

South Carolina Department of Labor, Licensing and
Regulation Before the State Board of Dentistry

In the Matter of:)
Charles Robert Conner,)
Jr., D.D.S.)
) Consent Agreement
)
License No. DGD 2317)
) of
)
OIE No. 2007-71, 2007-91
and 2008-138)CHARLES R. CONNER, JR., DDS
)
Respondent,)
)

The within hearing was taken before, Robin L. Spaniel, Verbatim Court Reporter and Notary Public in and for the State of South Carolina, commencing at the hour of 1:08 p.m. on Tuesday, March 20, 2012, at the offices of South Carolina Department of Labor, Licensing and Regulation, Kingstree Building at Synergy Business Park, 110 Centerview Drive, Columbia, South Carolina.

Reported by:

Robin Spaniel

Appearances

Via Telephone:

President:

David W. Jones, D.M.D.

Board members:

Charles F. Wade, D.M.D.

Felicia L. Goins, D.D.S.

Douglas J. Alterman, D.M.D.

Z. Vance Morgan, IV, D.D.S.

Thomas M. Dixon, D.M.D.

Sherie H. Williams, R.D.H.

Eric Schweitzer

For the Respondent, via telephone:

Ruskin C. Foster, Esquire

Mike Kelly Law Group, LLC

500 Taylor Street

Columbia, SC 29201

For the

State/Complainant, via telephone:

Patrick D. Hanks, Esquire

L.L.R. Office of General Counsel

Kingstree Building at Synergy Business Park

110 Centerview Drive

Columbia, South Carolina

Hearing Advisor:

Sheridon H. Spoon, Esquire

Support Staff:

Kate K. Cox, Administrator

Carolyn Coats, Administrative Assistant

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Exhibits

None

1 PROCEEDINGS

2 DR. JONES: This is the hearing of the South
3 Carolina Department of Labor, Licensing and
4 Regulations, Board of Dentistry being held in
5 Columbia, South Carolina, by teleconference
6 call this 20th day of March, 2012, in the
7 matter of Charles Robert Conner, Jr., D.D.S.
8 The Respondent has had notice to appear before
9 the Board and has agreed to waive his
10 appearance.

11 My name is David W. Jones, D.M.D., and
12 I'm the President of the South Carolina Board
13 of Dentistry. The other members of the Board
14 serving today are Charles F. Wade, D.M.D.,
15 Douglas J. Alterman, D.M.D. Did Dr. Morgan
16 join us?

17 MS. COX: No, sir.

18 DR. JONES: All right. John Whittington, D.M.D.,
19 Felicia Louise Goins, D.D.S., Thomas M. Dixon,
20 D.M.D., Sherie G. Williams, R.D.H., and Eric
21 Schweitzer. The attorney advising --

22 MS. COATS: Dr. Jones?

23 DR. JONES: Yes, ma'am.

24 MS. COATS: Dr. Whittington is not with us.

25 DR. JONES: Okay. Strike that.

1 MS. COX: With an excused absence.

2 DR. JONES: The attorney advising the Board as the
3 Hearing Advisor is Sheridan Spoon. The
4 Respondent is represented by Ruskin C. Foster.
5 The State is represented by Patrick D. Hanks.

6 This hearing will be conducted as
7 informally as is compatible with an equitable
8 presentation of both sides of the case, and in
9 compliance with the provisions of the South
10 Carolina Administrative Procedures Act and the
11 Dentistry Board's Rules and Regulations.

12 It is my understanding that the parties
13 wish to present a Consent Agreement. Is that
14 correct?

15 MR. FOSTER: Yes, that is correct. And, Dr. Jones,
16 this is Russ Foster. I just wanted to let you
17 know, Pat and I discussed this yesterday and
18 he indicated to me that and he didn't think
19 Dr. Conner needed to be present. But in an
20 abundance of precaution I did not want the
21 Board to think that he did not care or take
22 this seriously enough to participate, so we --
23 that's why we have Dr. Conner on the
24 telephone.

25 DR. JONES: Okay.

1 MR. FOSTER: In case anybody wanted to ask him
2 anything or needed any information from him.
3 But otherwise I've asked him to please remain
4 silent and let y'all do your work.

5 DR. JONES: Right. And it's my understanding if we
6 go into executive session, that we will be in
7 complete privacy with that. I mean, Mr. Hanks
8 and Mr. Foster are together?

9 MR. HANKS: I'm co-located, sir and I will be sure
10 to that.

11 DR. JONES: Okay. The State's attorney will
12 present the Consent Agreement. Mr. Hanks, you
13 may precede.

14 MR. HANKS: Thank you, sir. Dr. Jones, Members of
15 the Board, as in any disciplinary case the IRC
16 previously authorized a Consent Order that's
17 consistent with the Consent Order that you
18 have before you with this sole exception,
19 prior to going on the record, I believe it was
20 in January, we received the ability in
21 negotiating the fine in this case down from
22 \$10,000, which was what the IRC recommended,
23 down to \$7500. Other than that, what you have
24 before you is the original recommendation from
25 the IRC in this case.

1 In this case the Respondent, of course,
2 admits that he's licensed to practice and
3 without admitting to the misconduct in this
4 case, he consents to sanctions in this case
5 based on alleged violations of the Dental
6 Practice Act as set forth in the Attached
7 Amended Formal Accusation. That Amended
8 Formal Accusation is attached to the Consent
9 Order and made part of the Consent Order. I
10 don't know if there is a reason, Dr. Jones, to
11 go through each and every violation. I don't
12 plan to do that unless certain Board Members
13 have any questions about the alleged conduct
14 and the Amended Formal Accusation and the
15 Consent Agreement.

16 So, essentially, what would happen in
17 this case is this Consent and the Amended
18 Formal Accusation are blended, they become one
19 in the same. Dr. Conner has admitted that he
20 will consent to sanctions based on alleged
21 violations of the Dental Practice Act. Those
22 sanctions as I state are consistent with what
23 the IRC recommended with the sole exception
24 that there has been a \$2500 deduction in the
25 fine amount. But that was ran by the IRC back

1 in January.

2 What we have in this case is the
3 Respondent is consenting to be suspended for a
4 period of five years. His suspension is going
5 to be stayed for that same period and he's
6 going to continue with his license in a
7 probationary status for five years subject to
8 him remitting the \$7500 fine. He'll also have
9 to complete 12 hours within 12 months of this
10 agreement in implant dentistry and he will
11 also have to complete eight hours in esthetic
12 and fixed appliances within 12 months of this
13 agreement. So, it's a \$7500 fine, five years
14 of probation, two courses that have to be
15 completed within one year of the agreement.
16 This is a public document, it will be reported
17 to the data bank and during the period of
18 probation if the Respondent has any other
19 violations of the Dental Practice Act, the
20 Board can decided to administratively suspend
21 him.

22 That's essentially where we're at, again,
23 if the Board wants to discuss any of the
24 particular violations that are listed there or
25 in the Amended Complaint, those are the

1 allegations that we are pushing forward and
2 again the Respondent is admitting to the
3 sanctions based on violations of the Practice
4 Act without being -- without the specific
5 allegations being admitted to.

6 DR. JONES: Do we need to swear Dr. Conner in just
7 in case - if Mr. Foster does not mind - if the
8 Board has any questions?

9 MR. SPOON: The court reporter -- and I'm not
10 saying this other than to make the Board aware
11 of it, it's not intended to impeded going
12 forward today, but the court reporter, and
13 it's something we're aware of as an issue, is
14 not able to swear Dr. Conner in for purposes
15 of giving any sworn testimony.

16 DR. JONES: Okay.

17 MR. SPOON: Certainly -- here's my rational and
18 it's certainly up to the Board to consider
19 that on the issue of whether or not they will
20 ask Dr. Conner to respond to questions. They
21 may ultimately concluded that they don't have
22 any questions for the Respondent or they
23 might. But the court reporter will not be
24 able to swear Dr. Conner in without his being
25 here in person. Now, having said that (a) I

1 don't intend for that -- and I certainly think
2 it is the Board's position, that that should
3 not be an impediment to going forward with the
4 presentation of this Consent Agreement.

5 Secondly, because this is an agreement by
6 consent rather than a contested hearing, I
7 would certainly like to have some assurance
8 from the parties that --

9

10 (Interruption - Interference on Conference Call)

11

12 MR. SPOON: The suggestion was that we kind of
13 check and make sure we didn't lose anybody.
14 Do we still have Dr. Alterman?

15 DR. ALTERMAN: Yes.

16 MR. SPOON: Dr. Jones?

17 DR. JONES: Yes.

18 MR. SPOON: Dr. Wade?

19 DR. WADE: Yes.

20 MR. SPOON: Dr. Dixon?

21 DR. DIXON: Yes.

22 MR. SPOON: Dr. Goins?

23 DR. GOINS: Yes.

24 MR. SPOON: And Mr. Schweitzer?

25 MR. SCHWEITZER: Present.

1 MR. SPOON: Did I leave anyone out?

2 MS. COATS: Sherie Williams.

3 MS. WILLIAMS: You left me out, Ms. Williams.

4 MR. SPOON: Ms. Williams. I'm sorry, Sherie. All
5 right. I think what I was saying was since
6 this is done by consent of the parties, rather
7 than in a contested hearing format, I would
8 like - just in case the issue arises in the
9 future - to ask counsel whether they have any
10 objections to us being unable to swear Dr.
11 Conner in for purposes of either today's
12 hearing or for purposes of an appeal.
13 Generally, a consent agreement is not
14 something that is subject to an appeal because
15 it done with the consent of the parties. But
16 I'd like to hear from Mr. Hanks and Mr. Foster
17 on that.

18 MR. FOSTER: I have no objection.

19 MR. HANKS: Sheridan, I don't see a purpose in
20 giving sworn testimony in this context.

21 MR. SPOON: Okay. And that's kind of my rational
22 because it's not like it's a contested hearing
23 under the APA, of course, that would require
24 sworn testimony. And I may be not completely
25 right on that. But, again, I think under the

1 circumstances that the inability to swear in
2 Dr. Conner should not be an impediment for us
3 today. At least that would be what I would
4 advise the Board.

5 DR. JONES: Okay.

6 MR. FOSTER: I would agree with that assessment,
7 Sheridon.

8 MR. HANKS: I would agree also.

9 DR. JONES: I guess, at this point, I guess, we
10 could ask questions if you wanted to Mr.
11 Foster.

12 MR. HANKS: No. You can ask questions to Dr.
13 Conner, sir, if y'all have any.

14 DR. JONES: Okay. Does anybody -- any Board
15 Members have questions for Dr. Conner, Mr.
16 Foster, or Mr. Hanks?

17 DR. ALTERMAN: I just have one question. I guess
18 it's directed to Mr. Hanks. The two classes
19 that are mentioned, the implant and the
20 esthetic/fixed appliances class, it says pre-
21 approved. I assume that's something that
22 would be submitted to the Board prior to him
23 taking the class to make sure it's something
24 that we approve.

25 MR. HANKS: Absolutely, sir.

1 DR. ALTERMAN: Okay.

2 DR. DIXON: Mr. Hanks, could we make sure that
3 those continuing education courses are in
4 person and not taken online or taken in front
5 of a television screen?

6 MR. HANKS: I can add that language since I have
7 Russ Foster and Dr. Conner on the line. I
8 trust that they would consent to that
9 language, sir.

10 DR. DIXON: Okay. Thank you.

11 MR. FOSTER: Dr. Conner, you don't have a problem
12 with that, do you?

13 DR. CONNER: No, sir.

14 MR. FOSTER: Okay.

15 DR. MORGAN: Will there be a - and I apologize for
16 being late to the meeting. - will there be an
17 annual review of Dr. Conner for the five year
18 probation period by the Board?

19 MR. HANKS: He has to appear and reports served as
20 requested by the Board with reasonable notice.

21 DR. MORGAN: Thank you.

22 DR. JONES: If nobody has any further questions, is
23 there a motion that we go into executive
24 session?

25 MR. SCHWEITZER: So moved.

1 DR. DIXON: Second.

2 DR. JONES: All those in favor?

3 BOARD: Aye.

4 DR. JONES: Any opposed? Okay. Let's move to
5 executive session. But, we'll, I guess,
6 somehow we'll contact Mr. Hanks and Mr. Foster
7 and Dr. Conner.

8 MR. HANKS: Kitty Cox has my cell phone number.
9 After you exit executive session, hopefully
10 she'll contact us by telephone, sir.

11 MR. FOSTER: Want us to keep it on hold so we can
12 hold the conference call?

13 MR. HANKS: We can't hold Dr. Conner.

14 MR. FOSTER: They call you by cell phone, we can
15 punch back in.

16 MR. HANKS: We'll going to have to punch back in
17 after Kitty buzzes me because we can't cut off
18 Dr. Conner.

19 MR. SPOON: Why don't we do this as you move to
20 executive session, and just for everyone's
21 information, from this end, since you're not
22 here to physically see that, I want you to
23 assure everyone that the court reporter will
24 be shutting off. The court reporter will be
25 exiting the room as well as the staff. And

1 Ms. Cox will not be present during executive
2 session. And I think the expectation is on
3 the other end that Mr. Hanks and Mr. Foster
4 will sign off as well as the Respondent.
5 Probably given the time limitations and the
6 logistics of trying to get everybody logged
7 back in, my suggestion only is that we go into
8 executive session and when the Board returns
9 from executive session, we can make contact
10 with Mr. Hanks and Mr. Foster by telephone and
11 let them know the decision. Rather than
12 everybody trying to get back on the call.

13 MR. FOSTER: Yeah. That would be great and then I
14 can call Dr. Conner back after that.

15 MR. SPOON: Okay.

16 MR. HANKS: Thank you.

17 MR. FOSTER: All right. We're going to hang up now
18 everybody. Thank you very much.

19

20 (Executive Session)

21

22 MR. SPOON: All right. Your administrator and the
23 court reporter and staff, Ms. Coats, is back
24 in the room now.

25 DR. JONES: Is there a motion that we come out of

1 executive session?

2 DR. GOINS: I move that we come out of executive
3 session.

4 DR. ALTERMAN: Second.

5 DR. JONES: All those in favor?

6 BOARD: Aye.

7 DR. JONES: Opposed?

8

9 (Public Session)

10

11 DR. JONES: Is there a motion as to the disposition
12 of this case?

13 DR. DIXON: I make a motion that we accept the
14 Consent Agreement as written.

15 MR. SCHWEITZER: Second.

16 DR. JONES: All those in favor?

17 BOARD: Aye.

18 DR. JONES: Any opposed? The final written
19 decision must be signed by the president of
20 the Board and will be the final order in this
21 matter. That concludes our disciplinary
22 section.

23 MR. SCHWEITZER: Mr. Chairman, was Dr. Conner or
24 his legal counsel on when announced that
25 ruling on that motion?

1 DR. JONES: I think Sheridan was going to telephone
2 them, and before we went out to executive
3 session they agreed that that's okay that we
4 could just let them know by phone.

5 MR. SPOON: That's the plan.

6 MR. SCHWEITZER: Very good.

7 - - - - -

8 (Whereupon, at 1:49 p.m., the proceedings
9 in the above-entitled matter was
10 concluded.)

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