

STATE OF MARYLAND

DHMH

Maryland State Board of Dental Examiners

Maryland Department of Health and Mental Hygiene
Spring Grove Hospital Center • Benjamin Rush Building
55 Wade Avenue / Tulip Drive • Catonsville, Maryland 21228

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

November 18, 2009

**CERTIFIED RETURN RECEIPT REQUESTED
NUMBERS 70993400001219906817 & FIRST CLASS MAIL**

Andrei Rudic, D.M.D.
4345 Wisconsin Avenue
Washington, DC 20016

Re: Andrei Rudic, D.M.D.
Notice of Intent to Deny Application for
Dental Licensure
Case No.: 2009-004

Dear Dr. Rudic:

On December 18, 2008, the Maryland State Board of Dental Examiners ("the Board") voted to issue a Notice of Intent to Deny your Application for Dental Licensure, pursuant to the Maryland Dentistry Act ("the Act") Md. Health Occ. Code Ann. §§ 4-101 *et seq.* (Repl. Vol. 2005 and Supp. 2009) and the Maryland Administrative Procedure Act., Md. State Govt. Code Ann. §§ 10-201 *et seq.*, (Repl. Vol. 2004 & Supp. 2009). Enclosed is a Notice of Intent to your Deny Application for Dental Licensure ("the Notice") that has been signed by the Board and an unexecuted Final Order of Dental Licensure ("Final Order").

Under the Maryland Dentistry, you are entitled to an evidentiary hearing before the Board may deny your application to practice dentistry. The Board will schedule a hearing upon receipt of your request for a hearing. If you request a hearing, you must do so in writing **no later than thirty (30) days from the date of this Notice**. This request should be sent to:



Re: Andrei Rudic, DDS
Letter of Procedure
Page 2

Murray Sherman, Legal Assistant
Maryland State Board Dental Examiners
Spring Grove Hospital
Benjamin Rush Building
55 Wade Avenue
Baltimore, Maryland 21228
Phone: (410) 402-8530
Fax: (410) 402-8523

A copy of your request for a hearing to:

Sherrai V. Hamm, Assistant Attorney General
Office of the Attorney General -DHMH
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Phone: (410) 767-1872
Fax: (410) 333-5831

At the hearing you will have the opportunity to address the Board. Following your presentation, Sherrai V. Hamm, Assistant Attorney General, will present the State's argument in favor of denying your application.

In the event of a hearing, the proceedings before the Board will be conducted in accordance with the Maryland Administrative Procedure Act, and the regulations adopted by the Board at Code Md. Regs. tit. 10, § 44.07.

Please be advised that if you request a hearing, but fail to appear, the Board has the authority to hear and determine the matter despite your absence.

Any decision made by the Board could affect your application to practice dentistry in the State of Maryland; therefore, **you are strongly urged to retain and be represented by an attorney at all stages before the Board.** To appear on your behalf, your attorney must be admitted to the Bar in Maryland or specifically admitted under Maryland Rule 14.

Failure to request a hearing within thirty (30) days of the date of this notice will result in the Board signing the enclosed Final Order.

Re: Andrei Rudic, DDS
Letter of Procedure

Page 3

If you have any questions about the Notice, please contact Ms. Hamm at the Office of the Attorney General, 300 W. Preston Street, Suite 207, Baltimore, Maryland 21201, (410) 767-1872.

Sincerely,

Jane S. Casper, R.D.H., M.A.
President
Board of Dental Examiners


Enclosures

cc: Sherrai V. Hamm, Assistant Attorney General
Richard Bloom, Board Counsel
John Nugent, Deputy Counsel
Laurie Sheffield-James, Executive Director
Leslie E. Grant, D.D.S., Dental Compliance Officer
Deborah Welch, Licensing Coordinator
Desiree DeVoe, Paralegal II

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
300 West Preston Street/Suite 207
Baltimore, Maryland 21201
(410) 767-1872
FAX (410) 333-5831

MEMORANDUM

TO: Laurie Sheffield-James
Executive Director
State Board of Dental Examiners

FROM: Sherrai V. Hamm 
Assistant Attorney General

RE: Andrei Rudic, D.M.D. ("the Applicant")
Case Number: 2009-004

DATE: November 4, 2009

On December 18, 2008, the Board voted to initially deny the Applicant's application for dental licensure. After reviewing the necessary documents in this case, I determine that a legally sufficient basis exist for the Board to proceed with this case.

Enclosed are the Notice of Intent to Deny Application of Dental Licensure ("Notice of Intent to Deny"), Unexecuted Final Order ("the Order"), and the Letter of Procedure. I am forwarding these documents to you electronically as well as interoffice mail.

To ensure that the Notice of Intent to Deny is formally issued:

1. Please make sure the Notice of Intent to Deny and the Order are ratified by the Board.
2. Once the documents are ratified, please have only the Notice of Intent to Deny and the Letter of Procedure signed and dated. The date and method of mailing (certified receipt numbers) should be typed on the first page of the Letter of Procedure before the documents are forwarded to the Applicant.
3. **PLEASE NOTE:** the Board President should not sign the Order unless the Applicant fails to request a hearing within thirty (30) days of the date on the Notice of Intent to Deny.

Notice of Intent to Deny Dental Licensure
Page 2

4. The Applicant should be served with the signed and dated original Letter of Procedures and Notice of Intent to Deny and the unexecuted Order.
5. A copy of all documents served on the Applicant should be forwarded to John Nugent, Deputy Counsel; Richard Bloom, Board Counsel; Desiree DeVoe, Paralegal II; and, to me.
6. One original copy of all documents should be retained in the Board's file.
7. A copy of the certified receipt or affidavit of service should be forwarded to me immediately upon receipt.

If you have any questions, please contact me.

Enclosures
SVH/ddd

cc: John Nugent, Deputy Counsel
Chron File

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|----------------------|---|-----------------------|
| IN THE MATTER OF | * | BEFORE THE |
| ANDREI RUDIC, D.M.D. | * | STATE BOARD OF |
| APPLICANT | * | DENTAL EXAMINERS |
| | * | CASE NUMBER: 2009-004 |
| | * | |

* * * * *

NOTICE OF INTENT TO DENY APPLICATION FOR DENTAL LICENSURE

The State Board of Dental Examiners (the "Board") hereby notifies **Andrei Rudic, D.M.D.**, (the "Applicant"), D.O.B. 02/11/1965, of the Board's intent to deny his application for dental licensure, under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code. Ann. ("H.O.") §§ 4-101 et seq., (Repl. Vol. 2005 & Supp. 2009).

The pertinent provisions state:

H.O. § 4-302. Qualification of applicants.

(a) *In general.* – Except as otherwise provided in this title, to qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) *Moral character* - the applicant shall be of good moral character.

H.O. § 4-315. Denials, reprimand, probations, suspensions, and revocations – Grounds.

(a) *License to practice dentistry.* - Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

- (7) Has had a license to practice dentistry revoked or suspended in any other state;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (19) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

ALLEGATIONS OF FACT¹

The Board intends to deny the Applicant's application for dental licensure in Maryland based on the following facts that the Board believes are true:

1. At all times relevant herein, the Applicant is and was licensed to practice dentistry in the Commonwealth of Pennsylvania under license number DS035103.
2. The Applicant was originally issued a license to practice dentistry in the Commonwealth of Pennsylvania on October 29, 2001.
3. The Applicant was originally issued a license to practice dentistry in West Virginia, in or around 1992.
4. The Applicant's license to practice in West Virginia expired in or around 2001.
5. On or about April 18, 2008, the Board received the Applicant's application for dental licensure.

¹ The statements made herein with respect to the Applicant's conduct are intended to provide the Applicant with notice. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Applicant.

6. On his application for dental licensure, the Applicant answered "Yes" to the following questions:

"a. Has any licensing or disciplinary board of any jurisdiction, including Maryland, or any federal or state entity denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, revocation, a fine, or non judicial punishment?

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?

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? "

7. On his application for dental licensure, the Applicant answered "No" to the following questions:

"h. Are there any criminal charges against you in any court of law, excluding minor traffic violations?

m. Have you been named as a defendant in a filing or settlement of a malpractice action?"

8. A subsequent investigation by the Board revealed the following:

9. The Applicant failed to inform the Board that the West Virginia Board of Dental Examiners had taken disciplinary action against his dental license.

10. The Applicant failed to inform the Board that, on or about June 18, 2007, he was charged in the Commonwealth of Pennsylvania with felony aggravated assault, simple assault, disorderly conduct, and recklessly endangering another person.

11. The Applicant failed to inform the Board that, on or about December 4, 2008, he pled guilty to and was convicted of recklessly endangering another person.

12. The Applicant also failed to inform the Board that he had been named as a Defendant, in a filing or settlement of a malpractice action.

FACTS PERTAINING TO THE APPLICANT'S CRIMINAL INVOLVEMENT

13. On or about August 7, 2005, the Applicant was arrested and charged in Montgomery County, Pennsylvania, with driving under the influence of alcohol, in violation of 75 P.S. § 3802 §§ A1 (a copy of the Docket Entries and Court Summary in *Commonwealth of Pennsylvania v Andrei Rudic*, Case No, CP-46-CR-00006724-2005, are attached hereto and incorporated herein as **Exhibit A**).

14. On or about February 22, 2006, the Applicant pled guilty in the Court of Common Pleas for Montgomery County, Pennsylvania, to one (1) count of driving under influence of alcohol , in violation of 75 P.S. § 3802 §§ A1.

15. On or about February 22, 2006, Judge William R. Carpenter of the Court of Common Pleas for Montgomery County, Pennsylvania found the Applicant guilty of one (1) count of driving under influence of alcohol, in violation of 75 P.S. § 3802 §§ A1.

16. Judge Carpenter sentenced the Applicant to probation. The Applicant was also required to undergo evaluation and treatment for alcohol, attend a safe driving school, and pay costs and fines.

17. On or about May 28, 2006, the Applicant was arrested and charged in Tioga County, Pennsylvania, with driving under the influence of alcohol, in violation of 75 P.S. § 3802, §§ C, (a copy of the Docket Entries and Court Summary, in

Commonwealth of Pennsylvania v Andrei Rudic, Case No, CP-59-CR-0000210-2006, are attached hereto and incorporated herein as **Exhibit B**).

18. On or about March 5, 2007, the Applicant pled guilty in the Court of Common Pleas for Tioga County, Pennsylvania, to one (1) count of driving under the influence of alcohol (BAC.16+), in violation of 75 P.S. § 3802 §§ C.

19. On or about March 5, 2007, Judge Robert E. Dalton, Jr. of the Court of Common Pleas for Tioga County, Pennsylvania found the Applicant guilty of one (1) count of driving under the influence of alcohol, in violation of 75 P.S. § 3802 §§ C.

20. Judge Dalton sentenced the Applicant to a minimum of ninety (90) days to a maximum of five (5) years in jail and required the Applicant to pay costs and fines.

21. On or about June 17, 2007, the Applicant was charged in Lackawanna County, Pennsylvania with two (2) counts of aggravated assault, in violation of 18 C.P.S.A. § 2702 (a) (3), two counts of simple assault, in violation of 18 C.P.S.A. § 2701 (a) (1), two (2) counts of disorderly conduct, in violation of 18 C.P.S.A. § 5503 and three (3) counts of recklessly endangering another person, in violation of 18 C.P.S.A. § 2705 (a copy of the Docket Entries and the Court Summary, in *Commonwealth of Pennsylvania v Andrei Rudic*, Case No, CP-35-CR-0002343-2007, are attached hereto and incorporated herein as **Exhibit C**).

22. On or about December 4, 2008, the Applicant pled guilty in the Court of Common Pleas for Lackawanna County, Pennsylvania to one (1) count of recklessly endangering another person in violation of 18 C.P.S.A. § 2705.

23. On or about March 18, 2009, Judge Vito P. Geroulo of the Court of Common Pleas for Lackawanna County, Pennsylvania found the Applicant guilty of one (1) count of recklessly endangering another person, in violation of 18 C.P.S.A. § 2705.

24. Judge Geroulo sentenced the Applicant to a minimum of one (1) year to a maximum of one (1) year in jail. The Applicant was also required to pay cost and fines.

FACTS PERTAINING TO DISCIPLINARY ACTION TAKEN AGAINST APPLICANT'S PENNSYLVANIA LICENSE

25. On or about March 7, 2008, the Commonwealth of Pennsylvania Board of Dentistry (the "Pennsylvania Board") took disciplinary action against the Applicant's license.

26. The Applicant's February 2006 and March 2007 guilty pleas to driving under the influence of alcohol, in violation of 75 P.S. § 3802 A and C allowed the Pennsylvania Board to suspend, revoke or otherwise restrict the Applicant's license under 63 P.S. § 123.1(a) 11, in that, the Applicant was unable to practice dentistry with reasonable skill and safety to patients by reason of illness or drunkenness.

27. On or about March 7, 2008, the Pennsylvania Board and the Applicant entered into a Consent Agreement and Order. Under the terms of the Consent Agreement and Order, the Pennsylvania Board ordered that the Applicant's license be indefinitely suspended for no less than three (3) years. The Applicant's suspension was immediately stayed and he was placed on probation for no less than three (3) years (a copy of the Consent Agreement and Order dated March 7, 2008 in *Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Andrei Rudic*,

D.M.D., Docket No, 2074-46-07, is attached hereto and incorporated herein as **Exhibit D**).

**FACTS PERTAINING TO DISCIPLINARY ACTION TAKEN AGAINST APPLICANT'S
WEST VIRGINIA LICENSE**

28. On or about October 10, 2001, the West Virginia Board of Dental Examiners ("West Virginia Board ") took disciplinary action against the Applicant's license.

29. In an Order and Consent Agreement dated October 10, 2001, the Applicant received a written reprimand from the West Virginia Board, "for the involuntary, yet negligent, abandonment of [a] patient" (a copy of the West Virginia Order and Consent Agreement in *West Virginia Board of Dental Examiner v. Dr. Andrei Rudic*, Case No. 2000-008, is attached hereto and incorporated herein as **Exhibit E**).

30. The West Virginia Board required the Applicant to pay a fine in the amount of one thousand dollars (\$1000.00) and hearing costs in the amount of two thousand dollars (\$2000.00).

FACTS PERTAINING TO MALPRACTICE ACTIONS AGAINST THE APPLICANT

31. In or around December 1999, the Applicant was named in a malpractice suit, in which the plaintiff alleged that the Applicant failed to complete work to place multiple crowns. The plaintiff was awarded a cash judgment of \$682.00 in October 2000.

32. In or around December 1997, the Applicant was named in malpractice suit, in which the plaintiff alleges that the Applicant failed to properly bond veneer on several teeth. The malpractice claimed was settled for thirty-five thousand four hundred (\$35,400.00), in March 2001.

SUMMARY

33. The allegations as set forth above indicate that the Applicant lacks good moral character and also constitute grounds for denial of the Applicant's application for dental licensure under to H.O. § 4-302 (a) and (b).

34. The action taken by the Commonwealth of Pennsylvania Board of Dentistry and the West Virginia Board on the Applicant's dental license constitutes disciplinary action by a licensing or disciplinary authority for acts that are grounds for disciplinary action and constitute grounds for denial of the Applicant's application for dental licensure under H.O. § 315 (a) (7) and (19).

35. The Applicant's failure to inform the Board of that: (1) he was charged with felony aggravated assault, simple assault, disorderly conduct, and recklessly endangering another person in 2007, (2) he pled guilty to and was convicted of recklessly endangering another person in 2008, (3) he was disciplined by the West Virginia Board of Dental Examiners in 2001, and (4) he was named as a defendant in two malpractice actions, constitute grounds for denial of the Applicant's application for dental licensure H.O. § 315 (a) (1), and (16).

NOTICE OF AN OPPORTUNITY FOR A HEARING

In accordance with the Administrative Procedure Act, Md. State Govt. Code Ann. §§ 10-201 *et seq.*, the Board hereby notifies the Applicant of his opportunity for a hearing before the Board makes a final decision in this case. The Applicant must

request a hearing **within thirty (30) days** of the date that this notice is signed by the Board. The request for a hearing must be made in writing to:

Murray Sherman, Legal Assistant
Maryland State Board Dental Examiners
Spring Grove Hospital
Benjamin Rush Building
55 Wade Avenue
Baltimore, Maryland 21228

If a request for a hearing is made, a hearing before the Board will be scheduled. If the Board does not receive a written request for a hearing **within thirty (30) days** of the date that this notice is signed by the Board, the Board will sign the attached Order.

Date

Jane S. Casper, R.D.H., President
State Board of Dental Examiners

IN THE MATTER OF
ANDREI RUDIC, D.M.D.
APPLICANT

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*
*

BEFORE THE
STATE BOARD OF
DENTAL EXAMINERS
CASE NUMBER: 2009-004

* * * * *

FINAL ORDER OF DENIAL OF APPLICATION FOR DENTAL LICENSURE

On November 18, 2009, the State Board of Dental Examiners (the "Board") notified **Andrei Rudic, D.M.D.**, (the "Applicant"), D.O.B. 02/11/1965, of the Board's intent to deny his application for dental licensure under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code. Ann. ("H.O.") §§ 4-101 et seq., (Repl. Vol. 2005 & Supp. 2009).

The pertinent provisions state:

H.O. § 4-302. Qualification of applicants.

(a) *In general.* – Except as otherwise provided in this title, to qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) *Moral character* - the applicant shall be of good moral character.

H.O. § 4-315. Denials, reprimand, probations, suspensions, and revocations – Grounds.

(a) *License to practice dentistry.* - Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (7) Has had a license to practice dentistry revoked or suspended in any other state;

- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;

- (19) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

FINDING OF FACT¹

The Board finds that:

1. At all times relevant herein, the Applicant is and was licensed to practice dentistry in the Commonwealth of Pennsylvania under license number DS035103.
2. The Applicant was originally issued a license to practice dentistry in the Commonwealth of Pennsylvania on October 29, 2001.
3. The Applicant was originally issued a license to practice dentistry in West Virginia, in or around 1992.
4. The Applicant's license to practice in West Virginia expired in or around 2001.
5. On or about April 18, 2008, the Board received the Applicant's application for dental licensure.

¹ The statements made herein with respect to the Applicant's conduct are intended to provide the Applicant with notice. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Applicant.

6. On his application for dental licensure, the Applicant answered "Yes" to the following questions:

"a. Has any licensing or disciplinary board of any jurisdiction, including Maryland, or any federal or state entity denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, revocation, a fine, or non judicial punishment?

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?

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? "

7. On his application for dental licensure, the Applicant answered "No" to the following questions:

"h. Are there any criminal charges against you in any court of law, excluding minor traffic violations?

m. Have you been named as a defendant in a filing or settlement of a malpractice action?"

8. A subsequent investigation by the Board revealed the following:

9. The Applicant failed to inform the Board that the West Virginia Board of Dental Examiners had taken disciplinary action against his dental license.

10. The Applicant failed to inform the Board that, on or about June 17, 2007, he was charged in the Commonwealth of Pennsylvania with felony aggravated assault, simple assault, disorderly conduct, and recklessly endangering another person.

11. The Applicant failed to inform the Board that, on or about December 4, 2008, he pled guilty to and was convicted of recklessly endangering another person.

12. The Applicant also failed to inform the Board that he had been named as a Defendant, in a filing or settlement of a malpractice action.

FACTS PERTAINING TO THE APPLICANT'S CRIMINAL INVOLVEMENT

13. On or about August 7, 2005, the Applicant was arrested and charged in Montgomery County, Pennsylvania, with driving under the influence of alcohol, in violation of 75 P.S. § 3802 §§ A1 (a copy of the Docket Entries and Court Summary in *Commonwealth of Pennsylvania v Andrei Rudic*, Case No, CP-46-CR-00006724-2005, are attached hereto and incorporated herein as **Exhibit A**).

14. On or about February 22, 2006, the Applicant pled guilty in the Court of Common Pleas for Montgomery County, Pennsylvania, to one (1) count of driving under influence of alcohol , in violation of 75 P.S. § 3802 §§ A1.

15. On or about February 22, 2006, Judge William R. Carpenter of the Court of Common Pleas for Montgomery County, Pennsylvania found the Applicant guilty of one (1) count of driving under influence of alcohol, in violation of 75 P.S. § 3802 §§ A1.

16. Judge Carpenter sentenced the Applicant to probation. The Applicant was also required to undergo evaluation and treatment for alcohol, attend a safe driving school, and pay costs and fines.

17. On or about May 28, 2006, the Applicant was arrested and charged in Tioga County, Pennsylvania, with driving under the influence of alcohol, in violation of 75 P.S. § 3802, §§ C, (a copy of the Docket Entries and Court Summary, in

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19. On or about March 5, 2007, Judge Robert E. Dalton, Jr. of the Court of Common Pleas for Tioga County, Pennsylvania found the Applicant guilty of one (1) count of driving under the influence of alcohol, in violation of 75 P.S. § 3802 §§ C.

20. Judge Dalton sentenced the Applicant to a minimum of ninety (90) days to a maximum of five (5) years in jail and required the Applicant to pay costs and fines.

21. On or about June 17, 2007, the Applicant was charged in Lackawanna County, Pennsylvania with two (2) counts of aggravated assault, in violation of 18 C.P.S.A. § 2702 (a) (3), two counts of simple assault, in violation of 18 C.P.S.A. § 2701 (a) (1), two (2) counts of disorderly conduct, in violation of 18 C.P.S.A. § 5503 and three (3) counts of recklessly endangering another person, in violation of 18 C.P.S.A. § 2705 (a copy of the Docket Entries and the Court Summary, in *Commonwealth of Pennsylvania v Andrei Rudic*, Case No, CP-35-CR-0002343-2007, are attached hereto and incorporated herein as **Exhibit C**).

22. On or about December 4, 2008, the Applicant pled guilty in the Court of Common Pleas for Lackawanna County, Pennsylvania to one (1) count of recklessly endangering another person in violation of 18 C.P.S.A. § 2705.

23. On or about March 18, 2009, Judge Vito P. Geroulo of the Court of Common Pleas for Lackawanna County, Pennsylvania found the Applicant guilty of one (1) count of recklessly endangering another person, in violation of 18 C.P.S.A. § 2705.

24. Judge Geroulo sentenced the Applicant to a minimum of one (1) year to a maximum of one (1) year in jail. The Applicant was also required to pay cost and fines.

FACTS PERTAINING TO DISCIPLINARY ACTION TAKEN AGAINST APPLICANT'S PENNSYLVANIA LICENSE

25. On or about March 7, 2008, the Commonwealth of Pennsylvania Board of Dentistry (the "Pennsylvania Board") took disciplinary action against the Applicant's license.

26. The Applicant's February 2006 and March 2007 guilty pleas to driving under the influence of alcohol, in violation of 75 P.S. § 3802 A and C allowed the Pennsylvania Board to suspend, revoke or otherwise restrict the Applicant's license under 63 P.S. § 123.1(a) 11, in that, the Applicant was unable to practice dentistry with reasonable skill and safety to patients by reason of illness or drunkenness.

27. On or about March 7, 2008, the Pennsylvania Board and the Applicant entered into a Consent Agreement and Order. Under the terms of the Consent Agreement and Order, the Pennsylvania Board ordered that the Applicant's license be indefinitely suspended for no less than three (3) years. The Applicant's suspension was immediately stayed and he was placed on probation for no less than three (3) years (a copy of the Consent Agreement and Order dated March 7, 2008 in *Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Andrei Rudic*,

D.M.D., Docket No, 2074-46-07, is attached hereto an incorporated herein as **Exhibit D**).

FACTS PERTAINING TO DISCIPLINARY ACTION TAKEN AGAINST APPLICANT'S WEST VIRGINIA LICENSE

28. On or about October 10, 2001, the West Virginia Board of Dental Examiners ("West Virginia Board ") took disciplinary action against the Applicant's license.

29. In an Order and Consent Agreement dated October 10, 2001, the Applicant received a written reprimand from the West Virginia Board, "for the involuntary, yet negligent, abandonment of [a] patient" (a copy of the West Virginia Order and Consent Agreement in *West Virginia Board of Dental Examiner v. Dr. Andrei Rudic*, Case No. 2000-008, is attached hereto and incorporated herein as **Exhibit E**).

30. The West Virginia Board required the Applicant to pay a fine in the amount of one thousand dollars (\$1000.00) and hearing costs in the amount of two thousand dollars (\$2000.00).

FACTS PERTAINING TO MALPRACTICE ACTIONS AGAINST THE APPLICANT

31. In or around December 1999, the Applicant was named in a malpractice suit, in which the plaintiff alleged that the Applicant failed to complete work to place multiple crowns. The plaintiff was award a cash judgment of \$682.00 in October 2000.

32. In or around December 1997, the Applicant was named in malpractice suit, in which the plaintiff alleges that the Applicant failed to properly bond veneers on

several teeth. The malpractice claimed was settled for thirty-five thousand four hundred (\$35,400.00), in March 2001.

SUMMARY

33. The allegations as set forth above indicate that the Applicant lacks good moral character and also constitute grounds for denial of the Applicant's application for dental licensure under to H.O. § 4-302 (a) and (b).

34. The action taken by the Commonwealth of Pennsylvania Board of Dentistry and the West Virginia Board on the Applicant's dental license constitutes disciplinary action by a licensing or disciplinary authority for acts that are grounds for disciplinary action and constitute grounds for denial of the Applicant's application for dental licensure under H.O. § 315 (a) (7) and (19).

35. The Applicant's failure to inform the Board of that: (1) he was charged with felony aggravated assault, simple assault, disorderly conduct, and recklessly endangering another person in 2007, (2) he pled guilty to and was convicted of recklessly endangering another person in 2008, (3) he was disciplined by the West Virginia Board of Dental Examiners in 2001, and (4) he was named as a defendant in two malpractice actions, constitute grounds for denial of the Applicant's application for dental licensure H.O. § 315 (a) (1), and (16).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant's lacks good moral character and, therefore, fails to meet the qualifications for dental license to practice under H.O. § 4-302 (a) and (b). The Board also concludes that the

disciplinary action taken against the Applicant's Pennsylvania dental license, Applicant's failure to truthfully disclose the disciplinary action taken by the West Virginia and his 2008 criminal conviction, as set forth above, is a violation of H.O. §4- 315-(a) (1), (7), (16), and (19).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this ____ day of _____ 2009, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the application for dental licensure for Andrei Rudic, D.M.D., is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2005 Repl. Vol. and 2009 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.* (2005 Repl. Vol. & 2009 Supp.).

Date

Jane S. Casper, R.D.H., President
State Board of Dental Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §12-316 (2005 Repl. Vol. and 2009 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review

must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2005 Repl. Vol. and 2009 Supp.), and Title 7, Chapter 200 of the Maryland Rules.