

STATE OF NORTH CAROLINA  
MECKLENBURG COUNTY

FILED IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS 9980

2021 SEP -7 P 1:03

IN RE:

MECKLENBURG CO., C.S.C.

JUDICIAL REVIEW OF FINAL AGENCY  
DECISION OF THE NC BOARD OF  
DENTAL EXAMINERS IN THE MATTER  
OF SPURGEON W. WEBBER, III, D.D.S.,  
LICENSE NO. 5647, DATED MAY 24,  
2021 (N.C. GEN. STAT. § 150B-43, *et seq.*)

**ORDER GRANTING PETITIONER'S  
MOTION TO STAY FINAL AGENCY  
DECISION**


This matter came before the Court on August 30, 2021, upon Petitioner's Motion to Stay Final Agency Decision issued by the North Carolina State Board of Dental Examiners ("Dental Board"). Petitioner, Spurgeon W. Webber, III, DDS, was represented at the hearing by Elizabeth Greene. Douglas Brocker represented Respondent, the Dental Board, through its Investigative Panel ("IP"). The Court has considered the arguments and submissions of counsel for both parties and finds that Petitioner has met the burden required under Rule 65 of the North Carolina Rules of Civil Procedure to obtain a stay.

The Court finds that Petitioner has carried the burden on his reasonable likelihood of success on the merits as to the required number of Dental Board members necessary to enter the Final Agency Decision. The Court does not find a reasonable likelihood of success under Petitioner's other exceptions, including the Dental Board's failure to consider mitigating factors and lesser forms of punishment. The Court also finds that Petitioner has met his burden showing that he would suffer irreparable harm if the Final Agency Decision were not stayed and that the balance of equities favors a granting of the stay.

IT IS NOW, THEREFORE, ORDERED that Petitioner's Motion to Stay Final Agency Decision issued by the Dental Board is hereby GRANTED, and the suspension of Petitioner's dental license is stayed during the pendency of these judicial review proceedings. The Board is ORDERED to return Petitioner's license to practice dentistry while this Order to Stay remains in effect. Petitioner is ORDERED to comply

with all conditions set for the in the 2017 Consent Order. Petitioner is further subject to contempt of court should he fail to comply with the 2017 Consent Order's conditions requiring a practice monitor and fulfilment of the community service requirements.

SO ORDERED this the 2 day of Sept. 2021.



---

Hon. Carla N. Archie  
Resident Superior Court Judge