

**BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY**

**WEST VIRGINIA BOARD OF  
DENTISTRY,**

**Complainant,**

**v.**

**Case No. 2021-DB-0005D**

**CHARLES L. WYLIE, DDS,  
License No. 2926,**

**Respondent.**

**CONSENT AGREEMENT AND ORDER**

NOW COME the West Virginia Board of Dentistry (“Board”) and Charles L. Wylie, DDS (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public. In lieu of proceeding to a hearing in this matter, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

**FINDINGS OF FACT**

1. Respondent is a licensee of the Board, holding License No. 2926, which license is presently active until February 1, 2022. At all times relevant hereto, Respondent held an active license with the Board.

2. On July 19, 2018, with the agreement of Respondent, the Board entered a “Consent Agreement and Order” to settle and resolve Case Nos. 2016-DB-0026D, 2016-DB-0041D, and 2017-DB-0006D, which were then pending against Respondent.

3. As part of that consent agreement, Respondent was required to complete 18 hours of Board-approved continuing education as follows: 6 hours on diagnostic imaging for implants; 6 hours on informed consent; and 6 hours on functional occlusion. Respondent was required to complete these 18 hours and submit proof of attendance to the Board by July 19, 2019.

4. In a letter dated October 31, 2019, the Board informed Respondent that it had only received proof of attendance for the 6 hours on informed consent and, therefore, he was in violation of the consent agreement. The Board further informed Respondent that he would be afforded 30 days to submit proof of attendance for the remaining 12 hours of continuing education.

5. The Board did not receive any such proof in response to its letter.

6. The Board obtained a certificate of attendance from the CE provider showing that Respondent had completed a CBCT Workshop on December 6, 2019, which satisfied the 6 required hours on diagnostic imaging for implants, albeit after the July 19, 2019 deadline.

7. Respondent did not submit, and the Board did not otherwise receive, within 30 days of the aforesaid letter, any proof that Respondent had completed the remaining 6 hours on functional occlusion.

8. On February 8, 2021, the Board filed a complaint against Respondent for violation of the consent agreement entered in Case Nos. 2016-DB-0026D, 2016-DB-0041D, and 2017-DB-0006D. That complaint was designated Case No. 2021-DB-0005D.

9. The Board’s complaint was personally served on Respondent on February 10, 2021.

10. Respondent was informed that he had 30 days to file a written response to the complaint, or else he waived the right to do so.

11. The Board did not receive a written response from Respondent and the time for doing so expired.

12. At a meeting held March 22, 2021, the Board found probable cause to pursue disciplinary action against Respondent for violating a consent agreement.

13. By email and certified mail dated March 23, 2021, the Board transmitted to Respondent and his counsel a "Notice of Hearing" and "Statement of Charges," informing them that a hearing would be held in this matter on April 28, 2021.

14. On or about April 2, 2021, Respondent's counsel filed a Motion to Continue Hearing, asking for an additional sixty days to prepare for the hearing.

15. The parties then agreed to reschedule the hearing for June 23, 2021, and an "Amended Notice of Hearing" was issued on April 19, 2021.

16. The parties now wish to settle and resolve this matter by way of this *Consent Agreement and Order*, in lieu of proceeding to hearing.

#### CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 2926, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-4-1 *et seq.*, and is empowered to regulate the practice of dentistry in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice dentistry under the authority granted to it

by W. Va. Code §§ 30-4-5 and 30-4-19 and W. Va. Code R. §§ 5-1-4, 5-4-1 *et seq.*, and 5-5-1 *et seq.*

4. The Board is authorized to settle disciplinary matters by way of consent agreement. W. Va. Code § 30-1-8.

5. Failure to comply with the terms of a consent agreement is grounds for disciplinary action pursuant to W. Va. Code § 30-4-19(g)(20) and W. Va. Code R. § 5-5-4.

6. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-4-19 and W. Va. Code R. § 5-5-4. Such conduct is therefore grounds for disciplinary action.

#### **CONSENT OF LICENSEE**

I, Charles L. Wylie, DDS, by signing this *Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. The entire agreement is contained in this Consent Agreement and Order, and no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Charles L. Wylie, DDS, by affixing his signature hereto, agrees to the following Order:

**ORDER**

Based on the foregoing, and in lieu of further prosecution of this matter, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby reprimanded for his actions in this matter.
2. Within thirty (30) days from the date of entry of this Order, Respondent shall pay to the West Virginia Board of Dentistry, by certified check, a fine in the amount of Five Thousand Dollars (\$5,000.00).
3. Within thirty (30) days from the date of entry of this Order, Respondent shall pay to the West Virginia Board of Dentistry, by certified check, the amount of Five Thousand Dollars (\$5,000.00) as reimbursement of the Board's fees and costs incurred in this proceeding.
4. Should Respondent fail to make these payments within 30 days of entry of this Order, this Consent Agreement and Order shall be null and void and the Board is hereby expressly authorized to resume prosecution of this matter and, if successful, collect its attorney fees and costs incurred after that date. Furthermore, any failure to comply with all provisions in this Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice dentistry in the State of West Virginia.
5. Upon Respondent's successful completion of the terms of this Consent Agreement and Order, the Board shall consider the consent agreement entered in Case Nos. 2016-DB-0026D,

2016-DB-0041D, and 2017-DB-0006D to have been fully satisfied and shall close this matter at its next regularly scheduled meeting.

6. Respondent shall at all times cooperate with the Board and any of its agents or employees and shall comply with the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-1 *et seq.*, and the rules and regulations promulgated thereunder.

7. This document is a public record available for inspection by the public in accordance with the provisions of the West Virginia Freedom of Information Act, W. Va. Code §§ 29B-1-1 *et seq.*, and may be reported to other governmental agencies, professional boards, or other organizations.

8. This Consent Agreement and Order constitutes the entire agreement between the parties.

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In recognition of this *Consent Agreement and Order*, we hereby affix our signatures.

WEST VIRGINIA BOARD OF DENTISTRY

By:   
Samuel V. Veltri, DDS, President

Entered: 7/22/2021  
Date

REVIEWED AND AGREED TO BY:

  
Charles L. Wylie, DDS  
Respondent

6/21/21  
Date

This day personally appeared before me, Charles L. Wylie, DDS, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of his knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this 21<sup>st</sup> day of June, 2021.

My Commission expires: 3-22-25

  
Notary Public

