



CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Dentistry
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Acting Attorney General

KIM GUADAGUZZI
Lt. Governor

VIA CERTIFIED (RRR) AND REGULAR MAIL

February 16, 2010

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 3-4-10 DA

SHARON M. JOYCE
Acting Director

Mailing Address:
P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

Dr. Donald W. Cabana
168 Terrace Court
Pompton Lakes, NJ 07442

Re: Settlement Letter in Lieu of Formal Disciplinary
Action

Dear Dr. Cabana:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to complete its review of information you submitted following a criminal history background check. Specifically, the information reviewed included:

1. a copy of your initial application for licensure in the State of New Jersey;
2. a copy of the criminal history background report;
3. a copy your response to the information contained in the report.

Based upon the review of this matter, it appears to the Board that you:

-
1. ~~Failed to disclose a criminal history on the initial dental application, in violation of N.J.S.A. 45:1-21(b)~~
-

These acts may be sufficient to initiate the filing of formal disciplinary proceedings. However, the Board has determined that it will first offer you an opportunity to settle this matter, through your agreement to the following:

1. Pay a penalty of \$1,000.00 for engaging in the use of dishonesty, deception and misrepresentation;

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. The penalty may be paid by a check or money order made payable to the "State of New Jersey - Board of Dentistry" and should be submitted to the Board office. You should be advised that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

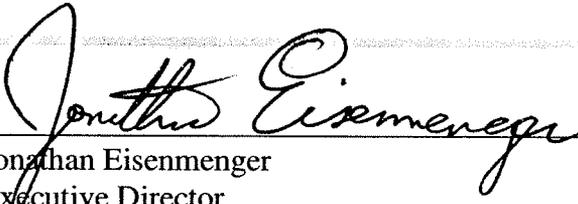
In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised,
22DI02225400

Settlement Letter
February 16, 2010
Page 2 of 3

however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-2500.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Yours very truly,
NEW JERSEY STATE BOARD OF DENTISTRY


Jonathan Eisenmenger
Executive Director

cc: Nancy Costello Miller, Deputy Attorney General

ACKNOWLEDGMENT: I, Dr. Donald W. Cabana, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to comply with the directives noted herein. I will submit to the Board:

1. Payment of the penalty in the amount of \$1,000.00.

2/22/10

Date



Dr. Donald W. Cabana