

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

EDSEL N. CLINE, D.D.S.  
(License No. 8213)

)  
) FINAL AGENCY DECISION  
)  
)

THIS MATTER was heard before the North Carolina State Board of Dental Examiners (Dental Board) on May 13, 2015 pursuant to N.C. Gen. Stat. §§ 90-41.1 and 150B-38 and 21 NCAC 16N .0504 of the Board’s Rules. The Dental Board’s Hearing Panel consisted of Board members Dr. W. Stanley Allen, presiding; Dr. Kenneth M. Sadler, Dr. Merlin W. Young, Dr. William M. Litaker, Jr. and Dr. Clifford O. Feingold. Board members Dr. David Howdy, Ms. Carla Stack and Dr. James B. Hemby, Jr., did not participate in the hearing, deliberation or decision of this matter. The Respondent, Dr. Edsel N. Cline, did not appear and was not represented by counsel. Carolin Bakewell represented the Investigative Panel and Thomas F. Moffitt represented the Hearing Panel.

Based upon the stipulations of the parties and the evidence produced at the hearing, the Board enters the following:

FINDINGS OF FACT

1. The Dental Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding pursuant to the authority granted to it in Chapter 90 of the North Carolina General Statutes, including the Dental Practice Act and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. Respondent was licensed to practice dentistry in North Carolina on June 5, 2006 and holds license number 8213.

3. At all times relevant hereto, the Respondent has remained licensed to practice dentistry in North Carolina and was subject to the Dental Practice Act and the Board's Rules.

4. The Respondent was properly served with the Notice of Hearing of this matter.

5. On October 21, 2014, following a formal disciplinary hearing, the Dental Board entered a Final Agency Decision (October 2014 FAD) that suspended the Respondent's dental license for three years, with all but sixty-one (61) days of the suspension stayed on the condition, among other things, that Respondent underwent an evaluation by February 1, 2015 to determine if he has anger-control issues or any other condition that impairs his ability to competently engage in the practice of dentistry.

6. The October 2014 FAD required the Respondent to provide the Board with a written copy of the evaluation within ten (10) days after its completion.

7. The October 2014 FAD was properly served upon the Respondent and he was aware of its terms and conditions.

8. The October 2014 FAD has not been amended, stayed or vacated and its terms and conditions remain binding on the parties hereto.

9. The Respondent failed to obtain an evaluation by a Board approved evaluator and thereby violated the October 2014 FAD.

Based upon the foregoing Findings of Fact, the Hearing Panel hereby enters the following

#### CONCLUSIONS OF LAW

1. The Hearing Panel of the North Carolina State Board of Dental Examiners has jurisdiction over the subject of this proceeding and over the person of the Respondent.
2. The Hearing Panel was authorized to proceed in the Respondent's absence pursuant to N.C. Gen. Stat. § 150B-40(a) and 21 N.C. Admin. Code 16N .0606.
3. By violating the October 2014 FAD, the Respondent engaged in unprofessional conduct in violation of G.S. §§ 90-41(a)(26) and (a)(6).

#### FINDINGS OF FACT RELEVANT TO CHOICE OF DISCIPLINE

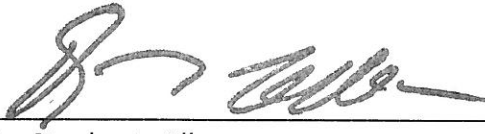
1. The Respondent's misconduct is aggravated by the fact that he has previously been disciplined by the Dental Board and has repeatedly violated valid Dental Board orders.
2. The Board does not find any mitigating factors.

Based upon the Respondent's serious violation of the Dental Practice Act and the aggravating factors present, the Hearing Panel finds that only revocation of the Respondent's dental license is sufficient to protect the public in this case.

WHEREFORE, the Hearing Panel enters the following order:

1. The dental license issued to Dr. Edsel N. Cline is hereby revoked.

This the 13<sup>th</sup> day of July, 2015.

A handwritten signature in black ink, appearing to read "S. L. Allen", written above a horizontal line.

Dr. Stanley L. Allen,  
Hearing Panel Chair

THE NORTH CAROLINA STATE  
BOARD OF DENTAL EXAMINERS