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7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. **DBC 2008-119**

13 **LILIAN I. MORALES-COMPARINI**
4807 Sawtelle Blvd., #3
Culver City, CA 90230

ACCUSATION

14 Registered Dental Assistant License No. 45761

15 Respondent.

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17 Complainant alleges:

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PARTIES

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20 1. Cathleen J. Poncabare (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Dental Board of California, Department of
22 Consumer Affairs.

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24 2. On or about April 16, 1996, the Dental Board of California (Board) issued
25 Registered Dental Assistant License Number 45761 to Lilian I. Morales-Comparini
(Respondent). The Registered Dental Assistant License was in full force and effect at all times
26 relevant to the charges brought herein and will expire on September 30, 2009, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless
4 otherwise indicated.

5 STATUTORY PROVISION

6 4. Section 480 states, in pertinent part:

7 "(a) A board may deny a license regulated by this code on the grounds that the
8 applicant has one of the following:

9 "(1) Been convicted of a crime. A conviction within the meaning of this
10 section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
11 Any action which a board is permitted to take following the establishment of a conviction may
12 be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed
13 on appeal, or when an order granting probation is made suspending the imposition of sentence,
14 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

15 5. Section 490 provides, in pertinent part, that a board may suspend or
16 revoke a license on the ground that the licensee has been convicted of a crime substantially
17 related to the qualifications, functions, or duties of the business or profession for which the
18 license was issued.

19 6. Section 1670 states, in pertinent part:

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

27 7. Section 1670.1 states, in pertinent part:

28 "Any licentiate under this chapter [chapter 4 (commencing with section 1600)]

1 may have his or her license revoked or suspended or be reprimanded or be placed on probation
2 by the board for conviction of a crime substantially related to the qualifications, functions, or
3 duties of a dentist or dental auxiliary, in which case the record of conviction or a certified copy
4 thereof, certified by the clerk of the court or by the judge in whose court the conviction is had,
5 shall be conclusive evidence.

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

11 8. Section 1680 states:

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

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15 "(w) Use of fraud in the procurement of any license issued pursuant to this
16 chapter."

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

19 **REGULATORY PROVISIONS**

20 9. California Code of Regulations, section 1019, states:

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

27 **COST RECOVERY**

28 10. Section 125.3 provides, in pertinent part, that the Board may request the

1 administrative law judge to direct a licentiate found to have committed a violation or violations
2 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
3 enforcement of the case.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Convictions of Substantially-Related Crimes)**

6 11. Respondent is subject to disciplinary action under section 490 and section
7 1670.1, in conjunction with California Code of Regulations, Title 16, section 1019, in that
8 Respondent was convicted of crimes substantially related to the qualifications, functions and
9 duties as a Registered Dental Assistant. The circumstances are as follows:

10 a. On or about December 10, 2008, after pleading nolo contendere,
11 Respondent was convicted of one felony count of violating Penal Code section 476 [forgery in
12 making/passing a fictitious check], in the criminal proceeding entitled *The People of The State of*
13 *California v. Lilian Morales* (Super. Ct. Los Angeles County, 2008, No. KA085202).
14 Respondent was sentenced to 210 days in custody and placed on 3 years probation.

15 b. On or about June 5, 2007, after pleading guilty, Respondent was convicted
16 of one misdemeanor count of violating Penal Code section 417(a)(1) [exhibiting deadly weapon],
17 in the criminal proceeding entitled *The People of The State of California v. Lilian Comparini*
18 (Super. Ct. Los Angeles County, 2007, No. 7PY03267). Respondent was sentenced to seven
19 days in jail and placed on 2 years probation. The circumstances surrounding the conviction are
20 that on or about June 1, 2007, the Los Angeles Police Department arrested Respondent for using
21 and exhibiting a six-inch knife in a threatening manner during an altercation with another
22 female.

23 c. On or about September 17, 2007, after pleading nolo contendere,
24 Respondent was convicted of one misdemeanor count of violating Vehicle Code section
25 12500(a) [driving without a license], in the criminal proceeding entitled *The People of The State*
26 *of California v. Lilian Comparini* (Super. Ct. Los Angeles County, 2007, No. 6GN00758).
27 Respondent was ordered to pay court fines. The circumstances surrounding the conviction are
28 that on or about January 11, 2006, officers of the Glendale Police Department responded to the

1 scene of an automobile accident in which Respondent was involved. Respondent admitted to the
2 officers that her driver's license had expired and could not be renewed due to the fact that she
3 did not have a social security number.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Fraudulent Misrepresentation)**

6 12. Respondent is subject to disciplinary action under Code section 1680,
7 subdivisions (w) and (x) in that Respondent falsified her Social Security Number in order to
8 obtain her Registered Dental Assistant License.

9 a. On or about January 11, 2006, Respondent was involved in an automobile
10 accident. A police officer requested proof of a valid Driver's License and Respondent was not
11 able to provide one stating that she did not have a social security card to renew her license.

12 b. An investigation revealed that the social security number Respondent
13 provided on her application belonged to another person.

14 c. On April 17, 2009, Respondent was notified by the Dental Board of
15 California that there was a discrepancy with her social security number in their record and that
16 Respondent was required to verify her Social Security Number.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Committing Acts That Would Warrant the Denial of a License)**

19 13. Respondent is subject to disciplinary action under section 1670 and
20 section 1680, subdivisions (w) and (x), in conjunction with section 480, subdivision (a)(1), as a
21 result of her convictions and false misrepresentations, acts that would result in the denial of a
22 license. Complainant refers to, and by this reference incorporates, the allegations set forth above
23 in paragraph 11, subparagraphs (a), (b), and (c), and paragraph 12, subparagraphs (a), (b), and (c)
24 as though set forth fully.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein
27 alleged, and that following the hearing, the Board issue a decision:

28 1. Revoking or suspending Registered Dental Assistant License

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Number 45761, issued to Respondent Lilian I. Morales-Comparini;

2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and

3. Taking such other and further action as deemed necessary and proper.

DATED: May 15, 2009



CATHLEEN J. PONCABARE
Executive Officer
Dental Board of California
Department of Consumer Affairs
State of California
Complainant

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