

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

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**RANDALL W. TOOTHAKER, D.D.S., RESPONDENT**

**FT. DODGE, IOWA**

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**STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER**

**(combined)**

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**COMES NOW** the Iowa Dental Board (the Board), and Randall W. Toothaker, D.D.S. (Respondent), on October 23<sup>rd</sup>, 2015, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, 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 Statement of Charges, Settlement Agreement and Final Order.
2. Respondent was issued license number 09060 to practice dentistry in the state of Iowa on November 25<sup>th</sup>, 2013.
3. Respondent's Iowa dental license is current and will expire on August 31, 2016.

## **LEGAL AUTHORITY AND JURISDICTION**

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

## **STATEMENT OF CHARGES**

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

#### **COUNT I**

5. Respondent is charged under Iowa Code section 153.34(10) (2015) and 650 Iowa Administrative Code rule 30.4(4) for being convicted of theft of government property.

## **STATEMENT OF MATTERS ASSERTED**

6. Respondent was previously employed as a dentist for the Veteran Affairs Medical Center in Omaha, Nebraska.
7. On July 26<sup>th</sup>, 2013, the Respondent was found with stolen precious metals, including gold, that were owned by the Nebraska VA dental clinic. The property was valued at \$16,827 dollars.
8. Respondent pled no contest to a felony charge of theft of government property, and was adjudicated guilty on April 9, 2015 by the United States District Court for the District of Nebraska.

## **SETTLEMENT AGREEMENT**

**THEREFORE, IT IS HEREBY ORDERED** that Respondent's Iowa dental license shall be placed on probation for a period of five (5) years effective the date of this Order. This probation shall be subject to the following terms and conditions:

9. Respondent shall fully disclose this Order to all current and future licensees, employees and/or employers at Respondent's place of employment. Respondent shall report back to the Board with signed statements from all such licensees, employees and employers within fourteen (14) days of the date of this Order, and thereafter within fourteen (14) days of any new employment relationship, indicating that they have read this Order, and understand the current terms and conditions placed on Respondent's dental license. All employees shall report any concerns directly to the Board without adverse employment consequences.
10. Respondent agrees to pay 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 made payable to Treasurer, State of Iowa, and to be deposited in the general fund.
11. Respondent shall comply with random unannounced visits by agents of the Board to determine compliance.
12. Periods of residence outside of the state of Iowa may be applied toward period of the probation if approved by the Board prior to the commencement of the out of state residency. Notice of any change of residence must be provided to the Board within fourteen (14) days.
13. Notice of any change of practice location must be provided to the Board within fourteen (14) days.

## **FINAL ORDER**

14. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
15. By entering into this combined Statement of Charges, 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.
16. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, he cannot obtain a copy of the investigative file. Under Iowa Code 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.
17. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
18. Respondent acknowledges that he has the right to be represented by counsel in this matter.
19. This combined Statement of Charges, 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 22 and 272C.
20. Respondent understands that the Board will report this Order to the National Practitioner Data Bank.

21. 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.
22. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to approval of either party.
23. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.



Randall W. Toothaker, D.D.S.  
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on October 23<sup>rd</sup>, 2015.



STEVEN P. BRADLEY, D.D.S.  
Chairperson  
Iowa Dental Board  
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