on October 28<sup>th</sup>, 2009, and pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4), enter into the following combined Notice of Hearing, Settlement Agreement and Final Order.

**NOTICE OF HEARING**

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.
2. Respondent was issued license number 07230 to practice dentistry in the state of Iowa on June 16, 1987.
3. Respondent's Iowa dental license is current and will expire on August 31, 2010.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

## **SECTIONS OF STATUTES AND RULES INVOLVED**

### **COUNT I**

5. Respondent is charged under Iowa Code Section 153.34(4) and 650 Iowa Administrative Code 30.4(22) with employing or permitting an unregistered person to practice dental assisting.

## **STATEMENT OF MATTERS ASSERTED**

6. Iowa law requires that a person engaged in the practice of dental assisting to register with the Board pursuant to Iowa Code Section 153.39(1), and 650 Iowa Administrative Code Section 20.1.
7. Respondent allowed an unregistered person who graduated from Respondent's dental assistant program to perform dental assisting duties which cannot be legally delegated to that person.

## **SETTLEMENT AGREEMENT**

8. Respondent agrees to submit a civil penalty in the amount of five hundred dollars (500.00) to the Iowa Dental Board within sixty (60) days of the date of this Order.

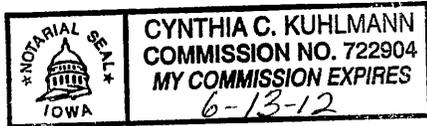
## **FINAL ORDER**

9. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

10. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
11. Respondent understands that by entering into this combined Notice of Hearing, Settlement Agreement and Final Order, he cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
12. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
13. Respondent acknowledges that he has the right to be represented by counsel in this matter.
14. This combined Notice of Hearing, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.
15. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
16. This combined Notice of Hearing, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined

Notice of Hearing, Settlement Agreement and Final Order, it shall be of no force or effect to approval of either party.

17. The Board's approval of this Notice of Hearing, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

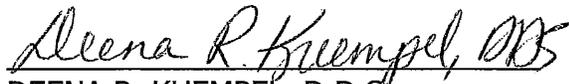


  
Brian L. James, D.D.S.  
Respondent

Subscribed and sworn to before me on July 31, 2009.  
Cynthia C. Kuhlmann, Notary Public

Notary Public, state of Iowa

This combined Notice of Hearing, Settlement Agreement and Final Order is approved by the Board on October 28<sup>th</sup>, 2009.

  
DEENA R. KUEMPEL, D.D.S.  
Chairperson  
Iowa Dental Board  
400 SW 8<sup>th</sup> Street, Suite D  
Des Moines, IA 50309-4687

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