

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

FILED
1987 FEB 24 AM 9:53

IN THE MATTER OF:

J. MICHAEL MATTHEWS, D. D. S.

JACQUELYN A. ALEXANDER
PULASKI CO. CIRCUIT CLERK
PETITIONER

CASE NO. 86-8711

ORDER

On this 6th day of February, 1987, comes on for hearing the appeal of a decision rendered by the Arkansas State Board of Dental Examiners by the petitioner, J. Michael Matthews, D. D. S. The petitioner, J. Michael Matthews, D. D. S., appeared together with his attorney, Cliff Jackson, and the Board appeared by and through its attorney, William H. Trice, III. From the pleadings, testimony of the witnesses, transcript of the hearing of 11 September, 1986, and argument of counsel, the Court finds that:

1. This Court has jurisdiction of the parties and the subject matter of this litigation.
2. There was substantial evidence to support the findings of the Board in its disciplinary hearing of the petitioner, J. Michael Matthews, held on the 11th of September, 1986.
3. The punishment rendered by the Board was too harsh and should be reduced.

WHEREFORE, IT IS, CONSIDERED, ORDERED AND ADJUDGED THAT:

1. The sentence of the Arkansas State Board of Dental Examiners concerning the petitioner, J. Michael Matthews, will be reduced, as follows:

(a) The license of J. Michael Matthews to practice dentistry in the State of Arkansas is hereby suspended for a period of one year.

IT IS SO ORDERED.

David B. Boyd

CIRCUIT JUDGE

DATE: FEB 24 1987

APPROVED:
Cliff Jackson

CLIFF JACKSON
ATTORNEY FOR J. MICHAEL MATTHEWS

William H. Trice, III

WILLIAM H. TRICE, III
ATTORNEY FOR THE ARKANSAS STATE
BOARD OF DENTAL EXAMINERS

*Returned
15 Jan 88*

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF
MICHAEL MATTHEWS, D. D. S.

ORDER

On this 11th day of September, 1986, comes on for hearing the matter of Michael Matthews, D. D. S. The Arkansas State Board of Dental Examiners was present with a quorum and represented by its attorney, William H. Trice, III, and Michael Matthew, D. D. S., was present together with his attorney, Greg Stephens. From the pleadings, testimony of the witnesses, evidence introduced, and argument of counsel, the Board finds that:

1. Michael Matthews is a dentist licensed to practice dentistry in the State of Arkansas.
2. On or about the 29th of August, 1985, and on subsequent occasions, Michael Matthews permitted an unlicensed person, more specifically, Barry Brazil, to practice dentistry upon one Bessie Coffelt.
3. Said acts of Michael Matthews violates Ark. Stat. §72-560 (7), more specifically, permitting an unlicensed person under his supervision or control to perform an act which was considered the practice of dentistry, as defined in Ark. Stat. §§72-543 and 72-545.
4. Said acts of Michael Matthews further violated Ark. Stat. §72-560 (8), a violation of a rule or regulation of the Board, more specifically, Article 12 (e), in that he aided or abetted an unlicensed person to practice dentistry, as defined in the Dental Practice Act in Ark. Stat. §§72-543 and 72-545.

WHEREFORE, IT IS, CONSIDERED, ORDERED AND ADJUDGED BY THE BOARD THAT:

1. Michael Matthews has violated Ark. Stat. §72-560 (7), and as such, can be sanctioned by the Board.
2. Michael Matthews has violated Ark. Stat. §72-560 (8), more specifically, Article 12 (e), and as such, can be sanctioned by the Board.

3. There was not sufficient proof to show that Michael Matthews violated Ark. Stat. §72-545 (c) or 72-545 (d).

4. The license of Michael Matthews to practice dentistry in the State of Arkansas is suspended for a period of eighteen (18) months from the date of this Order.

5. At the conclusion of said eighteen (18) months suspension and after giving satisfactory assurance to the Board of future correct conduct and paying a \$50.00 reinstatement fee, Michael Matthews will be placed on probation by the Arkansas Board of Dental Examiners for an additional eighteen (18) month period.

6. During said eighteen (18) month probationary period, Michael Matthews will be subject to onsite inspections at his dental practice. The costs of said onsite inspections will be paid for by Michael Matthews.

7. Prior to the license of Michael Matthews being restored after the eighteen (18) months suspension, Michael Matthews will pay a fine to the Arkansas State Board of Dental Examiners in the amount of \$1,000.00.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

By: *Shelby A. Woodiel*
SHELBY A. WOODIEL, D. D. S.
Secretary