

IN THE MATTER OF  
THE LICENSE OF

DAX M SINN, DDS

TEXAS DENTAL LICENSE  
NUMBER 21075

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BEFORE THE STATE

BOARD OF

DENTAL EXAMINERS

**AGREED SETTLEMENT ORDER**

On the 16<sup>th</sup> day of April, 2010, the State Board of Dental Examiners (hereinafter the "board" or "SBDE") met in a regularly scheduled meeting and the above-referenced case was considered.

Dax M. Sinn, DDS, hereinafter "Respondent," holder of Texas Dental License No. 21075, appeared at a Board Informal Settlement Conference on FRIDAY, OCTOBER 9, 2009, at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas, in response to a notice letter sent on September 9, 2009. Respondent was advised of the right to legal representation in the notice letter and was represented at the conference by his attorney, Robert Anderton. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, that Respondent understands the nature of the alleged violations as stated in the informal settlement conference notice letter dated September 9, 2009, and as discussed during the informal settlement conference. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to enable Respondent to respond to the alleged violations.

Board members Tamela Gough, D.D.S., Mary Baty, R.D.H., and Ann Pauli represented the full board at the settlement conference pursuant to Section 263.007, Texas Occupations Code and Board Rule 107.63, 22 Tex. Admin. Code. Board staff present and participating were Patrick Summers, staff attorney; Debbie Powell, legal assistant; and Doug Ferris, representing the Enforcement Division. The Board members named above considered information presented by staff, the Respondent and the Complainant. The Board panel members, having carefully considered the Board's disciplinary guidelines, recommend the following Agreed Settlement Order contingent on the full Board's approval.

### FINDINGS OF FACT

1. From 2008 to 2009, the Respondent engaged in dishonorable conduct that has become established through professional experience as likely to disgrace, degrade, or bring discredit upon him or the dental profession in that the Respondent used and possessed illegal drugs. Specifically, the Respondent used and possessed Cocaine and Ecstasy. This use constitutes a violation of TEX. OCC. CODE Sec. 263.002(a)(7) and (10) (Vernon 2007), and 22 Tex. Admin. Code Sec. 108.9 (4) and (6) (November 2005).
2. On or about September 5, 2008, the Respondent engaged in dishonorable conduct that has become established through professional experience as likely to disgrace, degrade, or bring discredit upon him or the dental profession in that the Respondent practiced dentistry while impaired causing possible injury to harm to his patients. This conduct constitutes a violation of TEX. OCC. CODE 263.002 (a)(3), (4), (7), (11) and (12) (Vernon 2007), and Rule 22 Tex. Admin. Code Sec. 108.9 (2) and (6) (November 2005).

### CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The conduct described in Finding of Fact No. 1 constitutes a violation of Tex. Occ. Code §263.002(a)(7) and (10) (Vernon Supp. 2007); 22 Tex. Admin. Code §108.9 (4) and (6) (November 2005).
2. The conduct described in Finding of Fact No. 2 constitutes a violation of Tex. Occ. Code §263.002(a)(3), (4), (7), (11) and (12) (Vernon Supp. 2007); and 22 Tex. Admin. Code §108.9(2) and (6) (November 2005).

### ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 21075, issued to DAX M. SINN, DDS, is hereby **SUSPENDED** for a period of five (5) years to begin on the effective date of this Order; however, such suspension is **PROBATED** in its entirety.
2. Respondent **SHALL** successfully follow and complete all conditions as outlined in his existing contract with the Professional Recovery Network (PRN). Respondent **SHALL** abide by and participate with the terms and

conditions of PRN, which SHALL, subject to the discretion of PRN, include: participate in an inpatient or outpatient treatment program; submission of a narrative as requested; submission of blood, urine, or hair specimens for random drug testing; and such other conditions deemed appropriate by PRN. PRN SHALL furnish to the Board, upon request, documentation evidencing Respondent's compliance or non-compliance with the terms of the program with PRN. Failure to comply with all provisions and recommendations of the program during the entire probationary period SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.

3. Respondent SHALL pay an administrative monetary fine in the amount of one thousand dollars (\$1,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas. The administrative monetary fine SHALL be paid in one (1) lump sum or in installment payments, the total amount due no later than three (3) months from the effective date of this Order.
4. Respondent SHALL take and pass the jurisprudence assessment within thirty (30) days of the effective date of this Order. The fees for the assessment SHALL be borne by Respondent. A jurisprudence assessment taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement.
5. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this Order.

By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges Respondent's understanding of it, and agrees that Respondent will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.

Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this Order or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

Respondent, by signing this Agreed Settlement Order, waives any right to a formal hearing and any right to judicial review of this Order. Failure to comply with the terms and conditions of this Order SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board.

All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.

*Dax M. Sinn*, DDS  
DAX M. SINN, DDS  
Respondent

*J. Darren Crumpton* - notarized the signature of DAX M. SINN, DDS, this 30 day of NOVEMBER 2009.

*J. Darren Crumpton*  
NOTARY PUBLIC  
IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS  
SIGNED this 16<sup>th</sup> day of April 2000.

William Z Purfoy DDS  
William Purfoy, D.D.S., Presiding Officer  
State Board of Dental Examiners

Tamela Gough  
Tamela Gough, D.D.S., Secretary  
State Board of Dental Examiners