

IN THE MATTER OF

*

BEFORE THE STATE

KATHERINE E. CHRISTIAN

*

BOARD OF DENTAL

APPLICANT

*

EXAMINERS

*

CASE NUMBER: 2009-006

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FINAL ORDER NOTICE OF DENIAL OF APPLICATION FOR DENTAL RADIATION TECHNOLOGIST CERTIFICATION

The State Board of Dental Examiners (the "Board") notified Katherine E. Christian ("the Applicant"), d.o.b. 07/07/1987, of the Board's intent to deny her Application for Dental Radiation Technologist Certification under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101 *et seq.* (Repl. Vol. 2009). The pertinent provisions state:

H.O. § 4-505 Certification of dental radiation technologists.

(d) After July 1, 1988, an individual may not practice dental radiation technology unless certified by the Board.

Code of Md. Regs tit. 10, § 44.19

.03 Qualifications.

A. Except as otherwise provided in these regulations, to qualify to be certified as a dental radiation technologist, an applicant shall be an individual who:

(2) Is of good moral character.

. 11 Penalties for Violations of These Regulations.

A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology, reprimand any certified dental radiation technologist, place any certified dental radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

(3) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another

FINDINGS OF FACT

The Board finds that:

1. On or about January 14, 2008, the Board received the Applicant's Application for Dental Radiation Technologist Certification ("Application for Certification").

2. On her Application for Certification, the Applicant answered 'yes' to the following questions:

f. Have you pled guilty, nolo contendere, had a conviction or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations?

g. Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substance?

3. An investigation by the Board revealed the following:

FACTS PERTAINING TO THE APPLICANT'S MAY 2006 CRIMINAL CHARGES

4. On or about May 28, 2006, the Applicant was charged with one (1) count of Possession of a Controlled Dangerous Substance of Schedule I, to wit: Ecstasy, in violation of Md. Crim. Law. Code Ann. § 5-601(a)(1), one (1) count of Possession of a Controlled Dangerous Substance of Schedule I, to wit: Marihuana, in violation of Md. Crim. Law. Code Ann. § 5-601 (a) (1), and one (1) count of Possession of Drug Paraphernalia, in violation of Md. Crim. Law. Code Ann. § 5-619(c)(1). (a copy of the Charge Summary, Statement of Charges, and Statement of Probable Cause, in *State of Maryland vs. Katherine Elizabeth Christian*, case number: 1F00017221, are attached hereto and incorporated herein as Exhibit A).

5. On or about August 21, 2006, the Applicant pled guilty to one (1) count of Possession of a Controlled Dangerous Substance of Schedule I, to wit: Marihuana, in violation of Md. Crim. Law. Code Ann. § 5-601(a)(1) (a copy of the Defendant Trial Summary in *State of Maryland vs. Katherine Elizabeth Christian*, case number: 1F00017221, are attached hereto and incorporated herein as **Exhibit B-1**).

6. On or about August 21, 2006, Judge John L. Norton III, of the District Court for Dorchester County, Maryland granted the Applicant Probation Before Judgment. The Applicant was placed on supervised probation for a period of twelve (12) months (a copy of the Trial Docket in *State of Maryland vs. Katherine Elizabeth Christian*, case number: 1F00017221, are attached hereto and incorporated herein as **Exhibit B-2**).

7. Judge Norton also ordered that the Applicant undergo monthly urine testing, complete thirty- two (32) hours of community service, and pay court costs and fines (a copy of the Defendant Probation Summary and the Probation/Supervision Order are attached hereto and incorporated herein as **Exhibit C-1 and C-2**).

**FACTS PERTAINING TO THE APPLICANT'S NOVEMBER 2006 ALCOHOL
RELATED CHARGES**

8. On or about November 16, 2006, the Applicant was charged with one (1) count of Driving While under the Influence of Alcohol, in violation of Md. Trans. Code Ann. § 21-902(a), one (1) count of Driving under the Influence of Alcohol Per Se, in violation of Md. Trans. Code Ann. § 21-902(a), one (1) count of Driving While Impaired by Alcohol, in violation of Md. Trans. Code Ann. § 21-902(b), one count (1) of Reckless and Negligent Driving, in violation of Md. Trans. Code Ann. § 21-901.1, one (1) count of Driving Vehicle on Highway at Speed Exceeding the Limit, in violation of Md. Trans. Code Ann. § 21-801.1, and one (1) count of Violation License Restriction, in violation of Md. Trans. Code Ann. § 16-113(h).

9. On or about March 15, 2007, the Applicant pled guilty in the District Court for Anne Arundel County, Maryland to one (1) count of Driving while Under the Influence of Alcohol Per Se, in violation of Md. Trans. Code Ann. § 21-902(a) (a Copy of the Defendant Trial Summary, in *State of Maryland v. Katherine Elizabeth Christian*, case number: EO10203, is attached hereto and incorporated herein as **Exhibit D**).

10. On or about March 15, 2007, Judge Jonas D. Legum of the District Court for Anne Arundel County, Maryland granted the Applicant Probation Before Judgment. The Applicant was placed on twelve (12) months supervised probation and ordered to complete a substance abuse program (a Copy of the Defendant Probation Summary, in *State of Maryland v. Katherine Elizabeth Christian*, case number: EO10203, is attached hereto and incorporated herein as **Exhibit E**).

**FACTS PERTAINING TO THE APPLICANT'S MAY 2007 VIOLATION OF
PROBATION**

11. On or about May 8, 2007, the Applicant was charged with violating the terms of her August 21, 2006 Probation/Supervision Order (a copy of the Division of Parole and Probation Supervision Summary, Statement of Charges, Request for Summons, and Show Cause Order, in *State of Maryland v. Katherine Elizabeth Christian*, case number: 1F00017221, are attached hereto and incorporated herein as **Exhibit F-1, F-2, F-3 and F-4**).

12. The various charges that she received on or about November 16, 2006 , and as described in paragraphs 8-10, formed basis for the charge that the Applicant violated the terms of her August 21, 2006 Probation/Supervision Order.

13. On or about March 3, 2008, the Applicant pled guilty to and was found guilty of violating the terms of her August 21, 2006 Probation/Supervision Order.

14. The Applicant failed to inform the Board, while her Application for Certification was pending, that she has been convicted of violating her August 21, 2006 Probation/Supervision Order.

**FACTS PERTAINING TO THE APPLICANT'S AUGUST 2008 ALCOHOL
RELATED CHARGES**

15. On or about August 29, 2008, the Applicant was charged with one (1) count of (1) Driving While under the Influence of Alcohol, in violation of Md. Trans. Code Ann. § 21-902(a), one (1) count of Driving While Impaired by Alcohol, in violation of Md. Trans. Code Ann. § 21-902(b), one (1) count of Driving / Attempting to Drive Vehicle While under the Influence of Alcohol Per Se, in violation of Md. Trans. Code § 21-902(a), and one count (1) of Stopping, Standing, or Parking outside Business or Residential Districts, in violation of Md. Trans. Code § 21-1001(b) (a copy of the Charge Summary and the Statement of Probable Cause, in *State of Maryland v. Katherine Elizabeth Christian* case number: FK10185[6], are attached hereto and incorporated herein as **Exhibit G-1 and G-2**).

16. On or about December 12, 2008, the Applicant pled guilty in the District Court for Anne Arundel County Maryland to Driving under the Influence of Alcohol Per Se, in violation of Md. Trans. Code § 21-902(a).

17. On or about December 12, 2008, Judge Megan B. Johnson of the District Court for Anne Arundel County found the Applicant guilty of Driving under the Influence of Alcohol Per Se, in violation of Md. Trans. Code § 21-902(a) (a copy of the Defendant Trial Summary and the Serious Traffic Docket, in *State of Maryland v. Katherine Elizabeth Christian* case number: FK10185[6], are attached hereto and incorporated herein as **Exhibit H-1 and H-2**).

18. Judge Johnson sentenced the Applicant to one (1) year incarceration, with all but four (4) days suspended. The Applicant was also placed on two (2) years supervised

probation. The Applicant was ordered to complete a substance abuse program, pay a fine and court costs (a copy of the Defendant Probation Summary, Probation/ Supervision Docket, and Commitment Record in *State of Maryland v. Katherine Elizabeth Christian* case number: FK10185, are attached hereto and incorporated herein as **Exhibit I-1, I-2 and I-3**).

19. The Applicant failed to inform the Board, while her Application for Certification was pending, that she had been convicted of Driving While under the Influence of Alcohol Per Se, in December 12, 2008.

THE FACTS PERTAINING TO THE APPLICANT'S DRIVING ON A SUSPENDED LICENSE AND PRIVILEGE CHARGE

20. On or about November 11, 2008, the Applicant was charged with Driving while Privilege is Canceled, Suspended, Refused, or Revoked, in violation of Md. Trans. Code § 21-902(a),

21. On or about February 25, 2009, the Applicant pled guilty to Driving a Motor Vehicle on a Suspended License and Privilege, in violation of TA16303C.

22. On or about February 25, 2009, Judge Danielle Mosley of the District Court for Anne Arundel County, Maryland found the Applicant guilty of Driving a Motor Vehicle on a Suspended License and Privilege, in violation of TA16303C (a copy of the Defendant Trial Summary and the Serious Traffic Docket, in *State of Maryland v. Katherine Elizabeth Christian* case number: FM28228, are attached hereto and incorporated herein as **Exhibit J-1 and J-2**).

23. Judge Mosley of the District Court for Anne Arundel County, Maryland sentenced the Applicant to six (6) days incarceration. The Applicant was placed on one year supervised probation, and ordered to pay costs and fines (a copy of Defendant Probation Summary, Probation /Supervision Docket and Commitment Record, in *State of*

Maryland v. Katherine Elizabeth Christian case number: FM28228, are attached hereto and incorporated herein as **Exhibit K-1, K-2 and K-3**).

24. The Applicant failed to inform the Board, while her Application for Certification was pending, that she has been convicted of Driving a Motor Vehicle on a Suspended License and Privilege on or about February 25, 2009.

25. The Applicant's guilty pleas and her conviction for Driving a Motor Vehicle While Under the Influence of Alcohol Per Se, as set forth above, are grounds for denial of her Application for Certification under Code of Md. Regs. tit. 10, § 44.19.03A (2).

26. The Applicant's failure to inform the Board of her arrests and convictions for serious motor vehicle offenses and her violation of her August 21, 2006 Probation/Supervision Order are grounds for denial of her Application for Certification under Code of Md. Regs. tit. 10, § 44.19.03A (2) and Code of Md. Regs. tit. 10, § 44.19.11 (3).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant lacks good moral character and, therefore, fails to meet the qualifications for Dental Radiation Technologist Certification to practice under H.O. § 4-505 (d), Code of Md. Regs tit. 10, § 44.19.03 (2) and .11A (7). The Board also concludes that the Applicant's guilty plea and conviction to felonies, as set forth above, is a violation of Code of Md. Reg tit. 10, § 44.19.11 A (7).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of May 2010, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Application for Dental Radiation Technology Certification submitted by Katherine E. Christian, is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and be it further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol.).

5/19/10
Date



Jane S. Casper, R.D.H. President
State Board of Dental Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §12-316 (2009 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol.), and Title 7, Chapter 200 of the Maryland Rules.