

BEFORE THE
DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

SHALAYA FINLEY
5272 AUBURN DRIVE
SAN DIEGO, CA 92105

Respondent.

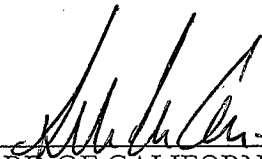
Case No. DBC 2008-109

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Dental Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 30, 2009.

It is so ORDERED August 31, 2009.



FOR THE DENTAL BOARD OF CALIFORNIA

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DENTAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

13 **SHALAYA FINLEY**
14 **5272 AUBURN DRIVE**
SAN DIEGO, CA 92105

15 Respondent.

Case No. DBC 2008-109

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Cathleen J. Poncabare (Complainant) is the Executive Officer of the Dental Board of
22 California. She brought this action solely in her official capacity and is represented in this matter
23 by Edmund G. Brown Jr., Attorney General of the State of California, by Sherry L. Ledakis,
24 Deputy Attorney General.

25 2. Respondent Shalaya Finley, Respondent, is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about June 4, 2008, Respondent filed an application dated May 30, 2008, with
28 the Dental Board of California to obtain a license as a Registered Dental Assistant.

1 3. **Probation Surveillance.** Respondent shall comply with the Board's probation
2 surveillance program.

3 4. **Interviews.** Respondent shall appear in person for interviews with a Board
4 representative upon request at various intervals and with reasonable notice.

5 5. **Change of Address.** Respondent shall inform the Board in writing within 15 days of
6 any change of place of practice or place of residence. Respondent shall at all times keep the
7 Board informed of her address of business and residence which shall both serve as addresses of
8 record. Under no circumstances shall a post office box serve as an address of record.

9 Respondent shall also immediately inform the Board, in writing, of any travel to any areas
10 outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30)
11 days.

12 6. **Probation Monitoring Costs.** All costs incurred for probation monitoring during the
13 entire probation shall be paid by the Respondent. The monthly cost may be adjusted as expenses
14 are reduced or increased. Respondent's failure to comply with all terms and conditions may also
15 cause this amount to be increased.

16 All payments for costs are to be sent directly to the Board and must be received by the
17 date(s) specified. (Periods of tolling will not toll the probation monitoring costs incurred.)

18 If Respondent is unable to submit costs for any month, she shall be required, instead to
19 submit an explanation of why she is unable to submit the costs, and the date(s) she will be able to
20 submit the costs including payment amount(s). Supporting documentation and evidence of why
21 the Respondent is unable to make such payment(s) must accompany this submission.

22 Respondent understands that failure to submit costs timely is a violation of probation and
23 submission of evidence demonstrating financial hardship does not preclude the Board from
24 pursuing further disciplinary action. However, Respondent understands that by providing
25 evidence and supporting documentation of financial hardship it may delay further disciplinary
26 action.

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1 In addition to any other disciplinary action taken by the Board, an unrestricted license will
2 not be issued at the end of the probationary period and any license or certificate issued to
3 Respondent will not be renewed, until such time all probation monitoring costs have been paid.

4 7. **License Surrender.** Following the effective date of this decision, if Respondent
5 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and
6 conditions of probation, Respondent may voluntarily surrender her license to the Board. The
7 Board reserves the right to evaluate the Respondent's request and to exercise its discretion
8 whether to grant the request, or to take any other action deemed appropriate and reasonable under
9 the circumstances. Upon formal acceptance of the tendered license, Respondent will no longer be
10 subject to the terms and conditions of probation.

11 8. **Absence from State/Practice.** In the event Respondent should leave California to
12 reside or practice outside the State, Respondent must provide written notification to the Board of
13 the dates of departure and return. Periods of residence or practice outside of California will not
14 apply to the reduction of the probationary period. In the event Respondent ceases to actively
15 practice as a Registered Dental Assistant in California, Respondent must provide written
16 notification of that fact to the Board. The period when the Respondent is not practicing will not
17 apply to the reduction of the probationary period. Absence from the state or absence from
18 practice shall not relieve the Respondent from fulfilling the conditions of probation requiring
19 reimbursement of costs or restitution to patients or on behalf of patients.

20 9. **Biological Fluid Testing.** Respondent shall submit to random biological fluid testing
21 at her own expense upon the demand of the Board or its designee.

22 10. **Abstain from Use of Alcohol/Controlled Substances/Dangerous Drugs.** For the
23 entire term of probation Respondent shall abstain from all use and possession of alcohol, and
24 controlled substances unless legally prescribed for medically or dentally diagnosed health reasons
25 for a bona fide illness or medical/dental condition.

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Dental Board of California of the Department of Consumer Affairs.

Dated: July 14, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Sherry L. Ledakis

SHERRY L. LEDAKIS
Deputy Attorney General
Attorneys for Complainant

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