

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR**

**ACTION REFERRAL**

<b>TO</b> <i>Singleton</i>	<b>DATE</b> <i>1-24-09</i>
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<b>DIRECTOR'S USE ONLY</b>	<b>ACTION REQUESTED</b>
1. LOG NUMBER <i>600482</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Bowling, Wells</i> 	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____
	<input type="checkbox"/> FOIA DATE DUE _____
	<input checked="" type="checkbox"/> Necessary Action

<b>APPROVALS</b> <small>(Only when prepared for director's signature)</small>	<b>APPROVE</b>	<b>* DISAPPROVE</b> <small>(Note reason for disapproval and return to preparer.)</small>	<b>COMMENT</b>
1.			
2.			
3.			
4.			



# South Carolina Department of Labor, Licensing and Regulation



Mark Sanford  
Governor

Adrienne Riggins Youmans  
Director

## South Carolina Board of Dentistry

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Post Office Box 11329  
Columbia, SC 29211-1329  
Phone: (803) 896-4599  
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[www.llr.state.sc.us](http://www.llr.state.sc.us)

*For - Singleton  
"Rec. Action"  
cc: Bowden  
Wells*

**RECEIVED**

JAN 23 2007

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

TO: INTERESTED PARTIES  
FROM: SOUTH CAROLINA STATE BOARD OF DENTISTRY  
RE: BEEMER, David B., D.M.D.  
DATE: JANUARY 22, 2007

Enclosed please find a copy of the public orders of the South Carolina State Board of Dentistry in the above referenced matter.

HR A/saj

Enclosures

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE SOUTH CAROLINA STATE BOARD OF DENTISTRY**

In the Matter of:

**DAVID BRIAN BEMER, D.M.D.,**  
License No. 3245,

**CONSENT AGREEMENT**

OGC 07-0001  
OIE 2006-45

Respondent.

By agreement of the State Board of Dentistry of South Carolina (the Board) and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. §1-23-320(f) (Supp. 2005) of the South Carolina Administrative Procedures Act.

**FINDINGS OF FACT**

1. Respondent admits that he is licensed to practice dentistry in the State of South Carolina and was so licensed at all times relevant to the matters asserted in this case.
2. Respondent admits that during the month of March 2006, Respondent caused or permitted an advertisement to be published in the Greenville News that stated he was "Providing the Best Dental Care in the Upstate in a Southern Comfort Atmosphere," in violation of South Carolina Code of Laws and Regulations, all as more fully alleged in the Formal Accusation, dated August 4, 2006, a copy of which is attached hereto and incorporated herein as Exhibit 1.
3. Respondent further admits that as a result of the previous admissions hereto, Respondent has violated S.C. Code Ann. §§ 40-1-5-130 and 40-15-190(15) (Supp. 2005) and Regulation 39-11, Principles 4 and 4-A.
4. Respondent waives any further findings of fact with respect to this matter.

**CONCLUSIONS OF LAW**

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under §§ 40-15-190, supra, and 40-15-200 (Supp. 1976, as amended). Respondent hereby waives any further conclusions of law with respect to this matter.

2. Respondent has full knowledge that he has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement he voluntarily relinquishes any right to judicial review of Board action(s) which may be taken concerning any related matters. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that a representative of the General Counsel's Office may be present during presentation of this Consent Agreement to the Board. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

**THEREFORE, IT IS AGREED WITH RESPONDENT'S CONSENT THAT:**

1. Respondent's license to practice dentistry in this State shall be suspended for a period of one (1) year from the effective date of this Consent Agreement; however, the said suspension of Respondent's license shall be stayed and Respondent's license shall continue uninterrupted in a probationary status for a period of one (1) year, subject to Respondent's compliance with the following conditions:
  - a. Respondent shall pay a fine of One Thousand (\$1,000.00) Dollars. The said fine shall be due at such time as this Consent Agreement is submitted to the full Board for approval. Payment must be in the form of a cashier's check, money order, or other good funds. Failure to pay the said fine shall result in the immediate temporary suspension of Respondent's license to practice dentistry in this State until such amount is paid in full.
    - b. Respondent shall appear before the Board, upon reasonable notice, at any point in the future as required by the Board during the period of probation.
2. Respondent enters into this Consent Agreement freely and voluntarily and not under duress, restraint, or compulsion.
3. Respondent understands that failure to comply with the letter, intent or spirit of this Consent Agreement shall result in the immediate temporary suspension of his license to practice dentistry in the State of South Carolina pending a hearing into the matter and until further Order of the Board. In addition, the failure to comply with the letter, intent or spirit of this Consent Agreement may result in the immediate lifting of any stay that may be in effect, in accordance with South Carolina Code Ann. § 1-23-370(c) (1976, as amended).
4. Respondent agrees to comply with all state and federal statutes and regulations governing the practice of dentistry.
5. Should the Board receive a complaint, Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of the complaint

against the Respondent and compliance with the provisions of this Consent Agreement. In the Board's investigation, Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of this Consent Agreement.

6. Pursuant to the South Carolina Freedom of Information Act, this Consent Agreement, with attachments, is a public document, and this action will be reported to the National Practitioner Data Bank in accordance with P.L. 99-660.

7. This Consent Agreement shall take effect immediately upon receipt by Respondent or his counsel.

**AND IT IS SO AGREED.**

**STATE BOARD OF DENTISTRY**

By:  DMJ  
~~Michael D. Bedell, D.M.D.~~  
PRESIDENT OF THE BOARD  
William D. Cranford, Jr., DMJ

Columbia, South Carolina

January 12, 2006  
2007

**WE CONSENT:**

  
DAVID BRIAN BLEMMER, D.M.D.,  
Respondent

10-27-06  
Date

  
WITNESS FOR RESPONDENT

10/27/06  
Date

argument on all issues involved. You may wish to retain legal counsel to represent you in this matter so as to more fully understand, protect and assert your legal rights.

STATE BOARD OF DENTISTRY

BY: Michelle D. Bedell DMD

Michelle D. Bedell, D.M.D.,

President of the Board

P. O. Box 11329

Columbia, S.C. 29211

(803) 896-4599

Columbia, South Carolina  
August 4, 2006.

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND LABOR  
BEFORE THE SOUTH CAROLINA STATE BOARD OF DENTISTRY**

In the Matter of:

**DAVID BRIAN BEMER, D. M. D.,**  
License No. 3245,

**FORMAL ACCUSATION**

OGC 07-0001  
OIE 2006-45

Respondent.

**I.**

The Respondent is currently licensed as a dentist in South Carolina and the Board of Dentistry has jurisdiction over Respondent and the subject matter of this action.

**II.**

Upon information and belief, Respondent has engaged in misconduct that violated S.C. Code Ann. §§ 40-15-130 and 40-15-190(15) (Supp. 2005) and Regulation 39-11, Principle 4 and 4-A, including the commission of the following acts:

During the month of March 2006, Respondent caused or permitted an advertisement to be published in the Greenville News that stated that he was "Providing the Best Dental Care in the Upstate in a Southern Comfort Atmosphere," in violation of the statutes and regulations listed above.

**III.**

PURSUANT to S.C. Code Ann. § 40-15-200 (Supp. 2005), the Board of Dentistry has the power to revoke or suspend your license or registration, it may reprimand you either publicly or privately or take any other reasonable action short of revocation or suspension, such as placing you on probation; if you are found guilty of the alleged violations. Further, if you are found guilty, the Board may assess a civil fine of up to Ten Thousand (\$10,000) Dollars per violation.

**TAKE NOTICE** that you are entitled to an opportunity to be heard with respect to these charges. You will be given a minimum of thirty (30) days notice of the hearing. Hearings are held in accordance with the S.C. Code Ann. § 1-23-310, *et seq.* (Supp. 2005), which describes your procedural rights, including, but not limited to the right to respond and present evidence and

BY:  \_\_\_\_\_

MARVIN G. FRIERSON

110 Centerview Drive

Post Office Box 11329

Columbia, SC 29211-1329

(803) 896-4482

ATTORNEY for the South Carolina  
Department of Labor, Licensing and  
Regulation