

BEFORE THE  
DENTAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

**COPY**

In the Matter of the Accusations Against: )

Case No. DBC 2004-105  
and 02-2005-2168

JAMES SHEN, DDS  
18751 Beach Blvd.  
Huntington Beach, CA 92648

STIPULATED SETTLEMENT  
AND  
DISCIPLINARY ORDER

Respondent )

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Dental Board of California, Department of Consumer Affairs, as its Decision in both of the above entitled matters.

This Decision shall become effective on June 12, 2007.

IT IS SO ORDERED May 10, 2007.

  
FOR THE DENTAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2066  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
**DENTAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusations Against:

12 JAMES SHEN, D.D.S.  
18751 Beach Blvd.  
13 Huntington Beach, CA 92648

14 Dental Certificate No. 31978

15 Respondent.

Case No. DBC 02-2005-2168  
and  
Case No. DBC 2004-105

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. Richard L. Wallinder, Jr. (Complainant) is the Interim Executive Officer of the  
21 Dental Board of California. His predecessor, Robert Hedrick, brought these actions solely in his  
22 official capacity and Complainant proceeds with these actions solely in his official capacity.

23 Complainant is represented in these matters by Bill Lockyer, Attorney General of the State of  
24 California, by Susan Fitzgerald, Deputy Attorney General.

25 2. James Shen, DDS (Respondent) is represented in Accusation DBC 02-2005-2168  
26 by attorney Carlos F. Negrete, Esq., whose address is Law Offices of Carlos F. Negrete, 27422  
27 Calle Arroyo, San Juan Capistrano, CA 92675.

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ADVISEMENT AND WAIVERS

1  
2           7.       Respondent has carefully read, fully discussed with both counsel, and understands  
3 the charges and allegations in both Accusation DBC 02-2005-2168 and DBC 2004-105.

4 Respondent also has carefully read, fully discussed with counsel, and understands the effects of  
5 this Stipulated Surrender of License and Order. This stipulation is intended to be in compromise  
6 and settlement of the contested Accusations. Except as otherwise provided herein, nothing  
7 herein shall constitute or be asserted as constituting any admission of liability or wrong doing by  
8 or against any party hereto.

9           8.       Respondent is fully aware of his legal rights in this matter, including the right to a  
10 hearing on the charges and allegations in both Accusations; the right to be represented by  
11 counsel, at his own expense; the right to confront and cross-examine the witnesses against him,  
12 the right to present evidence and to testify on his own behalf; the right to the issuance of  
13 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
14 reconsideration and court review of an adverse decision; and all other rights accorded by the  
15 California Administrative Procedure Act and other applicable laws.

16           9.       Respondent voluntarily, knowingly, and intelligently waives and gives up each  
17 and every right set forth above.

18           10.      Respondent understands that by signing this stipulation he enables the Board to  
19 issue an order accepting the surrender of Respondent's dental certificate no. 31978 without  
20 further process.

21           11.      Respondent understands and agrees that if he ever applies for licensure or  
22 petitions for reinstatement in the State of California, the Board shall treat it as a new application  
23 for licensure. Respondent must comply with all the laws, regulations and procedures for  
24 licensure in effect at the time the application or petition is filed. Should Respondent apply for  
25 new licensure or reinstatement, all of the charges and allegations contained in Accusation DBC  
26 02-2005-2168 and DBC 2004-105 shall be deemed true, correct, and admitted by Respondent  
27 when the Board determines whether to grant or deny the application or petition. If any of the  
28 Dental Board laws with which violation Respondent is charged in either Accusation is repealed

1 and or declared invalid by appellate decision before, if ever, Resp applies for new licensure,  
2 Respondent shall not be deemed to have admitted violation of such repealed or invalidated law.

3 CONTINGENCY

4 12. This stipulation shall be subject to approval by the Dental Board of California.  
5 Respondent understands and agrees that counsel for Complainant and the staff of the Board may  
6 communicate directly with the Board regarding this stipulation and settlement, without notice to  
7 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
8 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
9 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
10 as its Decision and Order, the Stipulated Surrender and Order shall be of no force or effect,  
11 except for this paragraph, it shall be inadmissible in any legal action between the parties, and the  
12 Board shall not be disqualified from further action by having considered this matter. This  
13 stipulation shall be submitted to the Board for approval no sooner than for consideration at the  
14 Board meeting scheduled for April 26-27, 2007.

15 OTHER MATTERS

16 13. Costs of investigation and prosecution of case no. DBC 2004-105 through  
17 November 27, 2006 total to \$18,846.50. Costs of investigation and prosecution of case no. DBC  
18 02-200502168 through November 27, 2006 total to \$68,234.85. Total for both cases through  
19 November 27, 2006 is \$87,081.85.

20 14. In consideration of the foregoing admissions and stipulations, cost recovery  
21 sought in these cases is reduced to \$5,000.00, which is due upon receipt of the new or reinstated  
22 dental license.

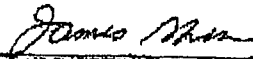
23 15 The parties understand and agree that facsimile copies of this Stipulated Surrender  
24 of License and Order, including facsimile signatures thereto, shall have the same force and effect  
25 as the originals.

26 16. In consideration of the foregoing admissions and stipulations, the parties agree  
27 that the Board may, without further notice or formal proceeding, issue and enter the following  
28 Order:



1 dentist. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and  
2 intelligently, and agree to be bound by the Decision and Order of the Dental Board of California.

3 DATED: November 30, 2006.

4   
5 JAMES SHEN, DDS  
6 Respondent

7 I have read and fully discussed with Respondent James Shen, DDS the terms and  
8 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
9 approve its form and content.

10 DATED: November \_\_, 2006.

11 LAW OFFICES OF CARLOS F. NEGRETE


12  
13 CARLOS F. NEGRETE, ESQ.  
14 Attorney for Respondent

15 I have read and fully discussed with Respondent James Shen, DDS the terms and  
16 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
17 approve its form and content.

18 DATED: November 12, 2006.

19 December

20 WESTERSKI & ZUREK LLP

21   
22 THOMAS WIANECKI, ESQ.  
23 Attorney for Respondent

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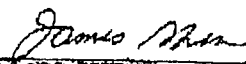
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1 dentist. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and  
2 intelligently, and agree to be bound by the Decision and Order of the Dental Board of California.


3 DATED: November 30, 2006.

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5   
6 JAMES SHEN, DDS  
7 Respondent

8 I have read and fully discussed with Respondent James Shen, DDS the terms and  
9 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
10 approve its form and content.

11 DATED: November 13, 2006

December 13, 2006

12 LAW OFFICES OF CARLOS F. NEGRETE  
13   
14 CARLOS F. NEGRETE, ESQ.  
15 Attorney for Respondent

16 I have read and fully discussed with Respondent James Shen, DDS the terms and  
17 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
18 approve its form and content.

19 DATED: November 13, 2006.

20 WESTERSKI & ZUREK LLP

21  
22 THOMAS WIANECKI, ESQ.  
23 Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Dental Board of California of the Department of Consumer Affairs.

DATED: November 30, 2006.

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
SUSAN FITZGERALD  
Deputy Attorney General

Attorneys for Complainant