

February 6, 2012

FILED

Darrell J. Evans, D.D.S.  
5125 Vineyard Lane  
McKinney, TX 75070

FEB - 3 2012

KANSAS DENTAL BOARD

**RE: SUMMARY ORDER OF DENIAL  
CASE NO. 11-123**

Dear Dr. Evans:

The information you ("Applicant") provided the Kansas Dental Board (the "Board") with your application has been reviewed. On behalf of the Board, your application to practice dentistry in the State of Kansas is denied. This denial is based upon the following:

**FINDINGS OF FACT**

1. The Applicant was initially licensed to practice dentistry in the State of Texas on September 27, 1993. The Applicant was licensed by examination in the State of Texas.
2. The Applicant's license to practice dentistry in the State of Texas expired on February 1, 2005.
3. On December 8, 2005, the Texas State Board of Dental Examiners was notified that the Applicant had been convicted in 1996 by General Court Martial of falsifying documents, theft of \$4,340 of government property, making a false claim against the United States for \$2,300, and making a false lease agreement for the purpose of obtaining the approval of a claim against the United States. The Applicant was subsequently sentenced to 120 days confinement at Fort Leavenworth Federal Prison, Leavenworth, Kansas, and dishonorably discharged from the United States Air Force.
4. On February 1, 2006, the Applicant's license to practice dentistry in the State of Texas was cancelled.
5. In or around August 2006, the Applicant was indicted for Practicing Dentistry Without A License, a third-degree felony, in The Criminal District Court #7, Dallas County, Texas.
6. On March 27, 2008, the Applicant pled Nolo Contendere and received a deferred adjudication for Practicing Dentistry Without A License, a third-degree felony, in The Criminal District Court #7, Dallas County, Texas. The Applicant was placed on probation for five (5)

years and ordered to pay a fine of \$100, court costs of \$211, and restitution of \$3,463.

7. On December 16, 2009, the Applicant received an early discharge from probation in The Criminal District Court #7, Dallas County, Texas.

8. On August 20, 2010, the Applicant applied for a license to practice dentistry in the State of Texas. The Texas State Board of Dental Examiners denied the Applicant's application for a license to practice dentistry in the State of Texas.

9. On August 29, 2011, the Board received an Application By Examination ("Application") to practice dentistry in the State of Kansas from the Applicant.

10. As part of the Application, the Applicant was required to answer Question 10(c), which reads: "Have you been found guilty or pled no contest to any felony or misdemeanor?" The Applicant answered "No" to Question 10(c) on the Application.

11. The Applicant, however, submitted additional documentation indicating a "Yes" response to Question 10(c). The documentation submitted includes information regarding the Applicant's General Court Martial, dishonorable discharge from the United State Air Force, and conviction for Practicing Dentistry Without A License, a third-degree felony, in The Criminal District Court #7, Dallas County, Texas.

12. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, authorizes the use of summary proceedings by a state agency when denying an application.

13. Pursuant to K.S.A. 65-1436(a)(1), the Board may refuse to issue a license under the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*, whenever it is established that an applicant has "[c]ommitted fraud, deceit or misrepresentation in obtaining any license, money or other thing of value . . . ."

14. Pursuant to K.S.A. 65-1436(a)(9), the Board may refuse to issue a license under the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*, whenever it is established that an applicant has "been convicted of a felony or a misdemeanor involving moral turpitude in any jurisdiction and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust . . . ."

15. Pursuant to K.S.A. 65-1436(a)(18), the Board may refuse to issue a license under the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*, whenever it is established that an applicant has "had a license to practice dentistry revoked, suspended or limited, has been censured or has had other disciplinary action taken, has had an application for license denied, or voluntarily surrendered the license after formal proceedings have been commenced by the proper licensing authority of another state, territory or the District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof . . . ."

16. The conduct described herein violates the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*

17. If the information provided is incorrect, or if you wish to present your case to the Board, please let us know immediately by following the procedure for requesting a hearing.

**NOTICES**

18. Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing.

19. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, you may request a hearing pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, by filing a written request within fifteen (15) days of the date of service of this Summary Order to:

B. Lane Hemsley, Executive Director  
Kansas Dental Board  
900 S.W. Jackson Street, Room 564-S  
Topeka, Kansas 66612

20. If a hearing is not requested as described above, this Summary Order denying your application for a dental license shall become a Final Agency Order of the Board, effective upon the expiration of the time for requesting a hearing.

21. If a hearing is requested as described above, the prior issuance of the Summary Order shall not affect the burden of proof.

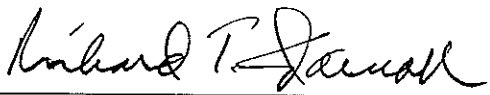
22. Within fifteen (15) days after entry of a Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

23. Within the time limits established in K.S.A. 77-613, either party may file a petition for judicial review of a Final Agency Order in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* The agency officer designated to receive service of a petition for judicial review is:

B. Lane Hemsley, Executive Director  
Kansas Dental Board  
900 S.W. Jackson Street, Room 564-S  
Topeka, Kansas 66612

**IT IS SO ORDERED.**

2/3/12  
DATE

  
Richard Darnall, D.D.S.  
Investigation Member  
Kansas Dental Board

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6<sup>th</sup> day of February, 2012, deposit in the United States Mail, first class postage prepaid, a copy of this **AGENCY SUMMARY ORDER OF DENIAL** properly addressed to the following:

Randall J. Forbes, Esq.  
Frieden, Unrein & Forbes  
555 South Kansas Avenue, Suite 303  
Topeka, Kansas 66603

and mailed one (1) copy first class mail, and (1) copy certified return receipt requested to:

Darrell J. Evans, D.D.S.  
5215 Vineyard Lane  
McKinney, TX 75070

  
B. Lane Hemsley  
Executive Director  
Kansas Dental Board