

BEFORE THE MISSOURI DENTAL BOARD  
STATE OF MISSOURI

MISSOURI DENTAL BOARD, )  
 3605 Missouri Boulevard )  
 P.O. Box 1367 )  
 Jefferson City, MO 65102-1367 )  
 Petitioner )  
 v. )  
 WILLIAM J. FRIEND, D.D.S. )  
 10301 East 61<sup>st</sup> Street )  
 Kansas City, MO 64133 )  
 Respondent )

No.: 04-0610 DB

WAIVER OF HEARING, JOINT STIPULATION  
AND REQUEST FOR CONSENT ORDER

COMES NOW, Petitioner, Missouri Dental Board, by and through its attorney, Nanci R. Wisdom, and Respondent, William J. Friend, D.D.S., in person and with counsel, John Lundwehr, and jointly state that the parties waive their right to a hearing before the Missouri Dental Board in the above referenced cause, enter this Joint Stipulation and request that a Consent Order be granted by this Board consistent with the contents of this document. In support to their motion, Petitioner, and Respondent, William J. Friend, D.D.S., hereby stipulate and agree to the following:

1. Respondent, William J. Friend, D.D.S., acknowledges that he is familiar with the various rights and privileges afforded him by operation of law, including the right to a hearing on the charges against him; the right to appear and be represented by counsel; the right to have all charges against him proved upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf at the hearing; the

right to a decision upon the record by the Missouri Dental Board concerning the charges pending against him; and the right to appeal a decision in favor of the Missouri Dental Board on the basis that said decision is not supported by substantial and competent evidence. Being familiar with these and other attendant rights provided Respondent by operation of law, he knowingly and voluntarily waives each and every one of these rights and fully and freely enters into this "Waiver of Hearing, Joint Stipulation and Request for Consent Order" and consents and agrees to abide by the terms and conditions of this document.

2. Petitioner is an agency of the State of Missouri created and established pursuant to Missouri Revised Statutes Section 332.021 as applicable to this matter for the purpose of administering and enforcing the provisions of Chapter 332, Dentistry.

3. Respondent, William J. Friend, D.D.S., is, and at all times relevant to this cause was, the holder of a current and valid license to practice dentistry and certificate of registration issued by Petitioner.

4. Respondent, William J. Friend, D.D.S., admits the allegations contained in the Statement of Charges in this case attached as Exhibit "A". And further admits that the Missouri Dental Board has jurisdiction to render discipline against the license and certificate of registration of Respondent, William J. Friend, D.D.S., under the provisions of Chapter 332 and previous Settlement Agreement Between the Missouri Dental Board and William J. Friend, D.D.S., Respondent. Section 621.110 RSMo and State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150 (Mo. App. 1974).

5. Respondent, William J. Friend, D.D.S., admits that his actions as set forth in the Statement of Charges give grounds to the Missouri Dental Board to impose

discipline, including revocation of Respondent, William J. Friend's, D.D.S., license and certificate of registration, suspension up to three years of said license and certificate of registration, probation up to five years of said license and certificate of registration, or a combination of suspension and probation. See Section 332.321.3 RSMo and Section 621.110 RSMo.

6. Based on the foregoing, the parties mutually agree and stipulate that the following terms shall constitute the disciplinary action taken by the Missouri Dental Board pursuant to the provisions of Section 661.110 RSMo and Chapter 332 which terms are embodied in this document as part of this Joint Stipulation. The terms of discipline shall include that the dental license of Respondent, William J. Friend, D.D.S., shall be:

a. Petitioner, Missouri Dental Board, shall suspend Respondent's, William J. Friend, D.D.S. license and certificate to practice dentistry in the State of Missouri for a period of one (1) week from March 12 -- 18, 2006.

b. Upon completion of the suspension imposed herein, Petitioner, Missouri Dental Board, shall conditionally restore Respondent's, William J. Friend, D.D.S., certificate of registration and license to practice dentistry in the State of Missouri and Respondent's, William J. Friend, D.D.S., license to practice dentistry and certificate of registration will be placed on probation for a period of five (5) years from and after the expiration date of suspension and conditioned as follows:

(1) During the period of probation, Respondent shall keep the Missouri Dental Board apprised at all times in writing of his current home and work addresses and telephone numbers at each place of employment.

Respondent shall notify the Board within ten (10) days of any change in this information.

(2) During the period of probation, Respondent shall comply with all provisions of Chapter 332, RSMo, all rules and regulations of the Missouri Dental Board, and all federal and state laws, rules and regulations. "State" here includes the state of Missouri and all other states and territories of the United States.

(3) During the period of probation, Respondent shall appear before the Board or one of its representatives for a personal interview upon the Board's request.

(4) Pursuant to section 332.321.6, RSMo, if at any time during the period of probation Respondent removes himself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to keep the Missouri Dental Board advised of his current place of business and residence, the time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

(5) During the period of probation, Respondent shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this agreement.

7. If the Missouri Dental Board, in its sole discretion, determines upon a proper showing, that Respondent, William J. Friend, D.D.S., has violated a term or condition of the suspension of his license, the terms of his probation as set forth herein, or

has otherwise failed to comply with the provisions of Chapter 332 RSMo, which violation would be actionable in a proceeding before the Administrative Hearing Commission, or in a Circuit Court, the Missouri Dental Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this document, in its selection of remedies concerning such violation.

8. It is specifically understood and agreed by the parties hereto that, in the event the Missouri Dental Board proceeds under paragraph seven (7) above, of this Joint Stipulation, the Board shall not be bound by the type of, nor the duration of discipline specified in this document, but the Board shall have all the rights and powers granted to it by law with respect to disciplinary action to which Respondent, William J. Friend, D.D.S., may be subject

WHEREFORE, based upon the foregoing, the parties mutually request the Missouri Dental Board to issue an order based upon the consent of all parties finding that the allegations in the Statement of Charges heretofore filed in the above styled cause by Petitioner are true and that as a result thereof, Petitioner has the right to subject the license of Respondent to discipline pursuant to the provisions of Section 332.321.3 and 621.110 RSMo as set forth herein.

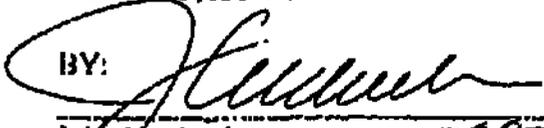
William J. Friend  
William J. Friend, D.D.S., Respondent

Sharlene Rimiller  
Sharlene Rimiller, Executive Director  
Missouri Dental Board

\_\_\_\_\_  
Date

3-10-06  
\_\_\_\_\_  
Date

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BY:   
\_\_\_\_\_  
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Attorney for Respondent

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FAX: (573) 729-8640

BY:   
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Nanci R. Wisdom #39359  
Attorney for Missouri Dental Board

**BEFORE THE MISSOURI DENTAL BOARD  
STATE OF MISSOURI**

<b>MISSOURI DENTAL BOARD,</b>	)	
<b>3605 Missouri Boulevard</b>	)	
<b>P.O. Box 1367</b>	)	
<b>Jefferson City, MO 65102-1367</b>	)	
<b>Petitioner</b>	)	
	)	<b>No.: 04-0610 DB</b>
<b>v.</b>	)	
	)	
<b>WILLIAM J. FRIEND, D.D.S.</b>	)	
<b>10301 East 61<sup>st</sup> Street</b>	)	
<b>Kansas City, MO 64133</b>	)	
<b>Respondent</b>	)	

**CONSENT ORDER**

Nanci R. Wisdom, attorney for the Missouri Dental Board, filed a Statement of Charges on December 8, 2005, pursuant to 4 CSR 110-2.161. The Missouri Dental Board has jurisdiction in this matter pursuant to 4 CSR 110-2.161, Chapter 332 and Chapter 621 RSMo.

On March 10, 2006, the parties filed a "Waiver of Hearing, Joint Stipulation and Request for Consent Order." Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. We conclude that the licensee has violated paragraphs 1e of the Order section of the Findings of Fact, Conclusions of Law and Disciplinary Order dated February 24, 2005 and that pursuant to 4 CSR 110-2.161 and 332.321.3 RSMo the Board may impose discipline against his dental license. We incorporate the parties' Waiver of Hearing, Joint Stipulation and Request for Consent Order into this Consent Order. Contained in the "Waiver of Hearing, Joint Stipulation and Request for Consent Order" and Order the following discipline by consent:

A. Petitioner, Missouri Dental Board, shall suspend Respondent's, William J. Friend, D.D.S. license and certificate to practice dentistry in the State of Missouri for a period of one (1) week from March 12 – 18, 2006.

**B. Upon completion of the suspension imposed herein, Petitioner, Missouri Dental Board, shall conditionally restore Respondent's, William J. Friend, D.D.S., certificate of registration and license to practice dentistry in the State of Missouri and Respondent's, William J. Friend, D.D.S., license to practice dentistry and certificate of registration will be placed on probation for a period of five (5) years from and after the expiration date of suspension and conditioned as follows:**

**(1) During the period of probation, Respondent shall keep the Missouri Dental Board apprised at all times in writing of his current home and work addresses and telephone numbers at each place of employment. Respondent shall notify the Board within ten (10) days of any change in this information.**

**(2) During the period of probation, Respondent shall comply with all provisions of Chapter 332, RSMo, all rules and regulations of the Missouri Dental Board, and all federal and state laws, rules and regulations. "State" here includes the state of Missouri and all other states and territories of the United States.**

**(3) During the period of probation, Respondent shall appear before the Board or one of its representatives for a personal interview upon the Board's request.**

**(4) Pursuant to section 332.321.6, RSMo, if at any time during the period of probation Respondent removes himself from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 332, or fails to keep the Missouri Dental Board advised of his current place of business and**

residence, the time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

(5) During the period of probation, Respondent shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this Order.

If the Missouri Dental Board, in its sole discretion, determines upon a proper showing, that Licensee has violated a term or condition of the discipline of his license as set forth herein, or has otherwise failed to comply with the provisions of Chapter 332 RSMo, which violation would be actionable in a proceeding before the Administrative Hearing Commission, or in a Circuit Court, the Missouri Dental Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this document, in its selection of remedies concerning such violation.

**IT IS SO ORDERED THIS** 10<sup>th</sup> **DAY OF** March, 2006.

*Sharlene Rimiller*

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**Sharlene Rimiller, Executive Director  
MISSOURI DENTAL BOARD**

**FILED**

DEC 08 2005

MISSOURI DENTAL BOARD

**BEFORE THE MISSOURI DENTAL BOARD  
STATE OF MISSOURI**

MISSOURI DENTAL BOARD, )  
 )  
 Petitioner )  
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 v. ) Case No. 04 0610 DB  
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 )  
 WILLIAM J. FRIEND, D.D.S. )  
 )  
 Respondent )

**STATEMENT OF CHARGES**

COMES NOW Nanci R. Wisdom and states to the Missouri Dental Board as follows:

1. That she is a private attorney for the Missouri Dental Board.
2. That on or about September 23, 2004, the parties filed a "Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law." That by the terms of said agreement, Respondent William J. Friend, D.D.S., admitted the allegations contained in the Complaint and admitted that the allegations constituted cause for discipline.
3. That on the 1st day of October, 2004, the Administrative Hearing Commission entered a Consent Order finding cause for discipline and remanding the matter to the Missouri Dental Board for the imposition of discipline.
4. The Missouri Dental Board held a disciplinary hearing concerning William J. Friend, D.D.S., by the Missouri Dental Board on January 22, 2005. Following the hearing in this matter, the Missouri Dental Board entered its Findings of Fact,

Conclusions of Law and Disciplinary Order on February 24, 2005, placing the license and certificate of registration of William J. Friend, D.D.S., to practice dentistry on probation for two (2) years, from February 24, 2005 to February 24, 2007, with certain conditions of probation among which were as follows:

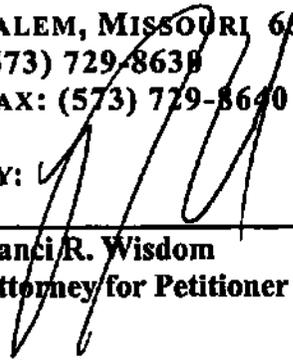
a. Respondent shall take and pass the Board's designated jurisprudence examination within six (6) months of the start of the disciplinary period. Respondent shall contact the Board office to request a current law packet and permission to sit for the jurisprudence examination no less than thirty (30) days prior to the date he desire to take the examination. Respondent shall submit the required re-examination fee to the Board prior to taking the examination. Failure to take and pass the examination during the disciplinary period shall constitute a violation of this Order.

5. Respondent, William J. Friend, D.D.S., failed to successfully complete the jurisprudence examination within six (6) months of the start of the disciplinary period.

6. That by his actions as outlined herein, William J. Friend, D.D.S. violated the terms of his probation under the Findings of Fact, Conclusions of Law and Disciplinary Order.

WHEREFORE, it is prayed that this Board hold a hearing for the purpose of determining whether sufficient cause exists for the taking of further disciplinary action against Respondent, William J. Friend, D.D.S., based upon the charges made, and that, in the event cause be found, that the Missouri Dental Board take such further disciplinary action as in its discretion it deems just and appropriate.

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**FAX: (573) 729-8640**

**BY:** 

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**Nanci R. Wisdom**  
**Attorney for Petitioner**

**#39359**