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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**

11 In the Matter of the Accusation Against:

Case No. **DBC 2008-117**

12 DARTWAUN TREMEL THIBODEAUX  
13 837 West 81st Street  
Los Angeles, CA 90044

**ACCUSATION**

14 Registered Dental Assistant Certificate  
15 No. 62741

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Cathleen J. Poncabare (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Dental Board of California.

21 2. On or about September 1, 2004, the Dental Board of California (Board)  
22 issued Registered Dental Assistant License No. 62741 to Dartwaun Tremel Thibodeaux  
23 (Respondent). The Registered Dental Assistant License expired on October 31, 2006, and has  
24 not been renewed.

25 **JURISDICTION**

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



1                   6.       Section 1670 states:

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

9                   7.       Section 1670.1 states:

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

16                  "The board shall undertake proceedings under this section upon the receipt of a  
17 certified copy of the record of conviction. A plea or verdict of guilty or a conviction following a  
18 plea of nolo contendere made to a charge of a felony or of any misdemeanor substantially related  
19 to the qualifications, functions, or duties of a dentist or dental auxiliary is deemed to be a  
20 conviction within the meaning of this section. The board may order the license suspended or  
21 revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment  
22 of conviction has been affirmed on appeal or when an order granting probation is made  
23 suspending the imposition of sentence, irrespective of a subsequent order under any provision of  
24 the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing such  
25 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the  
26 verdict of guilty, or dismissing the accusation, information or indictment."

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8. Section 1680 states:

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

....

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

**REGULATORY PROVISIONS**

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

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

**COST RECOVERY**

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

**FIRST CAUSE FOR DISCIPLINE**

**(Conviction of a Substantially Related Crime)**

11. Respondent is subject to disciplinary action under sections 490 and 1670.1, in conjunction with California Code of Regulations, Title 16, section 1019, in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties as a Registered Dental Assistant. The circumstances are that on or about July 11, 2008, after being found guilty by a jury, Respondent was convicted of two felony counts of violating Penal Code section 245, subdivision (d)(1) [assault with a firearm upon a peace officer or firefighter], five counts of Penal Code section 245, subdivision (a)(2) [assault with a firearm on a

1 person], one count of Penal Code section 246 [shooting at an inhabited dwelling or vehicle], one  
2 count of Penal Code section 246.3 [discharging a firearm with gross negligence], one count of  
3 Penal Code section 12021, subdivision (a)(1) [possession of a firearm by a felon], and one count  
4 of Penal Code section 12316, subdivision (b)(1) [possession of ammunition] in the criminal  
5 proceeding entitled *The People of The State of California v. Dartwaun Thibodeaux* (Super. Ct.  
6 Los Angeles County, 2008, No. BA29185501). Respondent was sentenced to 37 years in any  
7 state prison and denied probation. The circumstances surrounding the conviction are that on or  
8 about October 15, 2005, Respondent was observed to be arguing with a female pedestrian in  
9 front of a neighboring duplex, by a female and 4 passengers driving by that stopped to see what  
10 was happening. Respondent said, "Bitch, keep driving!" and stepped toward the car. Respondent  
11 fired one round from his shotgun, which struck the left bumper of the vehicle. Officers  
12 responded to an incident of shots fired, assault with a deadly weapon, barricaded Respondent,  
13 requested additional units, and Special Weapons and Tactics (SWAT). An exchange of gunfire  
14 and stand off ensued between Respondent and the officers.

## 15 SECOND CAUSE FOR DISCIPLINE

### 16 (Unprofessional Conduct)

17 12. Respondent is subject to disciplinary action under sections 1670 and 1680,  
18 subdivision (x), in that on or about October 15, 2005, Respondent committed acts or engaged in  
19 conduct that would have warranted the denial of his license. Complainant refers to, and by this  
20 reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

## 21 FACTORS IN AGGRAVATION

22 13. In order to determine the degree of discipline, if any, to be imposed on  
23 Respondent, Complainant alleges that on or about February 19, 1997, Respondent was convicted  
24 of one felony count of violating Penal Code section 246.3 [discharging a firearm with gross  
25 negligence] in the criminal proceeding entitled *The People of The State of California v.*  
26 *Dartwaun Thibodeaux* (Super. Ct. Los Angeles County, 1997, No. BA143499). Respondent was  
27 sentenced to 24 days in jail and placed on probation for 36 months. The circumstances  
28 surrounding the conviction are that on or about January 1, 1997, Respondent willfully and

1 unlawfully, discharged a firearm in a grossly negligent manner, which could result in injury and  
2 death to a person.

3 **PRAYER**

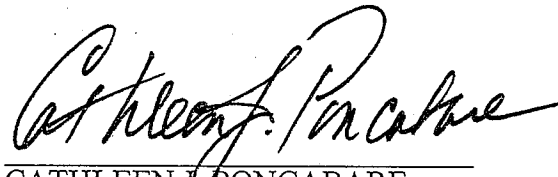
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
5 alleged, and that following the hearing, the Board issue a decision:

6 1. Revoking or suspending Registered Dental Assistant License No. 62741,  
7 issued to Respondent.

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

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

12  
13 DATED: May 15, 2009

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16 CATHLEEN J. PONCABARE  
17 Executive Officer  
18 Dental Board of California  
19 State of California  
20 Complainant

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