

**BEFORE THE MINNESOTA  
BOARD OF DENTISTRY**

In the Matter of  
Charles W. Sims, D.D.S.  
License No. D9005

**FINDINGS OF FACT,  
CONCLUSIONS, AND ORDER  
OF DENIAL OF PETITION**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Dentistry (“Board”) on September 21, 2012, convened at University Park Plaza, Conference Room A (fourth floor), 2829 University Avenue S.E., Minneapolis, Minnesota 55414. The Board met to review and consider the petition of Charles W. Sims, D.D.S. (“Licensee”), to remove the indefinite suspension placed upon his license to practice dentistry in the State of Minnesota. Licensee appeared without legal counsel and presented oral argument. Geoffrey Karls, Assistant Attorney General, appeared and presented oral argument on behalf of the Complaint Committee. Board members Neal U. Benjamin, D.D.S., Candace Mensing, D.D.S., and Nancy A. Kearns, D.H., did not participate in deliberations and did not vote in the matter. Gregory J. Schaefer, Assistant Attorney General, was present as legal advisor to the Board.

**FINDINGS OF FACT**

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. On February 6, 2009, the Board issued an order indefinitely suspending Licensee’s license to practice dentistry (“2009 Order”). Paragraph 10 of the 2009 Order provides that Licensee may petition the Board to have the suspended status removed from his license upon providing the Board with the following: (a) a functional capacity re-evaluation

performed within 60 days of the petition; and (b) a multidisciplinary assessment performed within 60 days of the petition. Paragraph 10 of the 2009 Order further provides that Licensee's license would "be reinstated, if at all, as the evidence dictates and based upon the need to protect the public."

2. The burden of proof is upon Licensee to demonstrate by a preponderance of the evidence that he is capable of practicing dentistry with reasonable skill and safety.

3. Licensee did not provide the Board with any new evidence to support his current petition. Licensee did not provide a functional capacity re-evaluation performed within 60 days of his petition. Licensee did not provide a multidisciplinary assessment performed within 60 days of his petition.

### **CONCLUSIONS**

Based on the foregoing findings of fact, the Board concludes that:

1. Licensee has not met his burden of proof to demonstrate that he is capable of practicing dentistry with reasonable skill and safety.

2. The Board has the authority to deny Licensee's petition and continue the suspension of his license based on Licensee's failure to meet the burden of proof, pursuant to paragraph 11 of the 2009 Order.

### **ORDER**

Therefore, based on the foregoing findings of fact and conclusions, the Board issues the following ORDER:

1. IT IS HEREBY ORDERED that Licensee's petition for removal of the indefinite suspension of his license to practice dentistry in the State of Minnesota is **DENIED**; and

2. IT IS FURTHER ORDERED that the Order of Indefinite Suspension issued to Licensee on February 6, 2009, remains in full force and effect.

Dated: October, 2012

MINNESOTA BOARD  
OF DENTISTRY

  
TERESE YOUNGDAHL, L.D.A.  
Secretary and Presiding Chair

AG: #3101206-v1