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

11 In the Matter of the Accusation Against:

Case No. DBC 2007-83

12 LEVON SOLAK, DDS  
525 South Olive Street  
13 Los Angeles, Ca. 90013

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

14 Dental Certificate No. 44542

15 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Richard Wallinder (Complainant) brings this Accusation solely in his  
20 official capacity as the Executive Officer of the Dental Board of California, Department of  
21 Consumer Affairs.

22 2. On or about July 30, 1997, the Dental Board of California (Board) issued  
23 Dental Certificate No. 44542 to Levon Solak (Respondent). The Dental License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on May 30,  
25 2009 unless renewed.

26 JURISDICTION

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

3 4. Section 118(b) of the Code states, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
5 period within which the license may be renewed, restored, reissued or reinstated.

6 5. Section 490 states:

7 "A board may suspend or revoke a license on the ground that the licensee has  
8 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
9 duties of the business or profession for which the license was issued. A conviction within the  
10 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
11 contendere. Any action which a board is permitted to take following the establishment of a  
12 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
13 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
14 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
15 Penal Code."

16 6. Section 1670 states:

17 "Any licentiate may have his license revoked or suspended or be reprimanded or  
18 be placed on probation by the board for unprofessional conduct, or incompetence, or gross  
19 negligence, or repeated acts of negligence in his or her profession, or for the issuance of a license  
20 by mistake, or for any other cause applicable to the licentiate provided in this chapter. The  
21 proceedings under this article shall be conducted in accordance with Chapter 5 (commencing  
22 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board  
23 shall have all the powers granted therein."

24 7. Section 1670.1 states, in pertinent part:

25 "Any licentiate under this chapter [chapter 4 (commencing with section 1600)]  
26 may have his or her license revoked or suspended or be reprimanded or be placed on probation  
27 by the board for conviction of a crime substantially related to the qualifications, functions, or  
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1 duties of a dentist or dental auxiliary, in which case the record of conviction or a certified copy  
2 thereof, certified by the clerk of the court or by the judge in whose court the conviction is had,  
3 shall be conclusive evidence.

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

9 8. Section 1680 states, in pertinent part:

10 "Unprofessional conduct by a person licensed under this chapter [Chapter 4  
11 (commencing with section 1600)] is defined as, but is not limited to, the violation of any one of  
12 the following:

13 . . . .  
14 "(j) The employing or making use of solicitors.

15 "(x) Any action or conduct which would have warranted the denial of the license."

16 9. California Code of Regulations, title 16, section 1019, states, in pertinent  
17 part:

18 "For the purposes of denial, suspension or revocation of a license of a dentist or a  
19 dental auxiliary pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or  
20 act shall be considered to be substantially related to the qualifications, functions, or duties of a  
21 dentist or dental auxiliary if to a substantial degree it evidences present or potential unfitness of a  
22 licensee to perform the functions authorized by his license in a manner consistent with the public  
23 health, safety, or welfare."

24 10. Section 125.3 of the Code provides, in pertinent part, that the Board may  
25 request the administrative law judge to direct a licentiate found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Substantially Related Crime)

3 11. Respondent is subject to disciplinary action under sections 1670 and 1680,  
4 subdivision (n) of the Code, on the grounds of unprofessional conduct, as defined in sections  
5 1670.1 and 490, in conjunction with California Code of Regulations, title 16, section 1019, in  
6 that Respondent was convicted of a substantially related crime(s). The circumstances are as  
7 follows:

8 a. On or about December 10, 2007, in a criminal proceeding entitled  
9 *The People of the State of California v. Levon Solak* in Los Angeles Superior Court, Central  
10 District, Case No. BA327173, Respondent was convicted on a plea of nolo contendere for  
11 violating Business and Professions Code section 650(a) (payment of an unlawful rebate), a  
12 misdemeanor.

13 b. The circumstances of the conviction are that on or about December  
14 2005, Respondent and a known "capper" known as J.G.<sup>1</sup> entered into an agreement whereby  
15 Respondent would pay J.G. \$50.00 per patient. J.G. continued to bring patients to Respondent  
16 until J.G. was arrested on or about April 4, 2006.

17 SECOND CAUSE FOR DISCIPLINE

18 (Employing or Making Use of Solicitors)

19 12. Respondent is subject to disciplinary action under sections 1670 and 1680,  
20 subpart (j), of the Code, in that Respondent employed or made use of a solicitor, i.e., capper J.G.  
21 in order to solicit patients to his office. The circumstances set forth in paragraph 11, sub-parts (a)  
22 and (b) are incorporated herein by reference as though fully set forth herein.

23 THIRD CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct- Act That Would Have Warranted Denial of License)

25 13. Respondent is subject to disciplinary action under sections 1670 and 1680,  
26 subpart (x), of the Code, in conjunction with California Code of Regulations, title 16, section

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28 <sup>1</sup> The subject's name will be released during discovery, if requested.

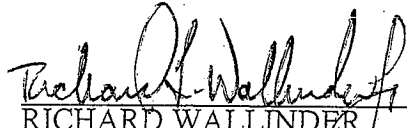
1 1019, in that the payment of an unlawful rebate, is conduct that would have warranted denial of  
2 a dental license. The circumstances set forth in paragraph 11, sub-parts (a) and (b) are  
3 incorporated herein by reference as though fully set forth herein.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Dental Board of California issue a decision:

- 7 1. Revoking or suspending Dental License No. 44542, issued to Levon  
8 Solak;
- 9 2. Ordering Levon Solak to pay the Dental Board of California the  
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
11 Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 5/21/08

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15   
16 RICHARD WALLINDER  
17 Executive Officer  
18 Dental Board of California  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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