

**BEFORE THE STATE OF NEW MEXICO
BOARD OF DENTAL HEALTH CARE**

IN THE MATTER OF:)
)
MICHAEL OBENG, D.D.S.) **CASE NO. 10-31-COM**
)
)
Respondent.)

SETTLEMENT AGREEMENT

WHEREAS, the State of New Mexico Board of Dental Health Care ("Board") received a complaint filed on April 26, 2010 that alleged that Dr. Michael Obeng ("Respondent") for and on behalf of Albuquerque Emergency Dental Care USA, Inc. engaged in "unprofessional conduct" by failing to comply with advertising guidelines; and

WHEREAS, Respondent and the Board are willing to resolve this matter amicably and the Board is willing to dismiss the Notice of Contemplated Action issued on April 20, 2012 without a formal hearing as would otherwise be required under the Uniform Licensing Act ("ULA"); and

WHEREAS, the Board believes that this Settlement Agreement ("Agreement") is appropriate and in the best interests of both the Board and Respondent.

IT IS AGREED AS FOLLOWS:

1. The Respondent is licensed under the Dental Health Care Act, Section 61-5A-1 *et seq.*, NMSA 1978, and is subject to the jurisdiction of the Board.
2. The Respondent admits that Albuquerque Emergency Dental Care USA, Inc. did not comply with advertising guidelines as set forth in Board Rule 16.5.16.10(B)(6) NMAC.

3. Discipline. This Agreement constitutes disciplinary action by the Board against the Respondent.

4. The Board shall dismiss the Notice of Contemplated Action and shall take no further action against Respondent with respect to the matters in the subject case, provided Respondent complies with the following:

Respondent shall pay a one thousand dollar (1,000.00) fine, to be paid within (30) thirty days of the Respondent's receipt of the Agreement signed by all parties hereto;

5. Waiver of Rights.

A. The Respondent enters into this Agreement voluntarily and waives his right to challenge the jurisdiction of the Board or to have this matter heard in the manner described in the New Mexico Licensing Act, 1978 NMSA, § 61-1-1 *et seq.* (Repl. Pamp. 2003), including the right to a full evidentiary hearing, the right to call and cross-examine witnesses, and the right to an appellate process.

B. Respondent waives all rights to have this matter heard within the time frame set by the ULA, in order for the Board to consider this Agreement.

C. Respondent waives his right to assert a claim of bias or move to excuse any Board member from further participation in Case No. 10-31-COM based solely upon the Board member's consideration of this Agreement.

D. Respondent's waiver of any rights contained herein is made knowingly, intentionally, and voluntarily.

6. Respondent has the right to be represented by an attorney.

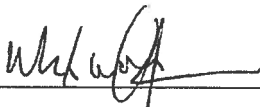
7. This Agreement is subject to Board approval. If the Board rejects this Agreement, the Board may proceed with an NCA. The terms of this Agreement or statements made by the Respondent in support of this Agreement shall **not** be used against the Respondent.

8. This Agreement is binding upon the Board and the Respondent.

9. Failure to comply with the terms and conditions of this Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Respondent fails to comply with the provisions hereof, the Board shall have the right to take such action against Respondent, as it deems appropriate under the circumstances, including revoking Respondent's license.

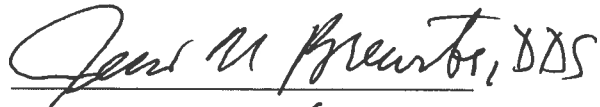
10. This Agreement resolves Board case number 10-31-COM, and the specific allegations contained therein, as well as any and all matters regarding Respondent known to the Board at the time of execution of the Agreement or related to or inherent in the issues raised in, or which could have been raised in Board case number 10-31-COM. The Board reserves the right to initiate proceedings for any other violation of the Dental Health Care Act or the rules of the Board adopted pursuant to that act.

11. The complaint and this Agreement are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-6(E) (1993).



Michael Obeng, D.D.S
Respondent

10/25/12
Date



[name & title] *Chair*
For New Mexico Board of Dental Health Care

11-9-12
Date