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8 **BEFORE THE**  
**DENTAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 01-2008-2825

12 **SCOTT CARL HENNING**  
13 **14570 Mono Way, Suite 1**  
**Sonora, California**

**A C C U S A T I O N**

14 **Dental License No. 36083**

**DBC 2008-149**

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Cathleen J. Poncabare (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the Dental Board of California, Department of Consumer  
21 Affairs.
- 22 2. On or about July 15, 1988, the Dental Board of California issued Dental License  
23 Number 36083 to Scott Carl Henning (Respondent). The Dental License was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless  
25 renewed.

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JURISDICTION

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3. This Accusation is brought before the Dental Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code, unless otherwise indicated.

4. Section 490 of the Code states, in pertinent part:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere."

5. Section 1670.1 states, in pertinent part:

Any licentiate. . . may have his or her license revoked. . . by the board for conviction of a crime substantially related to the qualifications, functions, or duties of a dentist. . . in which case the record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence.

The board shall undertake proceedings under this section upon the receipt of a certified copy of the record of conviction. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any misdemeanor substantially related to the qualifications, functions, or duties of a dentist or dental auxiliary is deemed to be a conviction within the meaning of this section.

The board may order the license suspended or revoked. . . irrespective of a subsequent order under any provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment."

6. Section 1687 states, in pertinent part:

(a) Notwithstanding any other provision of law, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, or under federal law, the board shall be subject to the following requirements:

(2) If the individual is licensed under this chapter, the board shall revoke the license of the individual. The board shall not stay the revocation and place the license on probation.

(3) The board shall not reinstate or reissue the individual's licensure under this chapter. The board shall not issue a stay of license denial and place the license on probation.

