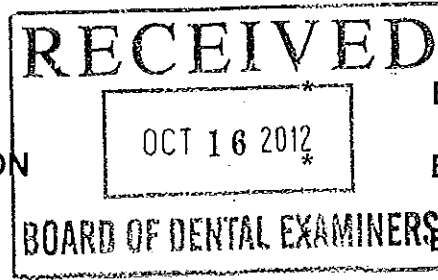


IN THE MATTER OF
MICHELE A. SAMPSON
APPLICANT



BEFORE THE STATE
BOARD OF DENTAL
EXAMINERS

CASE NUMBER: 2011-087

*Certificate # 17909
as of 2/22/2013*

* * * * *

FINAL CONSENT ORDER

The State Board of Dental Examiners (the "Board") notified Michele A. Sampson ("the Applicant"), d.o.b. 06/15/1966, of the Board's intent to deny her Application for Dental Radiation Technologist Certification, under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101*et seq.* (Repl. Vol. 2009). The pertinent provisions state:

H.O. § 4-505 Certification of dental radiation technologists.

(d) After July 1, 1988, an individual may not practice dental radiation technology unless certified by the Board.

Code of Md. Regs tit. 10, § 44.19

.03 Qualifications.

A. Except as otherwise provided in these regulations, to qualify to be certified as a dental radiation technologist, an applicant shall be an individual who:

(2) Is of good moral character.

. 11 Penalties for Violations of These Regulations.

A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology, reprimand any certified dental radiation technologist, place any certified dental radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

(7) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

On August 15, 2012, a Case Resolution Conference ("CRC") was held at the Board offices. As a result of the CRC, the Board agreed to grant and the Applicant accepted a Probationary Certification and entered into this Consent Order.

FINDINGS OF FACT

The Board finds that:

1. On or about April 22, 2010, the Board received the Applicant's Application for Dental Radiation Technologist Certification ("Application for Certification").

2. On her Application for Certification, the Applicant answered 'yes' to the following question:

f. Have you pled guilty, nolo contendere, had a conviction or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations?

3. On her Application for Certification, the Applicant answered 'no' to the following question:

g. Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substance?

4. The Applicant provided a written statement with her Application to explain her "yes" answer to question f.

5. In her written statement dated April 16, 2010, the Applicant stated that "I have been found guilty of charges in my pass".

6. An investigation by the Board revealed the following:

7. On or about May 31, 2008, the Applicant was charged in the District Court for Baltimore City, Maryland, with one (1) count of prostitution, in violation of Md. Crim. Law. Code Ann. § 11-306.08.

8. The charges were based on the allegation that the Applicant solicited an undercover police officer for the purpose of performing fellatio and sexual intercourse

9. On or about March 30, 2010, the Applicant was found guilty of one (1) count of Prostitution, in violation of Md. Crim. Law. Code Ann. § 11-306.08.

10. Prostitution is a crime involving moral turpitude.

11. Judge Kathleen M. Sweeny of the District Court for Baltimore City granted the Applicant probation before judgment. The Applicant was also placed on supervised probation for a period of two (2) years.

12. On or about July 12, 1995, the Applicant was indicted by the Grand Jurors sitting in Baltimore County, Maryland for five (5) counts of robbery with a dangerous and deadly weapon in violation of Art. 27, §§ 488, 489; two (2) counts of robbery in violation of Art 27, §§ 486,487; three (3) counts of attempted robbery, in violation of the common law; one (1) count of burglary in the first degree, in violation of Art 27, § 29; one (1) count of burglary in the fourth degree, in violation of Art 27, §32 (a) (1); two (2) counts of use of a handgun in the commission of a felony of a crime of violence, in violation of Art. 27, §36B; two (2) counts of carrying a deadly weapon, to wit; handgun, with intent to injure, in violation of Art. 27, §36; three (3) counts of assault, in violation of the common law; one (1) count of battery, in violation of the common law; two (2) counts of theft under three hundred dollars, in violation of Art 27, § 342; one (1) count of conspiracy to commit robbery with a dangerous and deadly weapon, in violation of the common law; and one count of conspiracy to commit burglary, in violation of the common law.

13. On or about February 23, 1996, a Baltimore County jury in *State of Maryland v Michelle Littlejohn*, case number: 95CR2893, found the Applicant guilty of two (2) counts of robbery with a dangerous and deadly weapon in violation of Art. 27, §§ 488 and 489; one (1) Count of Burglary in the first degree, in violation of Art. 27, § 29; and one (1) count of use of a handgun in commission of a crime of violence, in violation of Art. 27, §36B.

14. Robbery with a dangerous and deadly weapon is a felony and a crime involving moral turpitude.

15. Burglary in the first degree is a felony and a crime involving moral turpitude.

16. Use of a handgun in commission of a crime of violence is a crime involving moral turpitude.¹

17. On or about October 26, 1995, the Applicant pled guilty to one (1) count of credit card fraud. The Applicant received a suspended sentence and was placed on probation.

18. Credit Card fraud is a crime involving moral turpitude.

19. On or about April 8 1993, the Applicant was found guilty of theft under three hundred dollars. The Applicant was sentenced to seven (7) months of incarceration with all but six (6) month stayed and was placed on probation.

20. Theft under three hundred dollars is a crime involving moral turpitude.

21. The Applicant's guilty pleas and her convictions, as set forth above, are grounds for denial of her Application for Certification as a Dental Radiation Technologist under Code of Md. Regs. tit. 10, § 44.19. 03A (2) and Code of Md. Regs. tit. 10, § 44.19.11 (7).

¹ The applicable crime of violence is robbery with a dangerous and deadly weapon.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant that the Applicant's conduct as set forth in the findings of fact is a violation of Code of Md. Regs tit. 10, § 44.19 .11A (7).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, on this 16th day of November 2012, the Board, by a majority of the quorum of the Board, hereby:

ORDERED that the Applicant shall be granted a certificate to practice dental radiation technology; and it is further

ORDERED that before the Applicant can be issued a certificate to practice dental radiation technology, the Applicant shall undergo random drug testing at a testing facility approved by the Maryland Dental Hygiene Well Being Committee (the WBC"); and it is further

ORDERED that if the results of the Applicant's drug testing are positive for any illegal drugs and/or any medications, not supported by an authorized prescription, the Applicant shall not be issued a certificate to practice dental technology; and it is further

ORDERED that once the Applicant is issued a certificate to practice radiation technology, the Applicant shall be placed on **PROBATION** for a period of two (2) years commencing on the effective date of this Order, and, subject to the following terms and conditions:

1. The Applicant shall enter into a signed and dated contract with the WBC within thirty (30) days of the effective date of this Order;
2. The Applicant's contract with WBC shall be for a minimum of two (2) years.

3. The Applicant shall comply with all provisions set forth in her WBC contract.
4. The Applicant shall undergo random drug testing no less than every ninety (90) days. The Applicant's compliance will be monitored by WBC.
5. The Applicant shall provide the Board with the name and address of her employer within three (3) days of her employment as a dental assistant.
6. The Applicant shall provide her employer with a copy of this Order.
7. The Applicant's employer supervisor shall submit a semi-annual written report to the Board that summarizes the Applicant's practice and addresses any other concerns. The Applicant shall ensure that the Board receives the first report no later than six months from the effective date of this Order and every six (6) months thereafter. An unsatisfactory report will be considered a violation of this Consent Order.
8. The Applicant shall provide the Board with written notification of any change in her employment within three (3) days of such change.
9. The Applicant shall submit a semi-annual written report that describes her progress during her probationary period. The Board shall receive the first report no later than six months from the effective date of this Order and every six (6) months thereafter.
10. If the Applicant moves either permanently or temporarily, the Applicant shall provide the Board with written notification of her new address and telephone number within three (3) days of the move.

ORDERED that a positive drug screen result by the Applicant shall result in immediate suspension of the Applicant's certification without either prior notice or an opportunity to be heard, provided that she is afforded an opportunity for a show cause hearing before the Board at the Board's next scheduled meeting. The resulting order shall be a public order and this Consent Order shall be incorporated therein; and it is further

ORDERED that at the end of Applicant's probationary period, Applicant shall file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that Applicant (1) has satisfactorily fulfilled all the terms and conditions set forth herein, (2) is not in violation of this Consent Order, and (3) there are no outstanding complaints against

the Applicant and (4) the Applicant has not received any unsatisfactory reports; and it is further

ORDERED that if the Applicant fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Consent Order; and it is further

ORDERED that if the Applicant violates any of the terms of this Consent Order, after notice and a hearing, and a determination of violation, the Board may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence. The resulting order shall be public and this Consent Order incorporated therein; and it is further

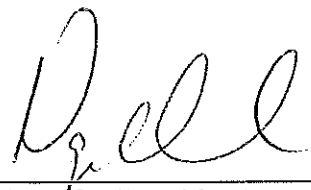
ORDERED that the Applicant shall be responsible for all costs incurred under this Consent Order, except for those cost incurred through the WBC; and it is further

ORDERED that the **effective** date of this Consent Order is the date that this consent Order is signed by the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-601*et seq.* (2009 Repl. Vol. & 2011 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and be it further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol. & 2011 Supp.).

Date 11/16/12



Ngoc Q. Chu D.D/S., President
State Board of Dental Examiners

CONSENT OF MICHELE A. SAMPSON

I, Michele A. Sampson by affixing my signature hereto, acknowledge that:

1. I chose not to be represented an attorney.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 4-318 (Repl. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 2009).

3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth in this Consent Order, as a resolution of the Board's case, based on the findings set forth herein.

5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. Code Ann. § 4-319 (Rep. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Rep. Vol. 2009).

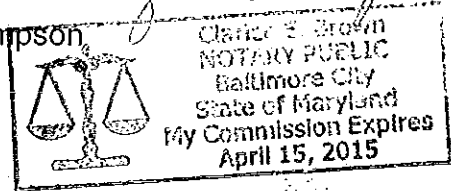
6. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, I may be subject to disciplinary action, which may include revocation of my certification to practice as dental radiation technologist in the State of Maryland.

7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this order.

10/11/12
Date

Michele A. Littlejohn Sampson

Michele A. Sampson



NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I hereby certify that on this 11th day of October, 2012, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared MICHELE A. SAMPSON and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Clarice E. Brown
Notary Public

My Commission Expires: April 15, 2015