BEFORE THE STATE BOARD OF DENTISTRY
STATE OF GEORGIA

PROFESSIONAL LICENSING BOARDS

OCT 2 8 2009

DOCKET NUMBER

IN THE MATTER OF:

DOCKET NO.

CARLOS GONZATEZ

D/B/A MARCISSUS SMILE, INC.,

Respondent

CEASE AND DESIST ORDER

This matter came on for hearing before the State Board of Dentistry ("Board") on October 9,2009, pursuant to O.C.G.A. Section 43-1-20.1. Respondent was duly provided with lawful notice of hearing and appeared. Respondent presented testimony and evidence at the hearing.

Upon consideration of all the evidence, testimony, and items and documents presented, the Board hereby enters this Order.

FINDINGS OF FACT

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Respondent is not licensed to practice dentistry in the State of Georgia. Respondent has never been licensed to practice dentistry in the State of Georgia.

2.

The Respondent contended, in part, that his providing teeth whitening services to other people did not constitute the

practice of dentistry and that teeth whitening is an activity that persons can perform on themselves. The Board notes that the provision of such services by an unlicensed person is akin to unlicensed persons providing services to other people involving shampeoing hair or performing nail care which requires licensure as a cosmetologist.

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The Board finds as shown by the preponderance of the evidence, that Respondent has engaged in the unlicensed practice of dentistry in Georgia. Such unlicensed practice of dentistry includes, but is not necessarily limited to, procedures for and related to teeth whitening and/or bleaching in violation of 0.C.G.A. Sections 43-11-1(6) and 43-11-17(5) and (6) and Board Rule 150-14-.01.

4.

Respondent's unlicensed practice of dontistry is in violation of O.C.G.A., Title 43, Chapter 11.

5.

Respondent is subject to this Cease and Desist Orden.

ORDER

Pursuant to D.C.G.A. Section 43-1-20.1, the Board hereby enters this Cease and Desist Order prohibiting Respondent from violating the provisions of Title 43, Chapter 11 by engaging in the practice of dontistry without a license.

Respondent is hereby not ified that any violation of this Cease and Dosist Order shall subject Respondent to further proceedings before the Board. The Board shall be authorized to impose a fine not to exceed \$500.00 for each transaction constituting a violation of this Cease and Desist Order as provided in O.C.G.A. Section 43-1-20.1.

So Ordered, this Ah day of Ottober , 2009.

PRESIDENT, GEORGIA BOARD OF DENTISTRY

ATTESTED TO:

DIVISION DIRECTOR

