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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

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SC Court of Appeals

Case No. 11-ALJ-11-0453-AP

Edward P. Trimmier, D.M.D. . . . . . Appellant,

v.

South Carolina Department of Labor, Licensing and Regulation,  
State Board of Dentistry. . . . . Respondent.

**RECORD ON APPEAL**

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Edward P. Trimmier, D.M.D.,

Appellant,

vs.

South Carolina Department of Labor,  
Licensing and Regulation, State Board of  
Dentistry,

Respondent.

Docket No. 11-ALJ-11-0453-AP

**ORDER DENYING MOTION FOR  
REHEARING**

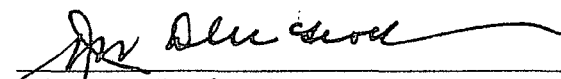
The captioned docket is before this Court in its appellate capacity.

The Court has issued a final decision affirming the decision initially appealed from and Appellant has filed a Motion for Reconsideration and to Alter or Amend Judgment.

The proper motion would have been for Rehearing under SCALC Rule 40, under which rehearings are discretionary with the Court.

Considering the Motion as one for Rehearing, and after reviewing the record, the Court finds that Appellant's Motion for Reconsideration (Rehearing) and to Alter or Amend Judgment should be and hereby is DENIED.

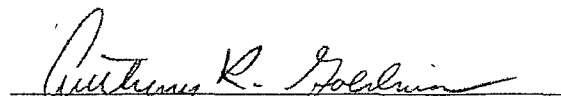
May 15, 2011  
Columbia, SC

  
John D. McLeod, Judge  
S.C. Administrative Law Court

**CERTIFICATE OF SERVICE**

I, Anthony R. Goldman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

May 15, 2011  
Columbia, SC

  
Anthony R. Goldman  
Judicial Law Clerk

**FILED**

MAY 15 2012

ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Edward P. Trimmier, D.M.D., )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Labor, )  
 Licensing and Regulation, State Board of )  
 Dentistry, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Docket No. 11-ALJ-11-0453-AP

**ORDER**

**STATEMENT OF THE CASE**

Edward P. Trimmier, D.M.D., (Appellant) appeals the Order of the South Carolina Board of Dentistry (The Board) dated July 28, 2011 regarding Appellant's application for reinstatement of his South Carolina license to practice dentistry. The Board granted the Appellant's motion to have his license reinstated subject to the condition that he shall provide written evidence to the Board which is satisfactory, in the Board's discretion, that shows his Georgia license either was in good standing at the time of his voluntary surrender and/or that there were no disciplinary impediments, pending or otherwise, against his license at that time.

Appellant is or has been licensed in three states at various times, Georgia, New York and South Carolina. He has been the subject of disciplinary action in all three based upon his misdemeanor conviction for filing false claims with the South Carolina Medicaid program.

Appellant entered into a disciplinary Consent Agreement with the State of New York and provided evidence which was accepted by the S.C. Dental Board indicating he was on unsupervised probation as of June 21, 2010 until February 12, 2011. Outstanding matters regarding Appellant's license status or disciplinary history in New York are not at issue in this appeal.

The South Carolina Dental Board disciplined Appellant by way of a disciplinary Consent Agreement dated December 7, 2002 in which he admitted to his criminal conviction for filing the aforementioned false Medicaid claims, that he had placed a misleading advertisement and that he

**FILED**

MAR 22 2012

had failed to properly assign his auxiliary personnel. Appellant was sanctioned and received a license suspension of six (6) years which was stayed to probation provided that he paid a civil penalty of \$25,000.00 and complete at his own expense eight (8) hours of Ethics training and education approved by the Board.

The Georgia Dental Board revoked Dr. Trimmier's dental license because of the federal conviction and disciplinary action in South Carolina. Following Appellant's appeal of the Georgia Order of Revocation, the Georgia Dental Board placed Appellant on indefinite suspension by Order dated October 9th, 2009. The terms of this Order permitted Appellant to petition the Georgia Board to end the suspension after two years; on or about October 9, 2011. On April 14, 2010, prior to the end of Appellant's suspension in Georgia, Appellant voluntarily surrendered his Georgia dental license and applied for reinstatement of his lapsed South Carolina dental license by application dated April 6, 2010.

It is evident from this record that Appellant opted not to petition the Georgia board to lift his license suspension and that he did not provide the South Carolina board a statement from the Georgia board concerning his status. (R. 150)

Further, at the time he applied for reinstatement of his South Carolina dental license, Appellant's license had been lapsed since March 1, 2003. Appellant appeared before the Board on July 15, 2011 in support of the application. At the application hearing before the Board, following deliberation, and by unanimous vote, the Board approved the application for licensure with the above-stated condition and notified Appellant of its decision by Order dated July 28, 2011. The decision was based upon the determination by the Board while the Appellant had provided documentation from the New York Office of Professional Discipline indicating that his New York license was in good standing; Appellant did not provide similar documentation concerning his Georgia dental license.

### **STANDARD OF REVIEW**

In an appeal from an administrative agency, this Court is governed by the Administrative Procedures Act. S.C. Code Ann. 1-23-380(B) (1976, as amended). According to this statute, the decision of the Accounting Board should not be disturbed unless found to be clearly erroneous in view of the reliable, probative and substantial evidence or found to be arbitrary and capricious. South Carolina Code Ann. § 1-23-380(A) (6) (e) & (f) (1976, as amended). An Appellate Court

must not substitute its judgment for that of the [Board] as to the weight of the evidence on questions of fact in the absence of either of the above-described situations. A reviewing court may not overturn an agency's decision unless it finds the decision is "clearly erroneous" in view of reliable, probative, and substantial evidence on the whole record." S.C. Code Ann. § 1-23-380(g) (5) (2002). Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Midlands Utility, Inc. v. S.C. Department of Health and Environmental Control, 298 S.C. 66, 69, 378 S.E.2d 256, 258. Applying this standard of review, an appellate court may not substitute its judgment for that of the agency concerning the weight that could be afforded the evidence. See e.g., Toussaint v. State Board of Medical Examiners, 303 S.C. 316, 400 S.E.2d 488 (1991). The decision of an administrative agency can be reversed only if the administrative findings are clearly erroneous in view of the substantial evidence on the whole record. Lark v. Bi-Lo, Inc., 276 S.C. 130, 276 S.E.2d 304 (1981).

### DISCUSSION

The governing statute, S.C. Code Ann. § 40-15-170 (2011), provides in pertinent part that re-licensure of a dentist in this state after an absence of over six years is at the discretion of the Board. Section 40-15-170 states the following:

*If an individual's license to practice dentistry or dental hygiene is revoked by another state for cause this shall, in the discretion of the board, constitute grounds for revocation of his South Carolina license. The license of a dentist or dental hygienist who does not either reside or practice in South Carolina for a period of six successive years is considered inactive. The time spent in active service by any person in the armed forces or public health service of the United States or with the Veterans' Administration is not construed as absence from or failure to practice in the State. Relicensing after an absence of over six years may be made at the discretion of the board upon proof of high professional fitness and moral character.*

S.C. Code Ann. § 40-15-170 (2011).

Appellant is properly subject to the requirements of Section 40-15-170 for purposes of licensure. He was first licensed in South Carolina in 1999, was disciplined by Consent Agreement in 2002, and allowed his license to lapse on March 1, 2003. The record in this case indicates that Appellant maintained a Georgia address from March 2003 to May 2010 (R. 56). Further, he was employed in Georgia from March 2003 to March 2007 and from March 2007 to October 2009 in Marietta and Atlanta Georgia respectively.

S.C. Code Ann. §§ 40-1-70 and 130 (2011) of Title 40, Chapter 1 of the S.C. Code of Laws provide additional authority in support of the Board's decision in this case.

S.C. Code 40-1-70. Powers and duties of boards.

*The powers and duties of regulatory boards include, but are not limited to:*

*(1) determining the eligibility of applicants for examination and licensure;*

*(2) examining applicants for licensure including, but not limited to:*

*(a) prescribing the subjects, character, and manner of licensing examinations;*

*(b) preparing, administering, and grading the examination or assisting in the selection of a contractor for the preparation, administration, or grading of the examination;*

*(3) establishing criteria for issuing, renewing, and reactivating the authorizations to practice of qualified applicants, including the issuance of active or permanent, temporary, limited, and inactive licenses, or other categories as may be created;*

*(4) adopting a code of professional ethics appropriate to the profession or occupation which it licenses or regulates;*

*(5) evaluating and approving continuing education course hours and programs;*

*(6) conducting hearings on alleged violations of this article and regulations promulgated under this article;*

*(7) resolving consumer complaints, where appropriate and possible;*

*(8) disciplining persons licensed under this article in a manner provided for in this article;*

*(9) promulgating regulations which have been submitted to the director, at least thirty days in advance of filing with Legislative Council as required by Section 1-23-30. (emphasis added)*

S.C. Code 40-1-130. Board's authority to sanction.

*A board may deny an authorization to practice to an applicant who has committed an act that would be grounds for disciplinary action under this article or the licensing act of the respective board. A board must deny authorization to practice to an applicant who has failed to demonstrate the qualifications or standards for licensure contained in the respective board's licensing act. The applicant shall demonstrate to the satisfaction of the board that the applicant meets all the requirements for the issuance of a license.*

S. C. Code Ann. § 40-15-140 (2011) is also instructive as to the S.C. Board of Dentistry decision in this case as it relates to the Board's discretion here. Section 40-15-140 provides, as shown below, that an applicant who holds a license or certificate from any jurisdiction shall

certify that he has not violated any of the provisions of the Dental Practice Act governing his prior license or practice or operation.

*It is the duty of the Board to examine (or cause to be examined) all qualified applicants for a license to practice dentistry or dental hygiene or who desire to be registered as dental technicians in this State. No examination is required to be registered as an orthodontic technician. Prior to admittance to the examination or the registration of an orthodontic technician, each applicant shall produce evidence satisfactory to the Board that he possesses good moral character. If the Board refuses an applicant admission to the examination or registration as an orthodontic technician because of unsuitable moral character the Board shall notify the applicant in writing and set forth in detail the reason supporting the Board's decision. An applicant who holds a license or certificate from any jurisdiction shall certify that he has not violated any of the provisions of the Dental Practice Act governing his prior license or practice or operation.*

S. C. Code Ann. § 40-15-140 (2011).

Appellant contends that despite the foregoing sections of state law, that the surrender of his Georgia license might preclude the South Carolina Board from asking anything further from him with regard to his Georgia license status, because of the surrender. Appellant further argues that the Board order is tantamount to a requirement that he apply for and be granted another Georgia license prior to further consideration by the South Carolina board. The July 28, 2011 Order imposes no such requirement. It further does not preclude consideration of Appellant's license status in Georgia prior to the surrender nor does the Appellant's voluntary surrender deprive the Board of jurisdiction.

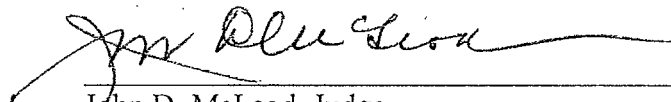
The South Carolina Court of Appeals held in SCDOR v. Club Rio, 392 S.C. 636, 709 S.E.2d 690 (2011) that a surrender of an alcoholic beverage license does not deprive the licensing authority of jurisdiction. In *Club Rio*, the club's surrender of its rights under the [alcoholic beverage] license did not deprive the tribunal of jurisdiction to consider the DOR revocation proceedings. Although the Dental Board is not engaged in a revocation or other disciplinary proceeding here, *Club Rio* is instructive because of Appellant's argument here that his voluntary surrender means that he does not have a Georgia dental license and that therefore licensure in South Carolina should proceed without reference to his Georgia license status. Similar rationale and public protection concerns led the *Club Rio* court to conclude that this

argument, if accepted, would have permitted the club owner to avoid being banned from receiving a new beer and wine permit in the future.

Other jurisdictions have similarly rejected the argument that voluntary relinquishment of a license deprives the Board of disciplinary jurisdiction. See, e.g., Cross v. Colo. State Bd. of Dental Exam'rs, 552 P.2d 38 (Colo. App. 1976); Gilpin v. Bd. of Nursing, 837 P.2d 1342 (Mont. 1992), overruled on other grounds Erickson v. State ex. rel. Bd. of Med. Exam'rs, 938 P.2d 625 (Mont. 1997); Gares v. N.M. Bd. of Psychologist Exam'rs, 798 P.2d 190 (N.M. 1990); Gaddy v. Okla. State Bd. of Osteopathy, 554 P.2d 1375 (Okl. 1976); Delozier v. State, 631 A.2d 228 (Vt. 1993).

**IT IS HEREBY ORDERED** accordingly for all of the foregoing reasons, the Board's decision to reinstate Appellant's license subject to the condition that he shall provide written evidence to the Board which is satisfactory, in the Board's discretion, that shows his Georgia license either was in good standing at the time of his voluntary surrender and/or that there were no disciplinary impediments, pending or otherwise, against his license at that time is **AFFIRMED**.

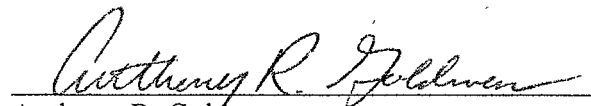
March 22, 2011  
Columbia, SC

  
\_\_\_\_\_  
John D. McLeod, Judge  
S.C. Administrative Law Court

**CERTIFICATE OF SERVICE**

I, Anthony R. Goldman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

March 22, 2011  
Columbia, SC

  
\_\_\_\_\_  
Anthony R. Goldman  
Judicial Law Clerk

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
BEFORE THE STATE BOARD OF DENTISTRY**

In the Matter of:

**Edward P. Trimmier, DMD,**  
License No. 3600,

Applicant

**ORDER ON THE APPLICANT'S MOTION  
FOR REINSTATEMENT  
(Public)**

This matter came before the Board of Dentistry (the Board) for hearing on July 15, 2011, as a result of the Applicant's Motion to have his license reinstated. A quorum of Board members was present. The hearing was held pursuant to appropriate provisions of the S.C. Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, *et seq.* (1976, as amended). The Applicant appeared and was represented by Paul deHolczer, Esquire.

In a December 7, 2002, Consent Agreement, the Applicant admitted various violations of the practice act, and, further, that the facts presented grounds constituting misconduct as alleged. In the Consent Agreement, he waived formal hearing procedures, requesting the matter be addressed pursuant to S.C. Code Ann. § 1-23-320(f) in lieu of, among other things, a hearing into the matter. After reviewing the Consent Agreement, the Board, among other things, imposed a fine of Twenty-five Thousand Dollars (\$25,000.00); required the Applicant to complete a pre-approved ethics course; suspended his license for six (6) years, immediately stayed; and placed his license in a probationary status for six (6) years.

On or about April 6, 2010, the Applicant asked that his license be reinstated because of his compliance with and completion of the Consent Agreement's requirements, and his desire to return to practice in South Carolina. A July 29, 2010, Order provided the Applicant may be issued a license to practice dentistry subject to providing evidence satisfying the Board "that his license and/or certificates from Georgia, New York, and any other states of licensure are in good standing, whether active or inactive." The Applicant voluntarily surrendered his Georgia license on April 9, 2010.

The Applicant provided documentation from the Senior Investigator of the State Education Department/The University of the State of New York, Office of Professional Discipline, indicating his license appears to be in good standing. The Applicant did not provide similar documentation concerning his former Georgia license.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED** that: the Applicant's motion to have his license reinstated is granted, subject to the following condition:

The Applicant shall provide written evidence to the Board which is satisfactory, in the Board's discretion, that shows his Georgia license either was in good standing

at the time of his voluntary surrender and/or that there were no disciplinary or other impediments, pending or otherwise, against his license at that time.

**AND IT IS SO ORDERED.**

**STATE BOARD OF DENTISTRY**

BY:



**Thomas M. Dixon, DMD**

**President of the Board**

July 28, 2011

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE STATE BOARD OF DENTISTRY**

In the Matter of:

Edward P. Trimmier, D.M.D.

Applicant

ORDER

WHEREAS, Applicant has applied for license reinstatement to practice dentistry in this state by application dated April 6, 2010. Upon review of the application, questions arose concerning Applicant's qualifications and fitness to practice. At its meeting on July 16, 2010, Applicant appeared with counsel, James H. Ritchie, Esq. in support of the application. Evidence and testimony established that Applicant was initially licensed in S.C. in 1999 is or has been licensed in Georgia and New York as well. On or about December 7, 2002, Applicant was disciplined by the S.C. Board of Dentistry based upon his state conviction in Georgetown County for five (5) misdemeanor counts of filing false claims with the S.C. Medicaid program, placing a misleading advertisement and failure to properly assign his auxiliary personnel. The S.C. disciplinary Consent Agreement suspended his license for six (6) years and stayed the suspension pending payment of a \$25,000.00 fine and completion of a Board-approved course in ethics. On or about October 31, 2003, Applicant's S.C. license lapsed. Applicant was licensed in Georgia in 2001. He was disciplined in that state based on the S.C. Board action and for submitting two (2) false answers on a 2003 Georgia Anesthesia/Deep Sedation permit application because he falsely answered 'NO' to two (2) questions on that application concerning criminal convictions and discipline by another board. The Georgia Board issued a sanction similar to the S.C. sanction, the terms of which made Applicant eligible to reapply to terminate his Georgia probation on or about July 2009. Evidence and testimony at the hearing further established that Applicant is on probation [unsupervised] in the State of New York and that a subsequent Georgia action revoked Applicant's license. Applicant appealed the action of the Georgia Board and was ultimately placed on indefinite suspension upon remand to the Georgia board. Prior to the S.C. reinstatement appearance, Applicant voluntarily surrendered his Georgia license while said license was suspended.

WHEREAS, Applicant has further advised the Board of a willingness to submit to any other conditions as the Board may desire, from time to time, to assure it of Applicant's continued fitness and qualification. The Board finds that Applicant's S.C. license has been inactive (lapsed) for more than six (6) years. In these instances, the Board must require that Applicant comply with the Board authorized reentry process which includes, *inter alia*, provision of a statement from all states of licensure or certification that the license or certificate is in good standing, whether active or inactive.

**THEREFORE, IT IS ORDERED THAT:**

Applicant may be issued a license to practice dentistry in this state subject to the following terms and conditions:

1. Applicant must provide documentary evidence satisfactory to the Board that his license and/or certificates from Georgia, New York and any other states of licensure are in good standing, whether active or inactive.

**AND IT IS SO ORDERED.**

**STATE BOARD OF DENTISTRY**

July 29, 2010  
Date

BY: Felicia L. Goins, D.M.D.  
FELICIA L. GOINS, D.M.D.  
President of the Board

**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that the undersigned has this date served this 7/29/2010 in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 223 N. Fairview Spartanburg SC 29302

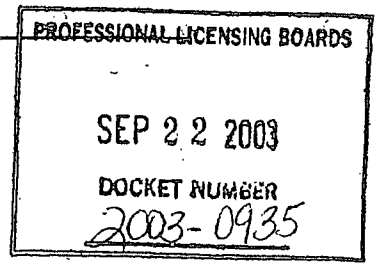
This 5th day of August, 2010  
By: Veronica Reynolds, Administrator  
Printed name, title & signature

SEP 12 2003

**BEFORE THE GEORGIA BOARD OF DENTISTRY**  
**STATE OF GEORGIA**

IN THE MATTER OF: )  
 )  
EDWARD PERRY TRIMMIER, D.M.D., )  
License No. , DN012482 )  
 )  
Respondent. )

DOCKET NO.



**PUBLIC CONSENT ORDER**

By agreement of the Georgia Board of Dentistry and Edward Perry Trimmier, D.M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Administrative Procedure Act, O.C.G.A. § 50-13-13(a)(4).

**FINDINGS OF FACT**

1.

Respondent is licensed to practice dentistry in the State of Georgia and was issued the license on December 28, 2001.

2.

On May 23, 2002, Respondent pled guilty in Georgetown County, South Carolina in the case of State of South Carolina v. Edward P. Trimmier, Case No. 02-GS-22-407 to five (5) counts of Filing False Claims with the South Carolina Medicaid Program in violation of Section 43-7-60(B)(1), S.C. Code of Laws, 1976, as amended. According to the indictment, the claims filed were materially false in that the services for which the claims had been filed had not been provided or rendered as claimed. Respondent was sentenced to three (3) years confinement, suspended upon the payment of \$5,000.00 plus costs and assessments (a total of \$10,403.00 remitted by Respondent) and the service of five (5) years probation.

3.

The Board has received information that on or about December 7, 2002, Respondent signed a Consent Order for disciplinary action with the South Carolina Board of Dentistry wherein he admitted that:

(a) Respondent filed at least five (5) false claims for reimbursement and plead guilty to all five (5) counts of filing a false claim;

(b) Respondent assigned, allowed, employed or permitted a dental assistant, who did not possess the requisite training, nor certification, to complete x-rays, and to turn or control the nozzle (valve) during a nitrous oxide sedation procedure. Additionally the said dental assistant further provided oral prophylaxis; and

(c) During the period of January 2000, Respondent implied a specialty in pediatric dentistry whereby an advertisement published by, or caused to be published by the Respondent was contained within a category asserting "Dentist- Pediatric Dentist (Child & Adolescents)". Respondent does not possess a specialty license in pediatric dentistry and thus the advertisement was misleading.

4.

The said South Carolina Consent Order ordered that Respondent's license to practice dentistry in South Carolina is suspended for six (6) years however, that said suspension is stayed and the license is in a probationary status for six (6) years during which Respondent is to pay a fine of \$25,000.00 due on December 7, 2002. Additionally, Respondent is to complete a pre-approved course in ethics consisting of at least eight (8) hours.

2

5.

On March 21, 2003, Respondent submitted an application to the Board for a General Anesthesia/Deep Sedation permit. On that application, Respondent falsely answered "No" to the following two (2) questions:

(a) "Have you ever been arrested, convicted, sentenced, pled guilty or given first offender status for any felony, misdemeanor or any offense other than a minor traffic violation? DWI or DUI are not minor traffic violations;" and

(b) "Has any disciplinary action been taken against you by any state board, or any regulatory board?"

6.

Without knowledge of the information set forth in the foregoing paragraphs, the Board issued the Respondent a provisional general anesthesia permit on March 25, 2003 for a period of six (6) months.

7.

On or about June 20, 2003, the Board voted to summarily suspend Respondent's license.

8.

The Respondent waives any further findings of fact with respect to this matter.

#### CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon his license to practice dentistry in the State of Georgia under O.C.G.A. Ch. 11, T. 43, as amended. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

## ORDER

The Georgia Board of Dentistry, having considered the particular facts and circumstances of this case, including the Respondent's own willingness to undertake the corrective measures outlined herein, hereby orders, and the Respondent hereby agrees that this matter shall be disposed of as follows:

1.

Beginning upon the docketing of this Consent Order, Respondent's license to practice dentistry in the State of Georgia shall remain suspended for a period of six (6) years. Pursuant to O.C.G.A. § 43-11-47(e), **all but the first ninety (90) days (following the docketing of this Consent Order) of said suspension is hereby stayed** pending satisfactory completion of the probationary period imposed in paragraph 2, below. Should any of the terms and conditions of the probationary period or this Consent Order be violated by Respondent, said stay shall immediately be vacated on the date the Board is notified of such violation(s) without the requirement of any further action by the Board. During the first ninety (90) day after the effective date of this Consent Order (the period of actual suspension), the Respondent shall not engage in the practice of dentistry. If the Respondent shall so engage, his license to practice dentistry shall be subject to revocation, upon substantiation thereof. This prohibition shall include all of the acts and services defined in O.C.G.A. § 43-11-17(a) as constituting the practice of dentistry, as well as the following:

- (a) Chairside assistance to another dentist in the dental treatment of any patient;
- (b) Appearance before dental patients in a laboratory coat, clinic smock, or other garment that is customarily worn by dentists treating patients;

(c) Consultation with another dentist concerning the treatment of Respondent's patients in the presence of, or within the hearing of, any patient; provided, however, that the Respondent may discuss with a subsequent treating dentist, out of the presence or hearing of any patient, the Respondent's prior diagnosis or pre-existing treatment plan and the proposed plan of treatment by said subsequent treating dentist. The Respondent shall not personally convey the fact or substance of such a communication to a patient or patients. The Respondent shall not indirectly convey to a patient through another treating dentist a diagnosis, treatment plan, or other professional determination; and

(d) Personal acceptance of payment for dental services directly from a patient in the reception area of the Respondent's dental office.

The terms of this paragraph shall not be interpreted to preclude Respondent from acting as a dental office manager or administrator, which work may include, but not be limited to, preparing and distributing payroll; accounting; the ordering of supplies and attending to other general office needs; answering the telephone and scheduling appointments; and those other duties traditionally performed by an office manager or administrator. Under no circumstances shall the duties of an office manager or administrator be construed to include any of the actions listed in paragraph 1(a) through 1(d) or any act or service that would constitute the practice of dentistry as defined in O.C.G.A. § 43-11-17.

2.

Starting the ninety-first (91<sup>st</sup>) day from the date of docketing of this Order the Respondent's license shall be under a period of stayed suspension and shall be placed on probation for a period of six (6) years until discharged in accordance with paragraph 2(h) of this Consent Order, with the following terms and conditions of probation:

(a) The Respondent shall permit the random inspection of his office records, including but not limited to billing, insurance, and treatment records by a representative of the Georgia Board of Dentistry at any reasonable time designated by the Georgia Board of Dentistry or its representative. The Respondent shall have the right to be present during such inspection of records and Respondent shall have the right to have his attorney present at the time of the inspection, and the rights of privacy and confidentiality of patients shall be maintained. The Respondent shall also make himself available, upon reasonable notice, for personal interviews with the Investigative Committee of the Board.

(b) Upon the docketing of this Order, the Board and the Respondent shall set up a time for inspection and evaluation of Respondent's facilities and equipment. After such inspection and evaluation **and if** a general anesthesia permit is subsequently issued to the Respondent by the Board, Respondent shall permit the inspection of his office and equipment by a representative of the Georgia Board of Dentistry at any reasonable time designated by the Georgia Board of Dentistry or its representative for purposes of assuring that Respondent is meeting all of the requirements for the issuance of a general anesthesia permit. Additionally, the Respondent shall also make himself available, upon reasonable notice, for personal interviews with a designated Board approved on-site evaluator.

(c) In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia will not apply to the reduction of the Respondent's probationary period unless authorized by the Board. The Respondent shall advise the Board of any change in his residence and/or office address.

(d) If the Respondent shall fail to abide by all State and Federal laws relating to drugs and regulating the practice of dentistry, the Rules and Regulations of the Georgia Board of Dentistry, or the terms of this Consent Order and probation, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing such emergency action.

(e) Within two (2) years of the effective date of this Consent Order, Respondent shall complete sixteen (16) hours of course work in professional ethics to be **pre-approved** by the Board. Within thirty (30) days of completion of said course work, Respondent shall provide the Board with proof of successful completion. These hours of course work shall be in addition to any continuing education requirements mandated by law pursuant to O.C.G.A. § 43-11-46.1(a).

(f) Within two (2) years of the effective date of this Consent Order, Respondent shall complete twelve (12) hours of course work to be taken in the area of risk management. At least six (6) of the twelve (12) hours shall be taken in the first year. Said coursework is to be **pre-approved** by the Board. Within thirty (30) days of completion of said course work, Respondent shall provide the Board with proof of successful completion. These hours of course work shall be in addition to any continuing education requirements mandated by law pursuant to O.C.G.A. § 43-11-46.1(a).

(g) Within three (3) years of the effective date of this Consent Order the Respondent shall attend and complete the course on Law, Ethics, and Professionalism (L.E.A.P.) offered by the Medical College of Georgia. Within thirty (30) days after the completion of the course,

Applicant shall provide documentation to the Board indicating his successful completion. This course shall be in addition to the sixteen (16) hours of ethics required in paragraph 2(e) above and in addition to any continuing education requirements mandated by law pursuant to O.C.G.A. § 43-11-46.1(a).

(h) Within sixty (60) days from the scheduled date of termination of probation, the Respondent may petition for termination of probation by certifying under oath before a notary public that the Respondent has complied with all conditions of probation. The Board shall be authorized to review and evaluate the practice of the Respondent prior to the lifting the probation. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of the Respondent, unless it extends, maintains, or imposes such restrictions or conditions as the Board deems appropriate, based upon the information presented to it pursuant to this Consent Order or otherwise available to the Board. The Board shall notify Respondent of its intent to extend, maintain or impose such restrictions or conditions beyond the designated probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. This Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

3.

In addition to and in conjunction with any other sanction contained herein, this Consent Order shall serve as a public reprimand to the Respondent for his conduct.

4.

In addition to and in conjunction with any other sanction contained herein, the Respondent shall pay a total fine of \$20,000.00, payable in 5 installments by certified check or

money order to the Board. The first installment shall be in the amount of \$5,000.00 to be paid within one (1) year of the effective date of this Consent Order. The second installment shall be paid in the amount of \$3,000.00 to be paid within two (2) years of the effective date of this Consent Order. The third installment shall be in the amount of \$3,000.00 to be paid within three (3) years of the effective date of this Consent Order. The fourth installment shall be paid in the amount of \$3,000.00 to be paid within four (4) years of the effective date of this Consent Order. The fifth and final installment shall be paid in the amount of \$6,000.00 to be paid within five (5) years of the effective date of this Consent Order. Such fine shall be sent to the attention of the Ms. Tachunta A. Thomas, Executive Director, (or whoever the Executive Director is at the time of payment) at the Georgia Board of Dentistry, 237 Coliseum Drive, Macon, Georgia 31217-3835. If the Respondent shall fail to pay said fine pursuant to the terms of this paragraph, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration.

5.

Approval of this Consent Order by the Georgia Board of Dentistry shall in no way be construed as condoning the Respondent's alleged conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Georgia Board of Dentistry and docketed with the Division Director of the Professional Licensing Boards.

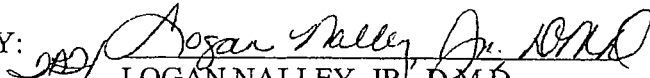
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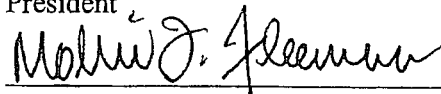
Within ten (10) days of any request of the Board, the Respondent shall promptly supply all information necessary for the reporting of this Consent Order to the National Practitioner Data Bank - Healthcare Integrity and Protection Data Bank, as required by federal law.

The Respondent, Edward Perry Trimmier, D.M.D., acknowledges that he has read this Consent Order and understands its contents. The Respondent understands that he has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order. The Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. The Respondent further understands that this Consent Order, once approved, shall constitute a public record, which may be disseminated as a disciplinary action of the Board. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. The Respondent consents to the terms and sanctions contained herein.

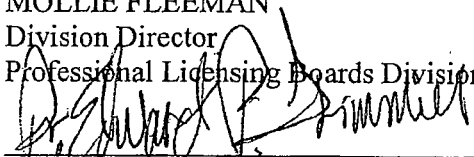
Accepted this 12<sup>th</sup> day of SEPTEMBER, 2003.

**GEORGIA BOARD OF DENTISTRY**

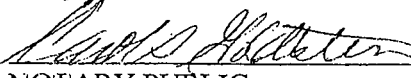
BY:   
LOGAN NALLEY, JR., D.M.D.  
President

ATTEST:   
MOLLIE FLEEMAN  
Division Director  
Professional Licensing Boards Division

(BOARD SEAL)

CONSENTED TO:   
EDWARD PERRY TRIMMIER, D.M.D.  
Respondent

Sworn to and subscribed  
before me this 10 day  
of September, 2003.

  
NOTARY PUBLIC  
My commission expires:  
Notary Public, Cobb County, Georgia  
My Commission Expires March 2, 2005

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE SOUTH CAROLINA STATE BOARD OF DENTISTRY**

In the Matter of:

**EDWARD P. TRIMMIER, D.M.D.,**  
License No. 3600

Respondent.

**CONSENT ORDER**

By agreement of the State Board of Dentistry of South Carolina (the Board) and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. §1-23-320(f) (Supp. 2001) of the South Carolina Administrative Procedures Act:

**FINDINGS OF FACT**

1. Respondent admits that he is licensed to practice dentistry in the State of South Carolina and was so licensed at all times relevant to the matters asserted in this case.
2. Respondent admits that he filed false claims for reimbursement, placed a misleading advertisement and failed to properly assign his auxiliary personnel, among other things, as alleged in the Formal Accusation, dated September 9, 2002, a copy of which is attached hereto and incorporated herein as Exhibit 1.
3. Respondent further admits that as a result of the previous admissions herein, Respondent has violated S.C. Code Ann. §§ 40-15-190(A)(2),(9), (10), (11), (12), and (13) (1976 as amended); 40-15-80; 40-15-130; 40-15-220; and 40-15-260; and Regulations No. 39-11(1-F); 39-11(4-A) and (4-C).
4. Respondent waives any further findings of fact with respect to this matter.

**CONCLUSIONS OF LAW**

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under §§ 40-15-190, supra, and 40-15-200 (Supp. 1976, as amended). Respondent hereby waives any further conclusions of law with respect to this matter.
2. Respondent has full knowledge that he has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Order. Respondent understands and agrees that by entering into this Consent Order he voluntarily relinquishes any right to judicial review of Board action(s) which may be taken concerning any related matters. Respondent understands and agrees that this Consent Order will not become effective unless and until approved by the Board. Respondent understands and agrees that a

representative of the General Counsel's Office may be present during presentation of this Consent Order to the Board. Respondent understands and agrees that if this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

**THEREFORE, IT IS ORDERED WITH RESPONDENT'S CONSENT THAT:**

1. Respondent's license to practice dentistry in this State shall be suspended for a period of six (6) years from the effective date of this Consent Order; however, the said suspension is hereby stayed, and Respondent's license shall continue uninterrupted in a probationary status for a period of six (6) years, subject to Respondent's compliance with the following conditions:
  - a. Respondent shall pay a fine of twenty-five thousand (\$25,000.00) dollars. The said fine shall be due at such time as this Order is submitted to the full Board for approval. Payment must be in the form of a cashier's check, money order, or other good funds. Failure to pay the said fine shall result in the immediate temporary suspension of the Respondent's license to practice dentistry in this State until such amount is paid in full.
  - b. Respondent shall, at his own expense, successfully complete a pre-approved course in ethics, consisting of at least eight (8) hours, within twelve (12) months of the effective date of this agreement, and provide the Board with adequate verification of satisfactory completion of the course.
  - c. Respondent shall appear before the Board, upon reasonable notice, at any point in the future as required by the Board during the period of probation.
2. Respondent is represented by counsel and enters into this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
3. Respondent understands that failure to comply with the letter, intent or spirit of this Consent Order shall result in the immediate temporary suspension of his license to practice dentistry in the State of South Carolina pending a hearing into the matter and until further Order of the Board. In addition, the failure to comply with the letter, intent or spirit of this Consent Order may result in the immediate lifting of any stay that may be in effect, in accordance with South Carolina Code Ann. §1-23-370 (c) (1976, as amended).
4. Respondent agrees to comply with all state and federal statutes and regulations governing the practice of dentistry.
5. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this Consent Order. Respondent may be required to furnish the Board

with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of this Consent Order.

6. Pursuant to the South Carolina Freedom of Information Act, this Consent Order, with attachments, is a public document, and this action will be reported to the National Practitioner Data Bank in accordance with P.L. 99-660.
7. This Consent Order shall take effect immediately upon receipt by Respondent or his counsel.

**AND IT IS SO ORDERED.**

Columbia, South Carolina

12/7/02, 2002.

**STATE BOARD OF DENTISTRY**

BY: Dennis W. Newton, Jr.  
**DENNIS W. NEWTON, JR., D.D.S.,**  
VICE PRESIDENT  
FOR THE PRESIDENT

**WE CONSENT.**

Edward P. Trimmer

EDWARD P. TRIMMIER, D.M.D.

Respondent

E. Bart Daniel

E. BART DANIEL, ESQ.

ATTORNEY FOR THE RESPONDENT

Patrick D. Hanks

Patrick D. Hanks

ATTORNEY for the South Carolina

Department of Labor, Licensing & Regulation

Dec 7, 02

Date

Dec 7, 02

Date

12/10/02

Date

COPY

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Edward P. Trimmier, D.M.D.,

Appellant,

vs.

South Carolina Department of Labor,  
Licensing and Regulation, State Board of  
Dentistry,

Respondent.

Docket No. 11-ALJ-11-0453-AP

APPELLANT'S  
MOTION  
FOR  
RECONSIDERATION, TO ALTER OR  
AMEND JUDGMENT

COMES NOW the Appellant, by and through his undersigned counsel, to move the Administrative Law Court to reconsider its order filed 22 March 2012 and to alter or amend its judgment rendered therein. Appellant was served by email on the date of filing with a copy of the Order filed 22 March 2012 and Appellant submits this motion within the time period allowed by Rule 3.C, Rules of Procedure for the Administrative Law Court.

Appellant respectfully submits the Administrative Law Court should set aside its order affirming the decision of the South Carolina Department of Labor, Licensing and Regulation, State Board of Dentistry for the reasons set forth more fully in Appellant's Memorandum in Support of Appellant's Motion for Reconsideration, to Alter or Amend Judgment.

Respectfully submitted,



Paul D. de Holczer (SC Bar #6905)  
Moses & Brackett, PC  
1333 Main Street, Suite 650  
Post Office Box 100261  
Columbia, SC 29202-3261  
803-461-2317  
Attorney for Appellant

April 2, 2012

**FILED**

APR 03 2012

SC ADMIN. LAW COURT

COPY

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Edward P. Trimmier, D.M.D.,

Appellant,

vs.

South Carolina Department of Labor,  
Licensing and Regulation, State Board of  
Dentistry,

Respondent.

Docket No. 11-ALJ-11-0453-AP

APPELLANT'S MEMORANDUM IN  
SUPPORT OF APPELLANT'S  
MOTION  
FOR  
RECONSIDERATION, TO ALTER OR  
AMEND JUDGMENT

Appellant Edward P. Trimmier, DMD (hereinafter "Trimmier" or "Appellant"), captioned above, appeals from the final Order issued by the Administrative Law Court (hereinafter "the Court") on 22 March 2012, incorporated herein and made a part hereof my reference. This final Order was served on Appellant by email on 22 March 2012. In so appealing, Appellant preserves and reargues all issues previously raised and argued.

Appellant's Motion for Reconsideration, to Alter or Amend Judgment is premised on the ground that the Court's Order should be reversed because substantial rights of Appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions set forth in the Final Order of the South Carolina State Board of Dentistry are:

- (A) In violation of constitutional or statutory provisions;
- (B) Made upon unlawful procedure;
- (C) Affected by other error of law;
- (D) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and

**FILED**

APR 03 2012

- (E) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Appellant's Motion for Reconsideration does not ask this Court to substitute its judgment for that of the Board; but to find that the Board's decision is clearly erroneous in view of the evidence on the whole record.

### STATEMENT OF FACTS

1. Appellant was initially licensed to practice dentistry in South Carolina in 1999 and is or has been licensed to practice dentistry in Georgia and New York as well.
2. On or about May 23, 2002, Appellant entered into a plea agreement in the Georgetown County Court of General Session and pled guilty to five counts of filing false claims with the South Carolina Medicaid Program. (R., p. 80)
3. On or about December 7, 2002, Appellant entered into a Consent Agreement with the Board; Appellant admitted that he is licensed to practice dentistry in the State of South Carolina and was so licensed at all times relevant to the matters asserted in this case. (R., p. 80)
4. By the Consent Agreement of December 7, 2002, Appellant admitted that he filed false claims for reimbursement, placed a misleading advertisement and failed to properly assign his auxiliary personnel, among other things, as alleged in the Formal Accusation, dated September 9, 2002, attached to and incorporated in the Consent Agreement.
5. By the Consent Agreement of December 7, 2002, Appellant admitted he violated S.C. Code Ann. §§ 40-15-190(A)(2), (9), (10), (11), (12), and (13) (1976 as amended); 40-15-80; 40-15-130; 40-15-220; and 40-15-260; and Regulations No. 39-11 (1-F); 39-11(4-A) and (4-C).

6. By the Consent Agreement of December 7, 2002, Appellant admitted that his conduct constituted sufficient grounds for disciplinary or corrective action under §§ 40-15-190, supra, and 40-15-200 (Supp. 1976, as amended).
7. By the Consent Agreement of December 7, 2002, Appellant waived any further findings of fact or any further conclusions of law with respect to these matters.
8. By the Consent Agreement of December 7, 2002, Appellant agreed that his license to practice dentistry in this State was suspended for a period of six (6) years from the effective date of the Consent Order; however, the said suspension was stayed, and his license placed in a probationary status for a period of six (6) years, subject to (a) his payment of a fine of twenty-five thousand (\$25,000.00) dollars; (b) the Board's verification of his successful completion of a pre-approved course in ethics; and, (c) his appearance before the Board, upon reasonable notice, at any point in the future as required by the Board during the period of probation.
9. By the Consent Agreement of December 7, 2002, Appellant agreed to cooperate with the Board, its attorney, investigators, and other representatives in the investigation of Appellant's practice and compliance with the provisions of this Consent Order, to furnish the Board with additional information as may be deemed necessary by the Board or its representatives, and to submit in a timely fashion further documentation regarding Appellant's practice upon the Board's reasonable requests.
10. Appellant was licensed by the Georgia Board of Dentistry (hereinafter "the Georgia Board") to practice dentistry in Georgia in 2001. On or about September 22, 2003, Appellant entered into a Public Consent Order with the Georgia Board (R. 80). Appellant was disciplined in Georgia (public reprimand, fine of \$20,000.00, random inspection of office records and place of practice, suspension stayed on probation for a period of six years, required course work in

professional ethics, risk management, and Law, Ethics, and Professionalism). The terms of the Georgia Board sanction made the Appellant eligible to reapply to terminate his Georgia probation on or about July 2009. On or about March 28, 2008, the Georgia Board issued a Final Decision and Order which revoked Appellant's license (R., p. 77).

11. Appellant appealed the revocation of the Georgia Board to the Bibb County Superior Court and, on or about September 15, 2009, the Bibb County Superior Court reversed the Georgia Board's revocation and remanded the case to the Georgia Board with an order that it enter and Amended Final Decision that imposed the sanctions contained in the initial Decision (R. 77). The Georgia Board issued its Amended Final Decision on October 16, 2009, which Decision placed Appellant on indefinite suspension with eligibility to petition for reinstatement after two years and imposed a fine of \$1,000.00. While the matter in Georgia was under appeal, Appellant determined that he would not return to practice in Georgia. (R., p. 15, l. 17 - p. 16, l. 15). At the conclusion of the period of suspension, Appellant declined to petition the Georgia Board for reinstatement and, instead, decided to surrender his Georgia license.
12. On or about April 6, 2010 (approximately eighteen months before he was eligible to petition the Georgia Board to end his suspension) Appellant entered into a Voluntary Surrender (Filed April 14, 2010) of his Georgia dentistry license with the Georgia Board (R., p. 75).
13. On or about April 6, 2010, Appellant applied for reinstatement to practice dentistry in South Carolina. The Board met with Appellant on July 16, 2010 to discuss and consider Appellant's application. On or about July 29, 2010, the Board issued its Order on Appellant's application for reinstatement to practice dentistry in South Carolina.
14. By the Order of July 29, 2010, the Board noted that Appellant advised the Board of a willingness to submit to any other conditions as the Board may desire, from time to time, to

assure it of Applicant's continued fitness and qualification. The Board found that Appellant's South Carolina dentistry license had been inactive (lapsed) for more than six years and required that Appellant comply with the Board's authorized reentry process which includes, *inter alia*, provision of a statement from all states of licensure or certification that the license or certificate is in good standing, whether active or inactive.

15. By the Order of July 29, 2010, the Board ordered that Appellant may be issued a license to practice dentistry in South Carolina subject to Appellant providing documentation satisfactory to the Board that his license and/or certificates from Georgia, New York and any other states of licensure are in good standing, whether active or inactive.
16. On or about March 31, 2011, Appellant applied for reinstatement to practice dentistry in South Carolina. The Board met with Appellant on July 15, 2011 to discuss and consider Appellant's application. On or about July 28, 2010, the Board issued its Order on Appellant's application for reinstatement to practice dentistry in South Carolina. By the Order of July 28, 2011, the Board recognized that it had received written evidence to the Board which was satisfactory, in the Board's discretion, that showed his New York dentistry license was in good standing; however, the Board stated that Appellant had not provided "similar documentation concerning his former Georgia license."
17. By the Order of July 28, 2011, the Board ordered that Appellant's "motion to have his license reinstated is granted, subject to the following condition: The Applicant shall provide written evidence to the Board which is satisfactory, in the Board's discretion, that shows his Georgia license either was in good standing at the time of his voluntary surrender and/or that there were no disciplinary or other impediments, pending or otherwise, against his license at that time."

## RESPONDENT'S ARGUMENT

1. Respondent argues that "this appeal should be dismissed because the South Carolina Dental Board granted Appellant's application for licensure." Respondent states: "On both occasions [July 29, 2010 and July 28, 2011], the South Carolina Dental Board granted his license application subject only to 'receipt of written evidence to the Board, which is satisfactory, in the Board's discretion, that shows his Georgia license wither was in good standing at the time of his voluntary surrender and/or that there were no disciplinary or other impediments, pending or otherwise, against his license at that time.' (R. 4)."

In the hearing before this Court, Appellant pointed out that this provision, this requirement on Appellant, is not in the December 7, 2002 order of the South Carolina Dental Board. This provision is in the July 28, 2011 order of the South Carolina Dental Board and **was imposed only when the record established before the South Carolina Dental Board that Appellant had already surrendered his Georgia license while it was under suspension.** In other words, the South Carolina Board abused its discretion when it created a condition which either inadvertently frustrated Appellant or which was calculated to frustrate Appellant. (R., p. 38, l. 1-19) (See Hearing on July 16, 2010).

The South Carolina Board also abused its discretion when it imposed an *ex post facto* requirement on Appellant, a requirement which is an enhanced punishment of Appellant. Because this sanction was not part of Appellant's punishment under the December 7, 2002 order, this requirement retroactively changes the legal consequences of actions Appellant committed prior to the issuance of the requirement and enhances the punishment for those actions. The Constitutions of the United States and of South Carolina specifically prohibit the passage of *ex post facto* laws. U.S. Const. art. I, § 10; S.C. Const. art. I, § 4.

In civil and administrative matters such as this, an agency may apply its rules retroactively provided the legislature has expressly authorized it to do so. Bowen v. Georgetown University Hospital, 488 U.S. 204, 109 S.Ct. 468, 102 L.Ed.2d 493 (1988) (Retroactive application disfavored by courts, but will be upheld where Congress has expressly granted such powers.) There is no express grant of retroactive power to the South Carolina Department of Labor, Licensing and Regulation, State Board of Dentistry in cases such as this. Although Appellant could find no South Carolina case exactly on point, the South Carolina Supreme Court has held that a change in a prisoner's parole review from annual to biannual review constitutes an *ex post facto* violation. Jernigan v. State, 340 S.C. 256, 531 S.E.2d 507 (2000).

2. "Appellant has not presented any evidence to the Board concerning his efforts to petition the Georgia Board or to obtain information from them clarifying whether they would end his suspension if asked to do so."

**The Record on Appeal contains two verifications of Appellant's Georgia licensure** (R., p. 74; p. 98; p. 184). The record is clear that he was under suspension in Georgia at the time he surrendered his license. As the Statement of Facts above shows, Appellant litigated the discipline of the Georgia Board through Georgia's administrative procedures and in Georgia's courts. Appellant ultimately decided to abandon any ambition to practice dentistry in Georgia and any effort to litigate the lifting of the suspension in Georgia. From his history with the Georgia Board, its reversed and remanded order and punishment, and the significant costs involved in litigation of this type, this decision is readily understandable. (R., p. 233) Appellant ultimately determined to practice dentistry in South Carolina. (R., p. 254)

3. “[The record in this case] does not contain enough information for the Board to make a decision that protects the public.”

The Record contradicts this statement. There is no allegation, proof or finding of patient harm in the Record before this Court. This matter has been before the South Carolina Board three times. Appellant has complied with the December 7, 2002 order of the South Carolina Dental Board. He is on record as offering to do more. (R., 119) The South Carolina Board is declining to exercise its discretion, abdicating its powers and responsibilities to the Georgia Board, and failing to make a determination whether or not the Appellant presents any danger or risk of danger to the citizens of South Carolina – even though there is not now and never has been any allegation, proof or finding of harm to any patient in Georgia, South Carolina or New York.

4. “If an individual's license to practice dentistry or dental hygiene is revoked by another state for cause this shall, in the discretion of the board, constitute grounds for revocation of his South Carolina license.” § 40-15-170.

Appellant concedes that this is grounds for revocation in South Carolina; however, Appellant was suspended in Georgia, not revoked, and, furthermore, **Respondent did not cite this statute as a basis to deny Appellant a license in this case**; neither has it been cited or established as a basis to deny Appellant a license in this case that the State of New York disciplined the Appellant under reciprocity. Respondent’s effort to apply this statute in a disciplinary matter which originated in South Carolina and has been dealt with by South Carolina, and which triggered a reciprocal

disciplinary matter in those other states, is to create an absurd and vicious circular disciplinary system.

By highlighting a portion of § 40-15-170, Respondent argues that “Relicensing after an absence of over six years may be made at the discretion of the board upon proof of high professional fitness and moral character.” Appellant concedes the letter of the statute, however, Appellant argues that this provision of § 40-15-170 does not state that the only proof of “high professional fitness and moral character” is “receipt of written evidence to the Board, which is satisfactory, in the Board’s discretion, that shows his Georgia license wither was in good standing at the time of his voluntary surrender and/or that there were no disciplinary or other impediments, pending or otherwise, against his license at that time.” Proof of standing of licensure in Georgia is not rationally related to Appellant’s professional fitness and moral character. **It is a clear abuse of discretion to premise proof of “high professional fitness and moral character” solely on Appellant’s license status in Georgia.**

The Record on Appeal does not show or tend to prove that the Board premised proof of “high professional fitness and moral character” on Appellant’s license status in Georgia. Respondent has not made any finding that Appellant has filed to provide proof of “high professional fitness and moral character.” Respondent’s counsel proposes to make this point only in this appellate matter.

To the contrary, we have declined to give deference to an agency counsel's interpretation of a statute where the agency itself has articulated no position on the question, on the ground that "Congress has delegated to the administrative official and not to appellate counsel the responsibility for elaborating and enforcing statutory commands." Investment Company Institute v. Camp, 401 U. S. 617, 628 (1971); cf. Burlington Truck Lines, Inc. v. United States, 371 U. S. 156, 168 (1962) ("**The courts may not accept appellate counsel's post hoc rationalizations for agency [orders]**").

Bowen v. Georgetown University Hospital, 488 U.S. 204, 109 S.Ct. 468, 102 L.Ed.2d 493 (1988) (emphasis supplied). In fact, the Record contains evidence that Appellant has been pardoned for his offenses (R. p. 71; p. 214).

5. “Appellant . . . argues that since Appellant has no Georgia license, his premature and voluntary surrender in lieu of a petition to the Georgia Board should be rewarded by the South Carolina Board . . . upon the theory that surrender means not only that he does not have a Georgia license now, but that he never had one.”

Appellant has never asserted or argued that he never had a Georgia license to practice dentistry. This argument mischaracterizes Appellant’s argument. Appellant argues that the December 7, 2002 order of the South Carolina Dental Board, to which Appellant consented, did not have the later-imposed, retroactive provision that he provide “documentary evidence satisfactory to the Board that his license and/or certificates from Georgia, New York and any other states of licensure are in good standing, whether active or inactive.” Appellant argues that the December 7, 2002 order of the South Carolina Dental Board, to which Appellant consented, did not have this additional punitive provision.

Appellant alternatively argues that he has satisfied this additional provision in that he has provided documentary evidence satisfactory to the Board that his license and/or certificates from New York (and any other states of licensure) are in good standing, whether active or inactive. Appellant points out that he has satisfied this additional provision in that his inactive New York license is in good standing and **that he has no active Georgia license and no inactive license.** Appellant does

not seek to be rewarded, but to set aside the Board's absurd and unfair interpretation of a retroactive provision.

6. "Appellant seemingly is arguing that the surrender of his Georgia license precludes the South Carolina Board from asking anything further from him with regard to Georgia." "If this were true, all applicants [with other states' licenses] could merely surrender their other state licenses temporarily while applying in South Carolina . . . ."

Respondent again misstates Appellant's argument. Appellant concedes that grounds for discipline in Georgia and other states are often also grounds for discipline in South Carolina. In fact, Appellant acknowledges that he was disciplined in Georgia based on reciprocity and the premise that the grounds for discipline in South Carolina gave rise to grounds for discipline in Georgia. Again, Appellant argues that the December 7, 2002 order of the South Carolina Dental Board, to which Appellant consented, did not require Appellant to provide documentary evidence satisfactory to the Board that his license and/or certificates from Georgia was in good standing, whether it was active or inactive.

Appellant also argues that the South Carolina Board has all it needs of information regarding any Georgia discipline and does not need "permission" from Georgia to reinstate Appellant. Respondent knows that a licensee cannot "temporarily surrender" any state license and this argument is therefore disingenuous and misleading. A licensee can have an inactive license (placed on inactive status by agreement of the licensee and licensor) and can have a license revoked by a licensor. "Surrender" is a separate specific situation. The surrender of a license is a definitive and permanent

unless the licensee re-applies for licensure – and then only as if the licensee never had a license previously.

Appellant would point out that it was the South Carolina Board that defined the conditions under which Appellant would be reinstated. Now, almost as an afterthought, the South Carolina Board would impose an additional punitive measure which, in effect, would force Appellant to make an expensive re-application in Georgia or to engage in expensive litigation in Georgia to pursue a Georgia license he does not want or intend to use (R., p. 137 - p. 139) Respondent knows and has known that Appellant's Georgia licence was surrendered when it was suspended. Respondent knows and has known that Respondent's requirement upon Appellant has the absurd effect of requiring Appellant to apply de novo to the Georgia Board for licensure and, only upon being granted a license in Georgia, apply for reinstatement of his South Carolina licence.

7. "This Court has held in an analogous situation that a surrender of a professional license does not deprive it of jurisdiction."

Respondent cites Michael A. Paulin v. SCDLLR, 07-ALJ-11-00447-AP (2007). As far as Appellant can determine, Respondent is citing to an Unpublished Opinion, SCDLLR v. Michael A. Paulin, Opinion No. 2010-UP-091 (2010), which opinion has no precedential value.

Assuming without conceding that any principle enunciated in the Paulin opinion has precedential value, **Appellant has never argued that the Board or this Court does not have subject jurisdiction of this matter or lacks authority to decide this case, or that the case is moot.** Appellant concedes that the surrender of his South Carolina license would not deprive the South Carolina Board of jurisdiction with regard to the practice of dentistry in South Carolina. The license

at issue in this case is a foreign license, however. Moreover, Appellant does not deny that grounds for discipline in another jurisdiction might constitute grounds for discipline in South Carolina.

Appellant argues that, under the law in this case, Respondent should not be allowed to add an additional requirement on Appellant and, if Respondent is allowed to do so, that additional requirement should be construed strictly, narrowly and against Respondent: Since it is Respondent who added the additional punitive provision, this Court should so construe it and require Respondent to abide by it. This construction would lead this Court to the ineluctable conclusion that Appellant has no Georgia license, either active or inactive, which would require Appellant to provide “documentary evidence satisfactory to the Board that his license and/or certificates from Georgia . . . [is] in good standing . . . .” If the South Carolina Board wanted this provision to apply to Appellant, it should have put this in its December 7, 2002 order. If the South Carolina was concerned that Appellant lacked professional fitness and moral character, it should have said so.

### CONCLUSION

The essence of Respondent’s argument is that “this appeal should be dismissed because the South Carolina Dental Board granted Appellant’s application for licensure . . . subject only to ‘receipt of written evidence to the Board, which is satisfactory, in the Board’s discretion, that shows his Georgia license wither was in good standing at the time of his voluntary surrender and/or that there were no disciplinary or other impediments, pending or otherwise, against his license at that time.’”

As Appellant has shown, this provision was added after the Appellant agreed to discipline by the South Carolina Dental Board and after the Board knew that Appellant had already surrendered his Georgia license. The South Carolina Board abused its discretion when it created a condition which either inadvertently frustrated Appellant or which was calculated to frustrate Appellant. The

South Carolina Board abused its discretion when it imposed a retroactive requirement on Appellant, a requirement which is an enhanced punishment of Appellant and not part of Appellant's punishment under the December 7, 2002 order.

By declining to exercise its discretion, by arbitrarily abdicating its powers and responsibilities to the Georgia Board, and by failing to make a determination whether or not the Appellant presents any danger or risk of danger to the citizens of South Carolina, the South Carolina Board has abused its discretion. Respondent has further abused its discretion by denying Appellant a South Carolina dental license simply because he surrendered his Georgia license. It is a clear abuse of discretion to arbitrarily premise proof of "high professional fitness and moral character" simply and solely on Appellant's license status in Georgia. The Record on Appeal does not show or tend to prove that the Board premised proof of "high professional fitness and moral character" on Appellant's license status in Georgia. The South Carolina Board did not find that Appellant surrendered his Georgia license to avoid discipline in South Carolina.

The Record in this case is clear that Appellant has been candid with the Board that he surrendered his Georgia license and in expressing his reasons for declining to pursue his Georgia license. Appellant has consistently admitted his guilt and taken responsibility for his indiscretions. He has not contested the charges in court or before the Board, entering into consent orders and plea agreements at every turn. He has not sought to avoid the reasonable consequences of his actions. He has only contested the imposition of inconsistent and unfair penalties not rationally related to the protection of the public.

Appellant alternatively argues that he has satisfied this additional provision in that he has provided documentary evidence satisfactory to the Board that his license and/or certificates from New York (and any other states of licensure) are in good standing, whether active or inactive. Appellant

points out that he has no active Georgia license and no inactive license. Appellant seeks only to set aside the Board's absurd and unfair interpretation of a provision the Board added after the fact of Appellant's discipline. Respondent's requirement upon Appellant has the absurd effect of requiring Appellant to apply de novo to the Georgia Board for licensure and, only upon being granted a license in Georgia, apply for reinstatement of his South Carolina licence. Since the South Carolina Board added a punitive measure which, in effect, would force Appellant to make an expensive re-application in Georgia or to engage in expensive litigation in Georgia to pursue a Georgia license he does not want or intend to use, Appellant submits that additional requirement should be construed strictly, narrowly and against Respondent.

Appellant respectfully petitions this Court to reverse the denial of Appellant's dental license on the grounds that the substantial rights of Appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions set forth in the Final Order of the South Carolina State Board of Dentistry are in violation of constitutional or statutory provisions; made upon unlawful procedure; are arbitrary, capricious, characterized by abuse of discretion and clearly unwarranted exercise of discretion; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and affected by other error of law.

RESPECTFULLY SUBMITTED,



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April 3, 2012

Attorneys for Appellant

South Carolina Department of Labor, Licensing and  
Regulation Before the State Board of Dentistry

IN RE: )  
)  
)  
Edward Perry Trimmier, DMD )  
) Motion for  
) Re-consideration  
)  
) of  
)  
) EDWARD P. TRIMMIER, DMD

The within hearing was taken before, Robin L. Spaniel, Verbatim Court Reporter and Notary Public in and for the State of South Carolina, at the offices of South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina.

Reported by:  
Robin Spaniel

Appearances

President:

Thomas M. Dixon, D.M.D.

Board members:

Felicia L. Goins, D.M.D

David W. Jones, D.D.S.

Charles F. Wade, D.M.D.

John M. Whittington, D.M.D.

Douglas J. Alterman, D.M.D.

Z. Vance Morgan, IV, D.D.S.

Sherie Williams, R.D.H.

Eric Schweitzer

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Advice Counsel:

James C. Saxon, Esquire

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Exhibits

Applicant's Exhibit No. 1: 2/10/11 Letter from State  
Education Department of New York (1 pg)

1 PROCEEDINGS

2 DR. DIXON: Dr. Trimmier, how are you this morning?

3 DR. TRIMMIER: I'm doing great. How are you doing?

4 DR. DIXON: Doing fine. Good morning, Dr. Trimmier.

5 DR. TRIMMIER: Good morning.

6 DR. DIXON: Would you like to introduce your

7 attorney.

8 MR. de HOLCZER: I'm Paul de Holczer. I'm with

9 Moses, Koon and Brackett. And I have the

10 privilege of representing Dr. Trimmier in

11 this. And Dr. Trimmier is here with his wife,

12 Sonya, a school teacher up in Spartanburg.

13 MR. SAXON: Paul, I have to ask you this every time,

14 will you spell your last name for me.

15 MR. de HOLCZER: Sure. d-e H-o-l-c-z-e-r.

16 DR. DIXON: Thank you, Dr. Trimmier, for coming

17 before us. Were you here for the

18 introductions earlier this morning when we

19 introduced the Board?

20 MR. de HOLCZER: We were.

21 DR. DIXON: Okay. So at this point we'll forgo

22 reintroducing if that's okay with you guys.

23 DR. TRIMMIER: Yes, sir.

24 DR. DIXON: Could you swear in Dr. Trimmier at this

25 point.

1 Whereupon,

2 Edward P. Trimmier, DMD, being duly sworn and  
3 cautioned to speak the truth, the whole truth,  
4 and nothing but the truth, testified and  
5 deposed as follows:

6 Court Reporter: State your full name for the  
7 record, please.

8 Witness: Dr. Edward Perry Trimmier

9 DR. DIXON: Thank you Dr. Trimmier.

10 DR. TRIMMIER: Yes, sir.

11 DR. DIXON: If you would, would you like to speak to  
12 us and present your case.

13 DR. TRIMMIER: I would.

14 MR. de HOLCZER: If I might, I'd like to just do an  
15 introduction, then of course, Dr. Trimmier  
16 would be happy to respond and everything.

17 We're here pursuant to an existing order,  
18 which I'm sure you have, which states that Dr.  
19 Trimmier may be issued a license to practice  
20 dentistry in this state subject to providing  
21 documentary evidence satisfactory to the Board  
22 that his license and/or certificates from  
23 Georgia, New York, and any other states of  
24 licensure are in good standing whether active  
25 or inactive. At this point, Dr. Trimmier is

1 in -- has a license in New York which is all  
2 restrictions on it are ended as far as  
3 anything else he has to complete except for  
4 probably paying a fee if he were to practice  
5 in New York. And he has no intention of  
6 practicing in New York but he has kept that up  
7 because a good part of his education was in  
8 New York. As far as Georgia goes since, I  
9 think, the last meeting with the Board Dr.  
10 Trimmier had surrendered his license to  
11 practice in Georgia. And he has no -- he has  
12 a lot of ties to South Carolina. He's from  
13 South Carolina. His wife is from South  
14 Carolina. His wife is working in South  
15 Carolina. He has a home in Spartanburg where  
16 his wife is teaching and both families go back  
17 a long time there. He has a daughter who  
18 finished Converse, another daughter who has  
19 got about three years in Converse but had to  
20 withdraw for reason of medical treatment and  
21 requires surgery and Dr. Trimmier would like  
22 to help her with that. If his financial  
23 situation were to improve, it might -- it  
24 would improve, of course, if he was readmitted  
25 a licensure. And I'd just like to stress that

1 he has these with ties to South Carolina.  
2 South Carolina is where he intends to practice  
3 and continue his practice and not Georgia. He  
4 has basically closed the door and turned the  
5 corner and started a new chapter in his life  
6 putting Georgia behind him. And that is why  
7 he has decided to surrender his license in  
8 Georgia rather than to renew it and continue  
9 in Georgia in any way.

10 We would submit that the surrender of  
11 license in Georgia is -- does satisfy the  
12 prior order of this Board in that he has --  
13 just like he has no intention of practicing in  
14 Montana or California or numerous other  
15 jurisdictions, it doesn't behoove him to  
16 pursue any kind of licensure if he's not going  
17 to practice and has no intention of practicing  
18 or living in those jurisdictions. So Georgia,  
19 we would submit falls under the same situation  
20 as it would for Montana or California or any  
21 other of the jurisdictions where Dr. Trimmier  
22 could apply or could pursue practice but  
23 chooses not to and chooses to practice in  
24 South Carolina with the permission of the  
25 Board.

1           Having said that, I'd just also add that  
2           Dr. Trimmier meets all the requirements for  
3           licensure in South Carolina and stands ready,  
4           able and willing to cooperate with the Board  
5           in any measures that the Board should see fit  
6           to impose on him as a condition of renewing  
7           his licensure in South Carolina.

8           We would submit that Dr. Trimmier's very  
9           impressive educational credentials and his  
10          clinical experience would benefit citizens of  
11          South Carolina and we submit Dr. Trimmier  
12          would make a contributing member of the dental  
13          professional community. And with regard to  
14          any of the past issues which have come up, Dr.  
15          Trimmier is rehabilitated. He's been pardoned  
16          in South Carolina and his situation is very  
17          much in looking forward and looking forward to  
18          doing what is necessary to be a contributing  
19          member of the dental professional community.  
20          And having said that, I will sit down and just  
21          let you ask any question of Dr. Trimmier which  
22          you might have.

23          DR. DIXON: Thank you, sir. Dr. Trimmier, do you  
24          have any statements you would like to make?

25          **A        I would just like to confirm I'm a long time South**

1 Carolina resident, my family's here and I'm here to  
2 practice in South Carolina. I went to the Medical  
3 University of South Carolina and have been through  
4 training up in New York. I do have colleagues up  
5 in New York that are dentist anesthesiologists,  
6 however my ties are here in South Carolina. And as  
7 you said I was pardoned, the state of South  
8 Carolina said that I'm not a danger to anyone, they  
9 pardoned me. You have recommendations that state -  
10 - of my moral character. I'm of good moral  
11 character. You have recommendations there that  
12 state my qualifications as a dentist, both from  
13 anesthesiologists, general dentists, periodontists  
14 and those were admitted some time ago. So I think  
15 I'm in good standing and look forward to practicing  
16 in South Carolina and ask you now for my  
17 reinstatement of my licenses here in South  
18 Carolina.

19 DR. DIXON: So you have an education for general  
20 dentistry as well as periodontist and dental  
21 anesthesia?

22 A Oh, no. I said I had a periodontist that wrote a  
23 recommendation. That was Dr. Silboro (phonically).

24 DR. DIXON: But you would be practicing as a general  
25 dentist?

1     A     As a general dentist, right. The diplomat is in  
2           anesthesiology. I completed the medical residency  
3           in anesthesiology as four years total and you have  
4           that. There's a certificate there from Brookdale  
5           University Medical Center, our chief was the chief  
6           of anesthesiology at NYU. And that's a very  
7           intensive medical residency in anesthesia, so I  
8           learned anesthesia -- I mean I'm qualified in that  
9           and even talked with a dentist here who's a  
10          periodontist who said that - that was in  
11          Spartanburg - I could maybe come by help him or  
12          counsel him on some cases in anesthesiology, maybe  
13          some more difficult cases and he could ask me  
14          questions. So I think I can offer service. I did  
15          talk with them at the Medical University of South  
16          Carolina about a year or so ago, talked to the  
17          Dean, Dr. Bell, whom I know, who's a friend and  
18          fellow professor, about doing seminars in  
19          anesthesiology there teaching. I was a teacher  
20          before I became a dentist. I taught at Dorman High  
21          School. I have a degree in education, and in  
22          science. I would like to also teach.

23         DR. WADE: Dr. Trimmier, would you mind, just for  
24           the new faces on the Board, would you review  
25           the issue in Georgia and in New York and just

1 kind of -- and South Carolina. Just kind of  
2 what happened over your past years.

3 A Well, in New York my license was put on probation  
4 because of the plea agreement I signed ten years  
5 ago regarding a billing office -- one of the  
6 management personal in the office. Since then I've  
7 taken many courses in management. I just recently  
8 took course at Hinman in management. There is a  
9 personal law and fraud in dental practice, how to  
10 prevent that in your dental practice, a course  
11 that's coming up. It's offered by the South  
12 Carolina Dental Association, coming up in  
13 September. I'd certainly be happy to take that  
14 course. And I'll continue taking courses. I am  
15 looking at a PhD in leadership with Regent  
16 University which is good moral training. I have a  
17 Bachelor of Arts in religion from Wofford College,  
18 Sunday school teacher. I do seek -- have good  
19 moral character. I live a righteous life and do  
20 well because that's the best way. I mean that's  
21 awarded because I think God's the one that awards  
22 us all for our behavior. And, you know, I have a  
23 right to my belief in that as our constitution laws  
24 say we have a right to our conscientiousness and  
25 that's mine.

1 DR. DIXON: Take us --

2 A But in New York that - sorry - was based on what  
3 occurred in South Carolina. And it's off probation  
4 and the letter states I've satisfied all  
5 requirements there.

6 DR. DIXON: Take us back, I believe it was 2003. Is  
7 that right? 2003. Take us back through what  
8 happened with your practice in -- is it  
9 Georgetown? Is that correct?

10 A Georgetown that was 2002.

11 DR. DIXON: 2002. Take us back through that a  
12 little bit.

13 A Right. As I stated there was -- attorney general  
14 was running for governor at that time. He had --  
15 his platform was on white collar crime. He went to  
16 the Medical University and tried to say they had  
17 some issues there and they said rather than go to  
18 court they would shut down. So he backed off from  
19 that. There was a sweep that came through my area.  
20 There was no complaint against me. There was a  
21 lady that worked for Head Start that told him there  
22 wasn't anything wrong with the patients I treated.  
23 I did treat some patients at South Carolina  
24 Association or Pee-Dee Dental Association said they  
25 needed someone with anesthesia to help with some of

1 the patients. There's a back log of people, we  
2 don't do anesthesia and because of my credentials I  
3 treated some of the Head Start patients. Had an  
4 office manager that was an impressive lady and she  
5 kind of went in took the charge but they were put  
6 on a disk and the -- some of the x-rays were  
7 backwards and so forth and we had to look at x-rays  
8 to see what was there. The long and short of it --  
9 MR. de HOLCZER: I would say the long and short of  
10 it was that there was a prosecution and Dr.  
11 Trimmier -- as you well know there's lots of  
12 reasons why you might accept a plea bargain as  
13 opposed to go forward with a trial. Sometimes  
14 the way the posture is and the expense of a  
15 trial and all that, there's a reason to engage  
16 in a plea bargain and Dr. Trimmier did that  
17 and that was resolved through his acceptance  
18 of a sentence under that plea bargain.

19 **A** Which is probation and that ended in South Carolina  
20 in 2008. I satisfied all requirements for that and  
21 took a course.

22 MR. de HOLCZER: And has since been pardoned.

23 **A** And it's been pardoned, so according to the law it  
24 can't be used against me or even shouldn't -- the  
25 count shouldn't even be listed. I have all my

1 rights, I mean, I'm forgiven and so I want to get  
2 on with my life. That's been kind of -- Jim  
3 Ritchie wrote a letter to New York said that it's  
4 been going around for ten years and that's kind of  
5 long enough to hold that over someone. It's time  
6 for me to move on and get back to work.

7 MR. de HOLCZER: Mr. Ritchie being a prior attorney.

8 **A** Prior counsel, attorney, senator.

9 DR. WADE: And then in Georgia?

10 MR. de HOLCZER: In Georgia there was a suspension  
11 that followed from this.

12 **A** They were duplicating, they said, you know, nothing  
13 will happen in Georgia for what happened in South  
14 Carolina. And so they duplicated that process.  
15 That issue ended in 2009, I satisfied all the  
16 requirements there. In New York it was February  
17 2011 because they didn't put me on probation there  
18 until 2005. Five and six is eleven. The Georgia  
19 Board called them and then they put me on  
20 probation.

21 DR. ALTERMAN: I've got a question about licensure.

22 So right now you're not licensed in Georgia?

23 **A** I am not, no.

24 DR. ALTERMAN: And in New York, you said you were  
25 licenced but you said that there's a fee that

1           needed to paid?

2     **A**     **Well, it's active. See, their process is it came**  
3           **off probation and it went into an active status.**

4           DR. ALTERMAN: Came off probation when?

5     **A**     **February 2011.**

6           DR. ALTERMAN: Okay. And, so, that's indefinite and  
7           you can pay the fee whenever you want --

8     **A**     **Yes.**

9           DR. ALTERMAN: Ten years from now you decide you  
10          want to reactivate it, it's still there?

11    **A**     **That's correct.**

12          DR. ALTERMAN: Okay. So it doesn't mean that you  
13          didn't pay a fee doesn't mean it's expires.

14    **A**     **That's correct. There's no reinstatement process.**

15          DR. DIXON: Dr. Trimmier can you take us from the --

16          DR. ALTERMAN: I'm sorry. Let me -- So it's an  
17          inactive license technically at this point in  
18          New York?

19    **A**     **They say it's active.**

20          DR. ALTERMAN: Okay.

21          DR. DIXON: In New York.

22    **A**     **In New York.**

23          MR. de HOLCZER: We've gotten letters from the  
24          Department of Education, which controls  
25          licensure in New York, which they won't state

1           that he's in good standing because that's not  
2           what they will say but they did say that his  
3           probation is over and it's resolved.

4   **A**    They said they considered it in good standing when  
5           I was on probation. I mean their laws are  
6           different they said. I've been in good standing  
7           there for a long time.

8           MR. de HOLCZER: The Board should have those letters  
9           from the Department of Education.

10          DR. ALTERMAN: Okay. Thank you.

11   **A**    Thank you, Dr. Alterman.

12          DR. DIXON: Dr. Trimmier, getting away from the  
13           sanction in South Carolina that happened back  
14           in 2002 or 2003 whenever that deliberation was  
15           completed. Talk to us a little bit about the  
16           falsification of documentation in Georgia that  
17           took place.

18   **A**    What happened there, that was back again in 2003  
19           and that plea agreement ended in 2009. I checked -  
20           - I thought everything was supposed to stay in  
21           state, that's what my attorney Bart Daniel said.  
22           And I called the board there and I mentioned to  
23           them what was happening in South Carolina because I  
24           didn't want to buy a practice there if I, you know,  
25           if I couldn't practice or there would be some

1 sanction against the license. So I mentioned what  
2 had happened. They knew what had happened but I  
3 had an application for a permit as a -- to do  
4 anesthesia, they credentialed me in but on that it  
5 had a question have you ever had anything happen  
6 before. A lady of mine filled it out and I signed  
7 it but it had a question on there, have you had  
8 anything that happened in South Carolina and the  
9 wrong box was checked. They called me and I said,  
10 I'm sorry, that wrong box was checked, that's an  
11 error. They said no problem. Later on the new  
12 board came in and they revisited that and there was  
13 a plea agreement signed with that where I was on  
14 probation and that was 2003 to 2009. I've  
15 satisfied all requirements for it.

16 DR. DIXON: Was there an incident where some  
17 anesthesiology equipment that was used that  
18 was not, you know, licensed under the state of  
19 Georgia?

20 **A** No. They said my facility was extremely -- I mean  
21 really top drawer if you will or top notch.

22 MR. de HOLCZER: And Mr. Chairman, I'd just like to  
23 add that all that matter was previously  
24 addressed -- has all been previously addressed  
25 by this Board prior to them issuing the last

1 order which said that Dr. Trimmier could be  
2 licensed in South Carolina provided he's taken  
3 care of, you know, becoming in good standing  
4 with licensure in any states. It's  
5 specifically -- the order specifically  
6 mentioned Georgia and New York because at that  
7 time Dr. Trimmier had a relationship with  
8 Georgia and New York. But it says any states  
9 of licensure and, of course, at this point,  
10 the only states of licensure are New York and  
11 South Carolina. And so we feel like -- I can  
12 appreciate that this Board would want to  
13 explore that past history but that had already  
14 been addressed at the time of the last order.  
15 And we would submit that Dr. Trimmier has done  
16 everything that has been expected of him to  
17 getting in good standing and to make himself  
18 eligible for re-application for licensure in  
19 South Carolina, rather than use that history  
20 against him in any way. I mean, that history,  
21 we would submit, has been dealt with by the  
22 prior order of this Board and has been dealt  
23 with by other orders in those other states.  
24 And that is sort of -- well, it is, it should  
25 be considered to be resolved as far as -- that

1 is what we would submit.

2 DR. JONES: Let me ask you this, Dr. Trimmier, if  
3 you decided to practice in Atlanta, if you  
4 decided to go back to Georgia to practice,  
5 what would be required for you to set up  
6 practice -- or be licensed in Georgia?

7 **A Same thing here, apply for reinstatement.**

8 DR. ALTERMAN: But you've already given up your  
9 license there, so basically you would probably  
10 have to start anew, correct, in Georgia?

11 MR. de HOLCZER: I believe that's correct. I  
12 believe that's correct. With a surrender of  
13 license he would have to start de novo or  
14 completely all over again. But as we point  
15 out he has absolutely no desire to practice in  
16 Georgia and has turned his back on Georgia and  
17 has opened a new chapter in his life.

18 DR. GOINS: When was the last time you practiced,  
19 Dr. Trimmier?

20 **A It's been since 10/2009.**

21 DR. ALTERMAN: That was in Georgia?

22 **A That was in Georgia. When Jim Ritchie asked me to**  
23 **surrender the license, he said that would help.**  
24 **And I had been practicing in Georgia, otherwise I**  
25 **would just stayed and practiced there and waited**

1           **but I surrendered and then so I haven't practiced**  
2           **in a while.**

3           DR. JONES: So you would submit that your license --  
4           I just want to be clear. I know this is  
5           probably asking the same question over. You  
6           submit that your license to practice in  
7           Georgia is in good standing but inactive?

8           **A     Yes.**

9           MR. de HOLCZER: Well, no. I think Dr. Trimmier is  
10          confused. He has surrendered his license in  
11          Georgia, but by the same token he never had a  
12          license -- for example, I like to use the  
13          example; I pick Montana. He has no license in  
14          Montana. He never did. He never had any  
15          intention to practicing in Montana. He didn't  
16          practice in Montana. Georgia, he has a  
17          history of practicing in Georgia, but he  
18          surrendered his license, he doesn't want to  
19          practice in Georgia. And so for all practical  
20          purposes his situation in Georgia is the same  
21          in Montana. He's not licensed to practice and  
22          if he wanted to practice in Montana or  
23          Georgia, he'd have to start all over again but  
24          he has no desire to or inclination or  
25          intention to do so.

1 DR. JONES: Well, I understand that but if we're  
2 looking at the requirements and instructions  
3 for the reinstatement of a license, and that's  
4 Number 2, it says licenses and certificates  
5 from which you had in other states must be in  
6 good standing whether active or inactive. And  
7 that's what I'm asking.

8 MR. de HOLCZER: Yes, sir. He has no active license  
9 in Georgia for it to be in good standing or  
10 not good standing. He is not practicing in  
11 Georgia. He has no license in Georgia. But  
12 the states where he has some licensure,  
13 whether active or inactive and where he's  
14 submitted himself to investigation,  
15 examination by the medical board -- I mean  
16 dental board is New York and South Carolina.  
17 And so rather than go through any kind of  
18 process in Georgia, just like he's declined to  
19 do any kind of process in Montana, he is in  
20 exactly the same situation as far as Georgia  
21 as he would be in Montana or 50 other  
22 potential jurisdictions of this country. He  
23 has no intention, relationship, licensure,  
24 whatsoever in those other 50 jurisdictions  
25 including DC for example. But he's not got

1 anything in Georgia for it to be in good  
2 standing or bad standing just as he does -- or  
3 active or inactive, just as he doesn't in  
4 Montana.

5 DR. WHITTINGTON: In other words, there were no  
6 charges against him in Georgia when he took  
7 this inactive status?

8 MR. de HOLCZER: When he took the status in Georgia  
9 I believe everything had been resolved in  
10 front of the court. He had taken an appeal at  
11 some point. It had been resolved to the  
12 extent that he was now back at square one to  
13 reapply in Georgia and rather than go through  
14 all the rigmarole and effort and expenditure,  
15 he just said I'm done with Georgia.

16 **A See you later. Says I owe no fees, I'm fine.**  
17 **Everything's good with them.**

18 DR. WHITTINGTON: And you're not on any probationary  
19 status or anything in Georgia? That had been  
20 satisfied.

21 **A No. That was years ago.**

22 DR. WHITTINGTON: Okay.

23 DR. ALTERMAN: And the last time you practiced in  
24 the state of South Carolina was when?

25 **A 2002, December of -- well, beginning of 2003**

1           **actually.**

2           MR. SCHWEITZER: There's something showing the good  
3                           standing in New York? Isn't that one of the  
4                           requirements?

5           **A     Yes.**

6           MR. SAXON: I think we have that.

7           DR. DIXON: So when you where -- was your license --  
8                           when you surrendered your license in Georgia,  
9                           was your license at that point in good  
10                          standing with the state of Georgia?

11          **A     I --**

12          MR. de HOLCZER: Let me -- what I understand about  
13                          Georgia was, he would have had to reapply and  
14                          ask to be -- just as he sits here today he  
15                          would have to go through that in Georgia and  
16                          he's declined to do that. So we would say it  
17                          was -- because of the surrender it's inactive.  
18                          But had it not been surrendered, he would have  
19                          had to come back before that board and get  
20                          permitted to practice just as he sits here  
21                          today.

22          MR. SAXON: I think the difference is in coming here  
23                          there are disciplinary matters against the  
24                          Respondent whether he has met the requirements  
25                          of a previous order. And we've danced around

1 the question, but it still remains, at the  
2 time of the voluntary surrender was there  
3 anything standing in the way of that license  
4 being renewed?

5 MR. de HOLCZER: A hearing before the Georgia Dental  
6 Board resolved in Dr. Trimmier's favor would  
7 have been required.

8 MR. SAXON: Okay. But there wasn't one.

9 MR. de HOLCZER: But there wasn't one because he's  
10 declined to practice in Georgia and decided to  
11 turn a corner and move his practice --

12 MR. SAXON: Is it fair to say that he chose  
13 voluntary surrender rather than submit to  
14 possible disciplinary action?

15 MR. de HOLCZER: No, sir. Because he had already  
16 been --

17 MR. SAXON: Okay. Explain the difference to us.

18 MR. de HOLCZER: He had already been disciplined in  
19 Georgia. He had already submitted to  
20 discipline in Georgia, that had all been  
21 resolved. It was a question of whether or not  
22 he wanted to continue to practice in Georgia  
23 and he decided he did not want to do that.

24 MR. SAXON: Tell the Board when the disciplinary  
25 matters in Georgia were resolved, give us an

1 exact date if you can.

2 MR. de HOLCZER: 2009.

3 MR. SAXON: When in 2009?

4 MR. de HOLCZER: I'll have to pull out the Georgia  
5 order. Give me a moment.

6 MR. SAXON: All right. While you're doing that,  
7 when was voluntary surrender?

8 MR. de HOLCZER: The voluntary surrender was -- I  
9 have a copy here.

10 MS. REYNOLDS: April 9, 2010.

11 **A April 9, 2010. Thank you.**

12 MR. de HOLCZER: And I'd just like to point out,  
13 it's not a matter of semantics. It's not a  
14 matter of game playing. It's a matter of Dr.  
15 Trimmier does not want to practice in Georgia.  
16 He doesn't want to go forward with that re-  
17 application process and so it's not a matter  
18 of good standing in Georgia or bad standing in  
19 Georgia. He's not got any standing in Georgia  
20 just as he doesn't --

21 MR. SAXON: Well, actually it is because the Board  
22 order said active or inactive, good standing  
23 in two states not Montana or any of the other  
24 states, but in Georgia and New York whether  
25 active or inactive.

1 MR. de HOLCZER: He's not inactive though. And  
2 respectfully and I understand you're counsel  
3 to the Board rather than the Board. But he is  
4 not inactive in Georgia or active in Georgia.  
5 His status in Georgia is exactly what it would  
6 be in Montana. The reason Georgia and New  
7 York were mentioned in the order were because  
8 at that particular time he did have some sort  
9 of status in Georgia. But what the actual  
10 order says is in any other states of  
11 licensure. He is now -- you know, this Board  
12 has no question about Montana because he's  
13 never been licenced in Montana ever before.  
14 But he is in exactly the same status he would  
15 be with Montana, no status whatsoever. Not  
16 active, not inactive, no status. And that's  
17 how he decided to resolve it. As you can  
18 appreciate there's lot of reasons why a person  
19 could turn their back on a particular  
20 jurisdiction. In this case Dr. Trimmier had  
21 been through the board process, he had been  
22 through a litigation on an appeal and had been  
23 successful in that appeal in Georgia.  
24 There's expenses involved in this as well as  
25 psychological issues, and psychological issues

1 I don't mean that he's in any way  
2 psychologically impaired. I mean that he  
3 wanted to turn his back on anything in the  
4 past that had been a problem for him and move  
5 forward with his life and practice in a  
6 positive way. Georgia had not been -- had not  
7 readmitted him. He had not reapplied. He  
8 didn't want to reapply because he didn't want  
9 to go through all the rigmarole, even though  
10 he won his appeal. Even though he had the  
11 ability to reapply in Georgia, he wanted to  
12 move on with his life and his practice and he  
13 wanted to do that in his home state of South  
14 Carolina. And that's not unreasonable and  
15 that's not gaming the system in anyway. He is  
16 submitting himself to this Board fully for  
17 this Board to examine him, vet him and  
18 determine what this Board thinks is good for  
19 the citizens of South Carolina. At no time  
20 has it ever been alleged that there's been any  
21 patient harm by Dr. Trimmier. He's never  
22 injured a patient. And if this Board were to  
23 find that he's a danger to the health, safety  
24 and welfare of the people of South Carolina,  
25 then absolutely this Board should have an

1 issue. But he has satisfied that. He's never  
2 been a danger. He's willing to do whatever  
3 this Board would like him to do. He just asks  
4 for another chance, a second chance. If  
5 there's not anything such as rehabilitation,  
6 then there would be a statute I would submit or  
7 a regulation that would say that he should  
8 never get a second chance. But this doctor is  
9 asking for a second chance. He's done  
10 everything that's been expected of him. He's  
11 gotten a pardon on the underlining matters and  
12 he's ready to move forward. And if this Board  
13 should say that, you know, they would like to  
14 see him do something else or they would like  
15 to see some further assurances, he's already  
16 said he's able, ready and willing to comply  
17 with what the Board wants, and that's how he  
18 sits here.

19 MR. SCHWEITZER: Jamie, the letter from New York is  
20 which one?

21 MR. SAXON: I think it was toward -- Veronica, isn't  
22 that towards the front?

23 MS. REYNOLDS: Right. And the last order from  
24 Georgia is on Page 81.

25 MR. SCHWEITZER: I'm looking at Page 77 of 130, is

1           that the letter from New York?

2           MS. REYNOLDS: It's 130 and there's a order of the  
3           voluntary surrender, which is on 79.

4           MR. SCHWEITZER: My question is, --

5           MR. SAXON: Veronica, can you help us find the New  
6           York paper that says he's in good standing.

7           MR. SCHWEITZER: Because on 77 of 130 there is a  
8           letter from New York, but it says he will  
9           receive a letter when probation is ended.  
10          That's the letter I'm not putting my finger  
11          on.

12          MR. de HOLCZER: What I was saying was there's no  
13          letter that says exactly he is in good  
14          standing in New York because they don't issue  
15          such a letter. That's what my investigation  
16          found. But Dr. Carr -- excuse me, Ms. Carr  
17          who's an investigator for New York and her  
18          supervisor, and I can't recall her name, but I  
19          have that document here.

20          **A       Satisfied all requirements.**

21          MR. de HOLCZER: He satisfied his probation. He  
22          satisfied everything --

23          **A       All requirements, may return to practice.**

24          MR. SAXON: Is the June 21, 2010 letter the most  
25          recent from New York?

1     **A**     **It would be 2011 would be the letter.**

2           MR. SCHWEITZER: That's the one I'm looking for.

3           MR. SAXON: That's what we're looking for. This one  
4           says June 21, 2010.

5           MR. SCHWEITZER: It says you will receive a letter.

6           That's the letter that I can't find in the  
7           file.

8           MR. de HOLCZER: I have it. I have a copy and I  
9           believe we submitted any copies and we asked  
10          that the New York board send them to the South  
11          Carolina Board directly to the administrator  
12          directly. And I believe there's a copy. Ms.  
13          Reynolds should have a copy of those letters  
14          where I requested it.

15          MS. REYNOLDS: Apparently we have the documents, all  
16          of the documents that were submitted.

17          MR. de HOLCZER: Okay.

18          MS. REYNOLDS: We have the paper documents.

19          MR. de HOLCZER: I have one of February 2011, which  
20          I'm happy to submit. Should I give it to Ms.  
21          Reynolds?

22          MS. REYNOLDS: Let me look at it.

23          MR. de HOLCZER: That's one. I know I have another  
24          one as well.

25          MR. SAXON: Ms. Reynolds, may I have a look at that

1           please.

2           MR. de HOLCZER: If I may, I also have a copy of  
3           that letter which was sent directly -- that I  
4           got from Mr. Ritchie. It went directly to Mr.  
5           Ritchie --

6           MR. SAXON: Give us just a second please.

7           MR. de HOLCZER: -- his former attorney.

8           MR. SAXON: Ma'am, will you mark this Applicant No.  
9           1.

10

11                               (Whereupon, 2/10/11 Letter from State  
12                               Education Department of New York,  
13                               consisting of 1 page, was marked  
14                               Applicant's Exhibit No. 1 for  
15                               identification.)

16

17           DR. ALTERMAN: Can we just read it out loud or are  
18           we not allowed to do that?

19           MR. SAXON: I'll pass it around. Sure we are.

20                               Would you like me to --

21           DR. ALTERMAN: I just want to read it. It looks  
22           short.

23           MR. SAXON: This is marked as Applicant's No. 1 it's  
24           on the State Education Department of  
25           University of the State of New York

1 letterhead, dated February 10, 2011, addressed  
2 to Dr. Trimmier. Dear Dr. Trimmier -- and  
3 this is regarding Commissioner's Order No.  
4 0021819. The Commissioner's Order under the  
5 above numbers had imposed a period of  
6 probation on you with respect to your  
7 privileged to practice the profession of  
8 dentistry in the state of New York. Your  
9 period of probation started on February 13,  
10 2005 and ended on February 12, 2011. Since  
11 you have complied with all the terms of your  
12 probation, we have closed this file.

13 MR. SCHWEITZER: So what's the date of that one?

14 MR. SAXON: February 10, 2011, of this year.

15 MR. SCHWEITZER: I'm sorry, I hate to be picky, how can  
16 that be? It's dated two days before the end  
17 and it says it's ended.

18 **A She just sent it so it would probably come on the**  
19 **exact date.**

20 MR. de HOLCZER: The copy I have -- what we  
21 submitted was the --

22 MR. SAXON: I guess by the time it reached him in  
23 Spartanburg it would have been after that  
24 February 12th date.

25 **A Yes.**

1 DR. DIXON: Dr. Trimmier, I think the last time you  
2 met before this Board one thing that we asked  
3 of you was that you had this letter of good  
4 standing from the state of New York. We also  
5 asked that you have a letter of good standing  
6 from the state of Georgia.

7 A I called the state of Georgia and they said what  
8 they would send is I satisfied all of their  
9 requirements, I didn't owe any fees, which I sent  
10 that to my attorney. And, I mean, the surrender  
11 says that I can apply for reinstatement at anytime.

12 DR. DIXON: So all we have from the state of Georgia  
13 is basically is that you don't owe any fees or  
14 fines?

15 A That's not all the requirements. There's no  
16 connection with me. I don't owe them anything, no  
17 probation, anything. And that's what they said  
18 they'd do. That's considered their letter of good  
19 standing. I've talked with them at the board and  
20 that's what they said to me. And that's what I'm  
21 relating the truth of what they said.

22 DR. DIXON: Do we have a copy of that?

23 MR. de HOLCZER: I'm looking -- I have a copy of --  
24 and I think y'all -- excuse me. I think this  
25 Board has a copy of, for one thing the Amended

1 Final Decision of the --

2 **A That letter that I sent you just said zero, don't**  
3 **owe anything.**

4 MR. de HOLCZER: Yeah, there was a Final Order  
5 though of the State Board and I'm looking to  
6 see if there's something else. I think with  
7 the voluntary surrender -- the acceptance of  
8 the voluntary~surrender was also predicated on  
9 his having nothing further to do with -- you  
10 know, that the board --

11 **A I didn't owe them anything.**

12 MR. de HOLCZER: He didn't owe them anything. I  
13 mean I think they wouldn't have accepted the  
14 surrender had he had some outstanding  
15 obligation to them, financial or otherwise.

16 DR. ALTERMAN: And you're basically asking us on the  
17 New York thing to accept that letter as a  
18 letter in good standing saying that they  
19 closed the file?

20 **A Yes.**

21 DR. ALTERMAN: You think that's the same thing?

22 **A Yes.**

23 MR. de HOLCZER: I am -- And the reason I give my  
24 word as an officer of the court that I  
25 contacted the New York board and I dealt with

1 Ms. Carr and that was all they were willing to  
2 send. They said that's all we will send.  
3 That is what she told me because we asked  
4 repeatedly and I believe I've copied Ms.  
5 Reynolds with the letter saying please send a  
6 letter of good standing.

7 DR. ALTERMAN: Are you saying that's under this  
8 specific circumstance or that's just their  
9 normal thing they do?

10 MR. de HOLCZER: No, that's their normal thing to  
11 do. That's what her explanation was. She was  
12 very impatient and she said this is all we do,  
13 we're not going to do anything extra for  
14 anybody.

15 DR. ALTERMAN: Okay. Thank you.

16 MR. de HOLCZER: Thank you. If I might add the  
17 acceptance of surrender, when Dr. Trimmier  
18 surrendered his license in Georgia, the  
19 surrender became effective upon acceptance by  
20 the Georgia Board of Dentistry. And Page 2 of  
21 that voluntary surrender is Georgia's  
22 acceptance of the surrender. So that should  
23 have terminated any obligation -- had he had  
24 any obligations, that would have been their  
25 opportunity to say we don't accept your letter

1 of surrender.

2 DR. DIXON: Why would they? I mean --

3 MR. de HOLCZER: Well, if he owed money to them for  
4 example, they could say, no, we're keeping you  
5 in a status where you are under disciplinary  
6 restrictions in the state of Georgia. So if  
7 you apply for licensure in any other state,  
8 you must identify that you have restrictions  
9 placed on you by the Georgia Board of  
10 Dentistry. And by accepting his surrender, he  
11 has no file then further with Georgia. He is  
12 not -- again, it's as though he were not ever  
13 licensed there active or inactive as though he  
14 were in the same situation as in Montana. The  
15 file is closed. There is no file.

16 DR. DIXON: The difference to me being that there  
17 was a pending disciplinary action there.

18 **A But there's not.**

19 DR. DIXON: Not until the surrender was made.

20 **A There wasn't one before the surrender I think is**  
21 **the point. What is the action? I satisfied**  
22 **everything.**

23 MR. SAXON: Well the actual voluntary surrender  
24 itself says you have a right to a hearing but  
25 that you knowingly and voluntarily waive such

1 right. So there was something happening that  
2 required a hearing.

3 A That's just general jargon that they write in  
4 everything that you have a right to a hearing for  
5 your surrender. You can come appear before them to  
6 surrender your license but that wasn't necessary.  
7 They agreed to the surrender. I didn't have to  
8 have a hearing to do that.

9 DR. DIXON: Prior to that, was your license not  
10 suspended?

11 A It had been and that would be for in 2008 for three  
12 years ALJ and then it's been -- that's over. I  
13 mean that's gone too.

14 DR. ALTERMAN: But you would have needed a hearing  
15 to get that license unsuspended if you so  
16 wanted to.

17 A Well, I would have to go back before the board and  
18 have it reinstated, which is what this says too,  
19 but I wouldn't have to do that to get it  
20 unsuspended. That only just lasted that amount of  
21 time. After that time, it states you may go back  
22 to the board. If the board does not act favorably,  
23 then they could be held to be capricious. So I  
24 think that's pretty permanent that I could get  
25 licensed in three years and that's with 2011 so I'm

1           **in good standing.**

2           DR. DIXON: After the suspension, that was  
3           overturned is that correct by --

4    **A    A superior court judge.**

5           DR. DIXON: Superior court judge. And then after  
6           that point --

7    **A    There's nothing left. I surrendered voluntarily**  
8    **because I didn't want to fool with going back to**  
9    **court or anything.**

10          DR. DIXON: Was there pending that the license would  
11          be -- that you would have to go back -- were  
12          you going to have to go back before the  
13          Georgia Board?

14          MR. de HOLCZER: If I might. There's a -- and I  
15          think it should be in your file. There's an  
16          Amended Final Decision from the Georgia Board  
17          of Dentistry and the decision says the  
18          Respondent's license to practice dentistry  
19          should be suspended indefinitely but he could  
20          apply for lifting of the suspension and  
21          restoration of his license at any time  
22          following his service of two years of  
23          suspension. Which he --

24    **A    It's two years. That's way been over.**

25          MR. de HOLCZER: That was in October of 2000 -- this

1 order is 2009 and then rather than submit to a  
2 reexamination and go through dealing with the  
3 board, he said I'm going to just forget about  
4 Georgia. I'll just move forward with my life.

5 **A It's docketed though with ALJ was 2008. According**  
6 **to Georgia law it's my understanding they go when**  
7 **it was docketed in 2008. So it would have been**  
8 **2010 when that was over.**

9 MR. de HOLCZER: It does look like in 2008 is when  
10 it was docketed.

11 **A Yeah. And Dr. Marshall he had -- when I was here a**  
12 **year ago had a license revoked but he was admitted**  
13 **that same day.**

14 MR. de HOLCZER: In fact, the final decision was  
15 issued April 1, 2008.

16 DR. DIXON: So there was no -- after the suspension  
17 it was overturned by the court system, there  
18 was no plans for the Georgia board to revoke  
19 your license?

20 **A No, they could not. No, that's gone. That was**  
21 **taken away by an act of law.**

22 MR. de HOLCZER: Right. This order reversed --  
23 points out that the court reversed the  
24 revocation of his license.

25 **A That was over an anesthesia permit issue of**

1           rescheduling where the guy came out at the wrong  
2           time. That was a scheduling issue. I paid a  
3           thousand dollar fine for that to the ALJ so all  
4           that's clear. The fine's paid, everything's clear.  
5           That's what that letter said. I paid all the  
6           fines. Everything's done. I mean, I've paid  
7           restitution to everybody. I've, you know,  
8           repented, I've changed, I've learned. I'll be a  
9           good citizen and practice dentistry very well  
10          because of what I've learned. I mean I've learned  
11          a lot. I got through it, my family has, we all  
12          have.

13          DR. DIXON: Does anyone have any more questions for  
14                  Dr. Trimmier?

15          DR. JONES: Do you intend to set up a private  
16                  practice?

17          A        I intend to go work for someone. I have a cousin  
18                  that just started dental school also and he wants  
19                  to work for me later on. And so I'll probably work  
20                  with a group. I have Dr. Stukes, who's in Alcot,  
21                  he was a former board member years ago. He has  
22                  some ideas for me of where to go and what to do.  
23                  I've been talking with him over the past two years  
24                  actually.

25          DR. JONES: Would it be a corporate practice?

1     A     Probably another dentist with an option to buy.  
2           I'd rather work with a group and help out with  
3           anesthesia, teach, mentor people. That's what my  
4           goal. Use what I've learned. Help the state. Be  
5           of service to the good people of South Carolina.  
6     DR. JONES: You intend to do more anesthesia than --  
7           as opposed to just regular --

8     A     I intend to teach anesthesia. I intend to do  
9           general dentistry, of course, I have advanced  
10          training in general dentistry. I worked with a  
11          prosthodontist VA Medical Center in DC, we had the  
12          largest implant study at the time in the United  
13          States. Became a fellow at ICOI. I mean I had  
14          training in surgery too. I was admitted to oral  
15          surgery, had surgical training. I intend to do the  
16          general dentistry procedures with sedation, to  
17          offer sedation as you do in your practice and Dr.  
18          Goins does in hers. Offer sedation to the patients  
19          who need that. It would an access for patients in  
20          South Carolina. That's a good thing. I think  
21          sedation provides an access for those. For me it's  
22          very safe. A judge in Atlanta ruled that it saved  
23          thousands of patients successfully and had the  
24          highest level and qualifications of training and I  
25          was not a danger to anyone.

1 DR. JONES: I wasn't questioning your education. I  
2 was just asking what your intentions were,  
3 what kind of practice you --

4 A Just a simple question. I do want to teach and it  
5 won't be limited to anesthesia. I'll be doing  
6 general dentistry also. I'm trained in that. I  
7 enjoy cosmetic dentistry and filling and just doing  
8 -- taking care of people, full service type of  
9 practice.

10 DR. DIXON: Any other questions?

11 A Would you rather me just do anesthesia, is that  
12 what you're . . .

13 DR. JONES: No. I don't care what you do.

14 A Okay. I was just -- All right. Good.

15 DR. JONES: As long as it's within reason, it  
16 doesn't bother me.

17 A It's within reason, right. I mean, I'm trained if  
18 anything happened to a patient, I mean I have ACLS  
19 training that I have just recently got through Mary  
20 Black Hospital if anything happened I can help  
21 someone. But I'm very conservative in sedating  
22 people. I don't use narcotics. I just use Versed  
23 and something very simple. I mean, I've done all  
24 the extreme cases so I'm not interested in being a  
25 cowboy with that at all, I'm not. I'm very



1 license in Georgia was not compelled by any  
2 disciplinary matter but he just decided not to  
3 practice dentistry in Georgia.

4 MR. de HOLCZER: That's my understanding.

5 **A My wife was moved here previously she's been**  
6 **practicing here -- or been a teacher five years so**  
7 **I wanted to come and be with her. I followed her**  
8 **this time.**

9 MR. SCHWEITZER: Okay. Yeah, I understand. And if  
10 I understood the background for the  
11 disciplinary action that had taken place in  
12 Georgia was basically over.

13 MR. de HOLCZER: That's my understanding.

14 MR. SCHWEITZER: So there could have been an  
15 administrative process to -- and I'm sorry,  
16 I'm probably not using the right words. I  
17 don't want to say reactivate, but to put that  
18 license back into good standing.

19 **A Yes.**

20 MR. SCHWEITZER: And the only impediment was  
21 administrative, it wasn't disciplinary.

22 **A Uh-huh. Exactly.**

23 MR. de HOLCZER: I believe that's right and I  
24 thought y'all had a copy of whatever was  
25 issued from Georgia from the Georgia board.

1 MR. SCHWEITZER: What do we have?

2 MS. REYNOLDS: What do we have from Georgia?

3 MR. SAXON: We have the last order, is all we have.

4 MS. REYNOLDS: It was the last order and nothing has  
5 changed since then except --

6 MR. SAXON: We don't have anything after the  
7 voluntary surrender.

8 MR. de HOLCZER: Right. You would have the order  
9 and then the voluntary surrender. So that  
10 would be what we have and what we -- but  
11 that's our understanding based on those  
12 documents.

13 MR. SCHWEITZER: I appreciate that. That was what I  
14 understood you to say, I just wanted to be  
15 sure I put it all together.

16 DR. DIXON: That question being answered, do we have  
17 a need to go back into executive session?  
18 Okay. Do we have any motions?

19 DR. WHITTINGTON: I make a motion that we would  
20 grant Dr. Trimmier a license upon a letter of  
21 verification from the State Board of Georgia  
22 that there were no pending disciplinary  
23 actions prior to his surrender. We have that  
24 as far as we know of from New York, but as we  
25 asked last year, we wanted a letter stating

1           that there were no pending disciplinary  
2           actions against you and we have not gotten  
3           that.

4     **A     The only letter I got when I called and asked them**  
5     **for that was the letter which I sent to my attorney**  
6     **which states that I don't owe anything.**

7     DR. DIXON: We need to -- that's a motion, a  
8           motion's on the table.

9     DR. WADE: I'll make a second of that.

10    MR. SAXON: Paul, the way that would be written is  
11           that the Board is -- the condition of being  
12           granted the license is that Dr. Trimmier  
13           provide written evidence, either of good  
14           standing at the time of his voluntary  
15           surrender or that there were no disciplinary  
16           actions pending against his license at that  
17           time.

18    DR. DIXON: So we have a motion and a second. All  
19           in favor, aye?

20    THE BOARD: Aye.

21    DR. DIXON: Any opposition? None being said. Dr.  
22           Trimmier, if you'll get us that letter then  
23           we'll see about getting your license as soon  
24           as we can.

25    **A     All right. Thank you.**

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- - - - -

(Whereupon, at 11:29 a.m., the  
Examination in the above-entitled matter  
was concluded.)

State of South Carolina )  
County of Lexington )

CERTIFICATE

Be it known that I took the foregoing hearing;

That I was then and there a Notary Public in  
and for the State of South Carolina-at-large;

That by virtue thereof I was duly authorized  
to administer an oath;

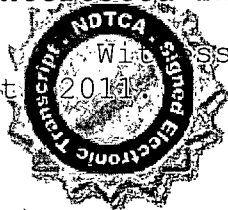
That the witness was by me first duly sworn to  
testify the truth, the whole truth, and nothing but the  
truth, concerning the matter in controversy aforesaid;

The foregoing transcript represents a true,  
accurate and complete transcription of the testimony so  
given at the time and place aforesaid to the best of my  
skill and ability;

That I am familiar with and agree to adhere to  
the provisions contained in title 35 of the South  
Carolina Code of Laws, Uniform Securities Act;

That I am not related to nor an employee of  
any of the parties hereto, nor a relative or employee of  
any attorney or counsel employed by the parties hereto,  
nor interested in the outcome of this action.

Witness my hand and seal this 4th day of  
August 2011



*Robin L. Spaniel*

Robin L. Spaniel

Notary public for south carolina

My commission expires: June 2, 2015

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In the Matter of Edward Perry Trimmier -

STATE OF SOUTH CAROLINA  
DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE BOARD OF DENTISTRY

IN THE MATTER OF )  
 )  
EDWARD PERRY TRIMMIER, DMD )  
LICENSE # - APPLICANT )  
 )  
 )  
 )  
 )  
Applicant. )

ORIGINAL

REINSTATEMENT HEARING

Given before Terri A. Winiarski, Nationally Certified Court Reporter and Notary Public in and for the State of South Carolina, commencing at the hour of 10:36 a.m., Friday, July 16th, 2010, at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina.

Reported by:  
Terri A. Winiarski, CVR

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In the Matter of Edward Perry Trimmer -

A P P E A R A N C E S

Board Members: Felicia L. Goins, DDS, President  
 Thomas M. Dixon, DMD, Vice-President  
 Douglas J. Alterman, DMD  
 Genie M. Duncan  
 David W. Jones, DMD, MHS  
 Charles F. Wade, Jr., DMD  
 John M. Whittington, DMD  
 Sherie G. Williams, DMD

Advising the Board: Sheridan H. Spoon, Esquire  
 SC Department of Labor, Licensing &  
 Regulation/Office of General Counsel  
 110 Centerview Drive  
 P.O. Box 11329  
 Columbia, SC 29211-1329

For the Applicant: James H. Ritchie, Jr., Esquire  
 Holcombe Bomar, PA  
 P.O. Box 1897  
 Spartanburg, SC 29304

Also present: Veronica Reynolds, Board  
 Administrator

Reported by: Terri A. Winiarski, CVR

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No exhibits were marked in this proceeding.

1 PROCEEDING  
2 DR. GOINS: Good morning --  
3 DR. TRIMMIER: Good morning, Dr. Goins.  
4 DR. GOINS: -- Dr. Trimmier. Yeah. Good morning.  
5 How are you?  
6 DR. TRIMMIER: Doing great. Yourself?  
7 DR. GOINS: Good, good. The purpose of this  
8 hearing is also to determine whether you can  
9 get reinstatement of your license --  
10 DR. TRIMMIER: Yes.  
11 DR. GOINS: -- for South Carolina. And at this  
12 time, I would like the Board to introduce  
13 themselves. Ms. Genie?  
14 MS. DUNCAN: Genie Duncan, West Columbia.  
15 DR. ALTERMAN: Doug Alterman, Charleston.  
16 DR. WADE: I'm Charlie Wade from Lancaster.  
17 DR. JONES: David Jones, Spartanburg.  
18 DR. GOINS: Felicia Goins, Columbia.  
19 DR. DIXON: Tommy Dixon, Belton.  
20 DR. WHITING: John Whittington from Marion.  
21 MS. WILLIAMS: Sherie Williams from Greer.  
22 DR. TRIMMIER: Sherie -- close to Spartanburg.  
23 MS. WILLIAMS: Right.  
24 DR. GOINS: At this time, I think we should go  
25 ahead and swear Dr. Trimmier in, please.

In the Matter of Edward Perry Trimmier -

1 Whereupon,

2 Edward Perry Trimmier, DMD, is duly sworn and  
3 cautioned to speak the truth, the whole truth, and  
4 nothing but the truth.

5 DR. GOINS: Veronica, do we have a completed  
6 application?

7 MS. REYNOLDS: Yes, you do.

8 DR. GOINS: Okay. All right. At this time, would  
9 you like to make a statement?

10 DR. TRIMMIER: Yes, I would. I'd like --

11 DR. GOINS: I'm sorry. Are you represented by  
12 counsel?

13 DR. TRIMMIER: I am.

14 OPENING REMARKS FOR THE APPLICANT BY

15 MR. RITCHIE: Madam President, I'm Jim Ritchie. I  
16 represent Dr. Trimmier, and I'm glad to be  
17 back with you all. We were before you in  
18 January of 2009 on an application that Dr.  
19 Trimmier submitted in the fall of 2008 to  
20 return to South Carolina for reinstatement of  
21 his South Carolina license. At that time,  
22 there was an outstanding, single -- singular  
23 outstanding issue regarding his license in  
24 Georgia, which he held through reciprocity in  
25 South -- with his South Carolina license. And

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In the Matter of Edward Perry Trimmier -

1                   it out for you a little more detailed. There  
2                   was a matter in 2004 when Dr. Trimmier held an  
3                   anesthesia permit in Georgia and it was up for  
4                   renewal in the spring of 2004. There was a  
5                   gap in between the time of the license being -  
6                   - lapsing and the renewal, at which time, he  
7                   administered anesthesia or allegedly  
8                   administered anesthesia to a patient. There  
9                   was no patient harm, no problems with the  
10                  medicine at all. The problem was, it was a  
11                  gap in the licensure. As a result, there was  
12                  Board disciplinary action taken in Georgia.  
13                  Dr. Trimmier did not agree with the initial  
14                  determination by the Board and went through  
15                  the ALJ process for review of that. And  
16                  that's where we were when we met you in  
17                  January of last year. Subsequent to that, the  
18                  Administrative Law Judge in Georgia reversed  
19                  the Board, the Board's action on his license.  
20                  The Board, subsequently, under the direction  
21                  of the court, took action to suspend Dr.  
22                  Trimmier's license for a period of time so he  
23                  could be eligible to reinstate in a period of  
24                  two years. By that time, Dr. Trimmier had  
25                  already committed to you to come back to South

In the Matter of Edward Perry Trimmier -

1 Carolina. His wife Sonya is with us in the  
2 back -- is teaching in Spartanburg and he  
3 wanted to return home. That was his original  
4 reason to come before you last year. In order  
5 to clean all of that up and bring all of this  
6 back home and be done with it, Dr. Trimmier  
7 voluntarily surrendered his license in Georgia  
8 earlier this year so as to put all that matter  
9 to bed and be clean before you today. And  
10 that's the posture in which we are to seek his  
11 reinstatement today. I've worked with  
12 Sheridan and Veronica, and they've been very  
13 cooperative in putting this together. And  
14 we're here back before you today to try to  
15 wrap up the matter we started a year ago.

16 DR. TRIMMIER: Thank you.

17 EXAMINATION OF DR. TRIMMIER BY THE BOARD:

18 DR. DIXON: Just to get this straight -- so  
19 basically, you were doing some anesthesia --  
20 you let your license lapse to do the  
21 anesthesia?

22 A. Right.

23 DR. DIXON: Then, during that time, you had a  
24 patient that you did some anesthesia on. The  
25 Board reprimanded you that. You went on to

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In the Matter of Edward Petry Trimmer -

1 the Circuit Court, and they reversed that.

2 And then, explain what the Georgia Board did  
3 after that?

4 A. The --

5 MR. RITCHIE: Do you want me to do this?

6 DR. DIXON: Go ahead.

7 MR. RITCHIE: The Georgia Board then suspended his  
8 license for an indefinite period, but he was  
9 eligible to reapply in two years.

10 DR. DIXON: Did -- excuse my ignorance, but does  
11 the Georgia Board have precedence over a  
12 Circuit Court judge to do that?

13 MR. RITCHIE: Well, the Circuit Court judge said  
14 that your -- the process -- their action,  
15 initially, violated due process and violated  
16 his rights and over-reached on the penalties.  
17 And then he fought them in Circuit Court.  
18 They came back in, in, I would suggest to you  
19 somewhat of a retaliatory measure, went as far  
20 as they could within the judge's order. And -

21 -

22 DR. ALTERMAN: In other words, the Georgia Board  
23 said, all right, then we're going to just  
24 suspend his license.

25 MR. RITCHIE: That's right.

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In the Matter of Edward Perry Trimmier -

1 DR. JONES: Was it stayed or was it just totally  
2 suspended?

3 DR. ALTERMAN: Suspended where you couldn't  
4 practice at all? It was totally suspended?

5 MR. RITCHIE: That's my understanding. I didn't  
6 represent him in the Georgia action, but  
7 that's my understanding. Sheridan, is that --  
8 you read it as well.

9 DR. JONES: So Dr. Trimmier --

10 MR. SPOON: That's correct.

11 DR. JONES: -- during that --

12 MR. SPOON: That's correct.

13 DR. DIXON: So when's the last time you worked on a  
14 patient?

15 A. In October of 2009. But the, the -- it was -- what  
16 I was doing was anesthetizing the patient for the  
17 purpose of permit renewal. This wasn't -- I mean --  
18 -- and there is some different dates and so forth on  
19 letters. The fellow that -- the evaluator thought  
20 that that was fine, and I trusted what he said, you  
21 know, as an agent of the Board. The Board's -- you  
22 know, disagreed with him. And this was a new  
23 Board. And this had come up before the Board in  
24 2004, when the incident took place, with Mel  
25 Goldstein who wrote me a letter of recommendation.

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In the Matter of Edward Perry Trimmer -

1 He's also an Administrative Law Judge, and 90% of  
2 his cases are administrative. And he was a former  
3 Board attorney. And he said this was a gray area  
4 due to the -- what was going on with the  
5 evaluations, and the evaluator was doing it after a  
6 certain specified time. I mean, one rule said I  
7 had six months to -- for that permit to be  
8 temporary, and then there was a letter saying two  
9 months. So there are all these different letters,  
10 and the letters came after the time I actually  
11 administrated the anesthesia and tried to get the  
12 permit. So I didn't really have any, at the time,  
13 knowledge to know that that was incorrect. And I  
14 certainly -- I want to submit to the Board that I  
15 was not defying the law or regulations. I mean, it  
16 is my intent, always, to follow the law and  
17 regulations. I hadn't really had anything ever  
18 happen to me, except what occurred years ago. And  
19 I've learned from that. I've learned to document  
20 things. What the Assistant Attorney General had  
21 said was that if I had documented my talk with the  
22 evaluator in the chart, there wouldn't have been a  
23 problem. Now, my understanding was you weren't  
24 supposed to write in a chart, so I didn't. But now  
25 I understand you can. And so that's what took

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In the Matter of Edward Perry Trimmer -

1 place. He later, then, came out in July, which was  
2 -- this was April when this took place, and it was  
3 allegedly terminated in March 27th. So it went a  
4 couple weeks before I did this. And there was no  
5 problem with that when I actually did general  
6 anesthesia and, you know, I had four years of  
7 training and was -- went into oral surgery,  
8 admitted into oral surgery. I pulled four wisdom  
9 teeth with a patient fully sedated under general.  
10 I passed that test, but there wasn't a problem with  
11 that. There was an issue with the other one. So  
12 that's what took place.

13 DR. DIXON: So Sheridan, if I could ask you a  
14 question, what's the time limit on licensing  
15 by credentials and the last time you practiced  
16 actively?

17 MR. SPOON: Five years?

18 DR. DIXON: No, it's --

19 DR. ALTERMAN: Would this be considered a license  
20 by credential?

21 DR. DIXON: No, it's --

22 DR. GOINS: No.

23 MR. SPOON: It's not.

24 DR. DIXON: -- it's not.

25 MR. SPOON: It's an application for reinstatement.

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In the Matter of Edward Perry Trimmer -

1 DR. DIXON: Reinstatement, okay. So this is not --  
2 Dr. Trimmer, tell us a little bit about the  
3 situation that happened in October of 2000 in  
4 South Carolina.

5 MR. RITCHIE: The initial action, you -- I think  
6 you all had been briefed on that. There was a  
7 paperwork/Medicaid-billing issue for which he  
8 was -- which this Board took action. He was  
9 later fully pardoned for that.

10 DR. JONES: Could you go into New York? Was there  
11 anything involving any other state?

12 MR. RITCHIE: No, it's all reciprocity through a  
13 South Carolina license.

14 A. It was a mirror of what took place.

15 DR. ALTERMAN: When was the last time your South  
16 Carolina license was active?

17 A. It was active from end of 2003.

18 DR. ALTERMAN: At this point, you have no dental  
19 license anywhere, in essence?

20 A. Except for New York.

21 DR. ALTERMAN: Oh, you do have a New York dental  
22 license?

23 A. Yes.

24 DR. ALTERMAN: And that's current?

25 A. Yes.

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In the Matter of Edward Perry Trimmer -

1 DR. ALTERMAN: When was the last time you practiced  
2 in that state?

3 A. That would be when I finished the anesthesiology  
4 residency in 1999.

5 DR. DIXON: So your plans in Spartanburg are, I  
6 guess, to open a private practice or go to  
7 work with someone?

8 A. Yes, sir -- to return here, be with family. My  
9 wife is here. I've been traveling back and forth  
10 from New York. I mean, I've lived here -- I mean,  
11 from Atlanta -- sorry. I've lived here all my life  
12 and family's been here. I mean, Trimmers have  
13 been here for 300 years. So we're kind of old  
14 South-Carolinian people. And this is my home  
15 state, a state I love. I love South Carolina, love  
16 South Carolinians. I want to be of service, also  
17 be of service to the National Guard. I've talked  
18 with them, and that's -- I'm having a physical on  
19 this coming Monday. I've talked with Chief  
20 Bonderer and a couple of people from that so I can  
21 go on to that and be -- it's another way of being  
22 of service.

23 DR. DIXON: So you have a license to practice  
24 general dentistry, and are you also a dental  
25 anesthesiologist?

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In the Matter of Edward Perry Trimmier -

1           A.    I'm a dental anesthesiologist.  I've been boarded  
2                    in that.  I passed that board, actually, at the  
3                    American Dental Association in Chicago.  I took all  
4                    the tests as the MD's did when we were going  
5                    through and had to pass those and got through.  It  
6                    was a medical anesthesiology residence in New York.  
7                    It's affiliated with NYU.  They have OMS/pedo  
8                    residency there.  I worked with, you know,  
9                    pedodontic children and also trauma cases,  
10                   neurosurgery cases.  Everything that the  
11                   anesthesiologists did, I had the opportunity to be  
12                   trained and do that myself.

13           DR. DIXON:  Certainly seems to be very well-trained  
14                    and --

15           A.    Thank you.

16           DR. DIXON:  -- very well-educated in dental  
17                    anesthesiology.

18           A.    Yes, sir.

19           DR. GOINS:  Sheridon, any other --

20           MR. SPOON:  I have a question --

21           DR. GOINS:  -- questions?

22           MR. SPOON:  -- at the appropriate time.

23           DR. GOINS:  Go right ahead, Sheridan.

24           MR. SPOON:  Are you going to have your wife provide  
25                    -- have your wife talk?  Well, you can do that

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1                   now if it's a witness on your, you know, on  
2                   your behalf. I'd be happy to --

3           A.     Sure, sure.

4           MR. SPOON: The wife is going to --

5           A.     Sonya, come on up.

6 Whereupon,

7           Sonya Trimmier, is duly sworn and cautioned to  
8           speak the truth, the whole truth, and nothing but  
9           the truth.

10          DR. GOINS: Welcome, Ms. Trimmier.

11          MS. TRIMMIER: Thank you.

12          DR. GOINS: Did you want to make a statement on  
13                behalf of your husband?

14 DIRECT TESTIMONY BY

15          MS. TRIMMIER: I have known this wonderful man for  
16                33 years --

17          DR. TRIMMIER: Yes.

18          MS. TRIMMIER: -- we've been married now. Our  
19                children say we're like dinosaurs nowadays.  
20                It's pretty much extinct, you know? But he is  
21                the most wonderful, caring husband that I've  
22                known, but I've never been married before.  
23                But he, he has, he has really dedicated his  
24                life to preparing himself to serve the people  
25                of South Carolina. That's why he went to New

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1 York, to come back to serve the people of  
2 South Carolina. And you know, we've had some  
3 little glitches along the way, but -- (witness  
4 becomes emotional) -- it's as I told Mr.  
5 Ritchie, when all of this originated in South  
6 Carolina, it was, it was a really hard time in  
7 our life. I mean, we had that -- my father  
8 died, his mother died, and our children were  
9 in a almost fatal car accident. And some of,  
10 some of the things that we decided upon might  
11 not have been the best, but at the time, we  
12 did our best. And you know, I just hang on to  
13 the words that, you know, God just loves us  
14 and He's seen us through so much. And we are  
15 stronger people and He has a purpose for all  
16 of this that we have gone through. And we  
17 just, we just look to Him for guidance and to  
18 reveal Himself to us as to what He wants us to  
19 do with what we have learned. And we know all  
20 the things work well for those that love the  
21 Lord according to his purpose.

22 DR. TRIMMIER: All right. Praise the Lord.

23 MR. SPOON: Thank you, Ms. Trimmier. I don't have  
24 any questions for Ms. Trimmier. I do have a  
25 couple of questions, generally.

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1 DR. GOINS: Thank you, Ms. Trimmier. Thank you.  
2 MS. TRIMMIER: I didn't mean to start crying.  
3 DR. GOINS: No. That's fine.  
4 MR. SPOON: I understand.  
5 MS. TRIMMIER: I mean, it's just --  
6 DR. GOINS: That's fine.  
7 MS. TRIMMIER: -- my heart --  
8 DR. TRIMMIER: Well, we're all --  
9 DR. GOINS: That's right.  
10 DR. TRIMMIER: -- in forgiveness --  
11 DR. GOINS: That's right.  
12 DR. TRIMMIER: -- of whatever's taking place.  
13 RE-EXAMINATION OF DR. TRIMMIER BY THE BOARD:  
14 DR. GOINS: It's fine, fine. Thank you so much.  
15 Dr. Trimmier, did you say you had -- were you  
16 -- I think I missed part of the application.  
17 For the state of New York, you're not on  
18 probation --  
19 A. It's --  
20 DR. GOINS: -- until 2011?  
21 A. -- it is on probation until 2011. They put that --  
22 put me on probation due to what occurred in South  
23 Carolina.  
24 DR. GOINS: All right.  
25 A. It wasn't anything in New York. And that -- they

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1 did it in 2005 because the Georgia Board, for some  
2 reason, called them. They didn't put it on  
3 probation in 2002 when the event occurred. They  
4 did it in 2005. So six years is 2011. And --

5 DR. GOINS: Okay.

6 A. -- anyway -- but I mean, that's totally --

7 DR. GOINS: So that's, on your New York license?

8 A. Right.

9 MR. RITCHIE: He never took any -- I'm sorry.

10 A. Go ahead.

11 MR. RITCHIE: Madam President, he never took any  
12 action in New York to address it.

13 DR. GOINS: Right.

14 MR. RITCHIE: It was just an administrative  
15 reaction to what happened in South Carolina.

16 DR. GOINS: Okay. Thank you.

17 DR. ALTERMAN: And you were primarily treating  
18 children in Georgia or not?

19 A. I was not -- adults.

20 DR. ALTERMAN: Okay. And when you were in South  
21 Carolina, you were primarily treating  
22 children?

23 A. I had a small part of the practice was children. I  
24 was doing a lot of cosmetic dentistry in crown and  
25 bridge prosthodontics. I was trained in that at

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1 the VA Medical Center in DC. My mentor was a  
2 prosthodontist, and so I was doing that. But then,  
3 the South Carolina Dental Association -- I was --  
4 which I was a member in, I think, the Pee Dee group  
5 -- said that people were needed to help with  
6 children because there's a backlog in that area of  
7 South Carolina. And so I offered my services as a  
8 dentist/anesthesiologist to help. So I worked with  
9 someone from Head Start, and they would bring the  
10 children over, a nurse would. And I would see  
11 them, treat them. And as they said, there wasn't  
12 any problem with the children. The work was done.  
13 I mean, the women, ladies, single mothers would  
14 bring them. They'd be staying up because they're  
15 crying. They'd go home and the work was done and  
16 there wasn't any more crying. They'd go back to  
17 work and everything was fine. So that's, that's  
18 what took place. It was like a small part of the  
19 practice, one day a week. That was --  
20 DR. WADE: Sheridan, before you start your  
21 questions, I just wanted to make sure I  
22 understand your application. What I'm seeing  
23 here is that on -- in 2003 until 2007 you  
24 worked for Family Dental in Marietta, Georgia;  
25 is that right?

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1 A. Family Dentistry and Anesthesiology. It was -- I  
2 bought a practice and then it was -- it was Family  
3 Dentistry, and it became Family Dentistry and  
4 Anesthesiology.

5 DR. WADE: Okay. And then you left there in 2007  
6 and --

7 A. Yes.

8 DR. WADE: -- opened up your own practice; is that  
9 what happened?

10 A. I sold that practice.

11 DR. WADE: Okay.

12 A. I was treating -- the Hispanic community had a need  
13 there. But then someone came in that spoke fluent  
14 spanish, an oral surgeon and his wife. And so he  
15 could do some of what I was doing, but yet, knew  
16 better spanish. Now, I did learn spanish well, but  
17 that was a really growing area of that, of that  
18 part of the city. And so they came in and took  
19 over, and they're doing a great job.

20 DR. WADE: But you were -- it has your contract  
21 work on your application. That's what I'm  
22 trying to understand. Was that, was that --  
23 did you own the practice, or --

24 A. In two thousand --

25 DR. WADE: -- or were you a contract provider?

In the Matter of Edward Perry Trimmier -

1 A. -- 2003 to two thousand -- the end of 2006, I owned  
2 the practice, but I worked for another dentist. I  
3 was what they call a independent contractor.

4 DR. WADE: So what -- and who was that?

5 A. Sir?

6 DR. WADE: And where was that?

7 A. Well, it was in Georgia.

8 DR. WADE: Which -- what practice was it?

9 A. Atlantic Dental Care -- Atlanta Dental Care.

10 DR. WADE: So on your -- I mean, I'm just, I'm just  
11 trying to understand your --

12 A. Yes, sir.

13 DR. WADE: -- what you've been doing.

14 A. Right. That's right.

15 DR. WADE: So you left, you left in 2006 from  
16 Family Dental Care in Marietta, Georgia,  
17 right?

18 A. Right. I sold it.

19 DR. WADE: You sold that in 2006 or 2007?

20 A. Well, it was at the end of two thousand -- the  
21 contract actually was 2006 in December. But then,  
22 under that contract, I was to be around for  
23 collections for a year.

24 DR. WADE: Okay.

25 A. And then, after that, I went to work for Atlanta

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1 Dental Care, helping in the prosthodontic -- in  
2 prosthodontics again.  
3 DR. WADE: We don't have that on here, right? On  
4 your application?  
5 A. Yes. It should be.  
6 DR. WADE: I'm just not seeing it in there.  
7 MR. RITCHIE: Madam President, maybe I could help  
8 clarify for a moment.  
9 DR. GOINS: It's just 2007 to 2009.  
10 DR. ALTERMAN: It just says contract --  
11 DR. GOINS: It just says --  
12 DR. ALTERMAN: -- work with your name.  
13 DR. GOINS: -- contract work.  
14 A. Right.  
15 MR. RITCHIE: So I think what they're asking, Dr.  
16 Trimmier, is, who did you provide contract  
17 services to in that two-year period?  
18 DR. WADE: Right.  
19 DR. GOINS: Right.  
20 A. Atlanta Dental Care.  
21 DR. WADE: Okay. So you did not own your own  
22 practice at that time?  
23 A. That's correct. Yes, sir, Dr. Wade -- independent  
24 contractor.  
25 DR. ALTERMAN: For the same one practice?

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In the Matter of Edward Perry Trimmier -

1 A. Yes. I just stayed there.

2 DR. ALTERMAN: Okay.

3 DR. GOINS: Okay. Sheridan?

4 MR. SPOON: Would this be a good time?

5 DR. GOINS: Yes.

6 EXAMINATION OF DR. TRIMMIER BY MR. SPOON:

7 Q. All right. Dr. Trimmier --

8 A. Yes, sir.

9 Q. -- and Mr. Ritchie, just -- I'd like to ask a  
10 couple questions and try to give you my  
11 understanding, which I think is fairly consistent,  
12 procedurally and historically, date-wise and  
13 everything else, with the history that you have and  
14 the testimony that's been given. I think it's  
15 fairly consistent. But I did want to ask you a  
16 couple of questions, and you can just direct your  
17 answers to the, to the Board members. In this  
18 application process -- and you know I'm not -- Mr.  
19 Ritchie understands that we're not, we're not  
20 sitting here in a traditional, oppositional,  
21 adversarial role because, unlike those situations,  
22 the burden is on the applicant rather than the  
23 State. But having said that, I just want to  
24 confirm a couple of things. This application --  
25 even before the application came in, is it correct

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III

In the Matter of Edward Perry Trimmer -

1 to say that there was a 2002 Consent Agreement in  
2 South Carolina that you entered into?

3 A. Yes.

4 Q. In 2002?

5 A. Uh-huh.

6 Q. And the terms of that Consent Agreement and the  
7 admissions that are outlined there -- there were  
8 five counts. They were misdemeanor counts, and  
9 they involved federal claims of filing false  
10 reimbursement, right? That was in Georgetown  
11 County.

12 A. Right. I think they called in up-charging.

13 Q. And that was a conviction in criminal court also,  
14 of course. And that led to the Consent --  
15 Complaint and Consent Agreement here with the State  
16 Board?

17 A. Yes, sir.

18 Q. And the terms of that, back in 2002, there was a  
19 six-year suspension of your license; is that  
20 consistent with what you remember of the South --

21 A. It was stayed.

22 Q. -- South Carolina Consent Agreement?

23 MR. RITCHIE: It was stayed.

24 A. It was stayed.

25 Q. It was in the South Carolina -- I'm sorry -- give

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1 me one moment.

2 MR. RITCHIE: It was stayed pending the compliance  
3 of other matters, and it was ultimately  
4 pardoned.

5 Q. And there was also, as part of that, the admission  
6 that you made involving an advertising issue. And  
7 I'm just looking at the South Carolina Consent  
8 Agreement.

9 A. Yes. We talked about that last time.

10 Q. You had the claims, and you also had the  
11 advertising issue as well?

12 A. That was part of the whole.

13 Q. Okay. That's in the Consent Agreement?

14 A. That's in that agreement. Yes, sir. Everything's  
15 together.

16 Q. And do you recall if it was -- there was a \$25,000  
17 fine as part of the sanction?

18 A. To -- for the Board.

19 Q. For this Board?

20 A. Yes. I paid that.

21 Q. All right. And essentially, in the state of  
22 Georgia, where you were also licensed, it was very  
23 similar that Georgia did essentially the same  
24 thing? They --

25 A. They mirrored that.

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In the Matter of Edward Perry Trimmer -

1 Q. -- had similar terms there in Georgia? Now -- and  
2 that's why I say this application has a couple of  
3 different chapters. In January of last year, 2009,  
4 when we were considering this application, the --  
5 you were on probation in Georgia at that time,  
6 correct? Back in January of '09, you were on  
7 probation in Georgia?

8 A. Correct.

9 Q. Okay. The Georgia order said that you would have  
10 to petition the Georgia Board in order to terminate  
11 your probation and that you would be eligible to do  
12 that, essentially, around July of 2009, right?

13 A. That's correct.

14 Q. Okay. And now, in the meantime, your probation  
15 would've ended in Georgia around September of 2009.  
16 In -- since that time, there has been further  
17 action that Georgia has taken, correct? Separate  
18 action? And that action entailed the revocation of  
19 your license that you took through an appellate  
20 process. And it was --

21 A. Overturned.

22 Q. -- went up and down and came back to the Georgia  
23 Board, so to speak. And what did the Georgia Board  
24 do?

25 A. Well, the revocation was overturned.

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1 Q. Okay. What did they do instead?

2 A. And then they put it on suspension for two years.

3 Q. All right. And so they -- the State of Georgia, in  
4 that, in that most recent situation in Georgia,  
5 they suspended your license; is that accurate?

6 A. Yes.

7 Q. Okay. I'm also looking -- I can show you what page  
8 it's on. The Board materials, it's on page 158. I  
9 think you already made reference to it, and that's  
10 from the state of New York where you also hold a  
11 license. There's a letter there, at page 158, that  
12 indicates that your New York license is on  
13 something called supervised probation until  
14 February of 2011?

15 A. That occurred as a -- due to what occurred in South  
16 Carolina.

17 Q. All right. I'm not -- I'm just asking you if  
18 that's true or false.

19 A. Well, it's not supervised probation. I'm not on --  
20 it's not supervised.

21 Q. Okay. Well, let me get to the document. I don't  
22 want to tell you wrong. Okay. On page 158 of the  
23 Board, the Board book, in any event -- I'm sorry.  
24 It says you're on --

25 DR. GOINS: Unsupervised.

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In the Matter of Edward Perry Trimmer -

- 1 Q. -- unsupervised probation --
- 2 A. Yes.
- 3 Q. -- which ends in February of 2011.
- 4 A. That's correct.
- 5 Q. Okay. And they indicate that you'll receive a
- 6 letter when that ends.
- 7 A. Yes.
- 8 Q. Okay.
- 9 A. That's with Ms. Carr. I mean, they actually said I
- 10 could come back to New York and just give them a
- 11 call. So we're on good terms.
- 12 MR. RITCHIE: We provided that to the -- to your
- 13 office.
- 14 Q. Certainly. No. I'm just sort of trying to verify
- 15 some things for my own understanding.
- 16 A. Yes, sir.
- 17 Q. I think you indicated earlier that most recently in
- 18 Georgia, what had occurred was that you had
- 19 surrendered your license in Georgia --
- 20 A. Voluntary surrender.
- 21 Q. -- is that correct?
- 22 A. That's correct.
- 23 Q. You voluntarily surrendered your license in
- 24 Georgia?
- 25 A. That's correct.

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1 Q. Let me ask you, what was the status of your license  
2 in Georgia prior to that surrender?  
3 A. That was the suspension pending -- which I could've  
4 appealed. But you know, rather than keep going on  
5 and rehashing the same thing, I just said, you  
6 know, forgiveness is better.  
7 Q. Are you saying that your license --  
8 A. Put that to bed.  
9 Q. -- are you saying that your license was suspended  
10 just -- when you surrendered it?  
11 A. Yes.  
12 Q. Yes? Okay.  
13 A. Yes.  
14 Q. It was suspended when you surrendered it --  
15 A. Yeah.  
16 Q. -- correct?  
17 A. Correct.  
18 Q. Thank you for answering my questions.  
19 A. Oh, you're welcome.  
20 MR. SPOON: That's all the questions I have.  
21 DR. GOINS: Thank you, Sheridan. Any other  
22 questions from the Board?  
23 RE-EXAMINATION OF DR. TRIMMIE BY THE BOARD:  
24 DR. JONES: Where do you intend to practice?  
25 A. Well, I'd like to practice in Spartanburg --

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1 DR. JONES: And --

2 A. -- or Charleston -- but Spartanburg.

3 DR. JONES: -- and you practice general  
4 dentistry/prostodontics?

5 A. General dentistry, with -- you know, I've submitted  
6 also my anesthesia cases. Beforehand, I was doing  
7 anesthesia. I mean, there hasn't ever been a  
8 question about, you know, with a patient or any  
9 type of thing. I've run into administrative  
10 things, and I've learned to do better. I've  
11 learned a lot, and I think I'd be able to run an  
12 excellent practice and keep my hands tighter on the  
13 practice and do an excellent job, business-wise and  
14 with the patients.

15 DR. GOINS: Anything else? Okay. Thank you so  
16 much --

17 DR. TRIMMIER: Thank you.

18 DR. GOINS: -- Mr. Ritchie --

19 MR. RITCHIE: Thank you.

20 DR. GOINS: -- Dr. Trimmier.

21 DR. TRIMMIER: Thank you.

22 DR. GOINS: We're going to move into Executive  
23 Session --

24 DR. TRIMMIER: All right. Great.

25 DR. GOINS: -- at this time. Do I hear a motion?

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1 DR. DIXON: Make a motion to go into Executive  
2 Session.  
3 DR. ALTERMAN: Second.  
4 DR. GOINS: Second.  
5 DR. TRIMMIER: All right.  
6 DR. DIXON: Thank you.  
7 DR. GOINS: Thank you.  
8 (Executive Session 11:07 a.m. - 11:51 a.m.)  
9 DR. GOINS: Sheridan, would you like to --  
10 MR. SPOON: If I can clarify -- state the --  
11 DR. GOINS: Clarify, yeah.  
12 MR. SPOON: -- motion that you want to --  
13 DR. GOINS: Yes.  
14 MR. SPOON: -- put up for a vote? As I understand  
15 it, you're -- the motion that's on the floor  
16 is, you've approved the application of the  
17 applicant upon submission of a letter of good  
18 standing -- licensure in good standing from  
19 all states of licensure and, specifically,  
20 Georgia and New York.  
21 DR. GOINS: Yes. That is correct.  
22 DR. DIXON: I make a motion that we will accept the  
23 licensure when we have a letter of good  
24 standing from both the states of New York and  
25 Georgia.

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1 DR. GOINS: Do I have a second?  
2 DR. ALTERMAN: Second.  
3 DR. GOINS: All in favor?  
4 BOARD MEMBERS: Aye.  
5 DR. GOINS: Opposed? (No response).  
6 MR. RITCHIE: Madam President, thank you --  
7 DR. GOINS: Yes.  
8 MR. RITCHIE: -- very much. I do want to make sure  
9 I'm clear with the Board. Since we -- we  
10 understand New York. We can -- that's  
11 straightforward enough. But since Dr.  
12 Trimmier voluntarily surrendered his license  
13 in Georgia, the letter that would come back  
14 from Georgia would be that he does not possess  
15 a Georgia license. It would not be a letter -  
16 - there would not be any license to be in good  
17 standing.  
18 DR. DIXON: Well, the one thing, though, that I  
19 believe in his -- when he relinquished his  
20 license -- let me find that. In your letter,  
21 when you relinquished your license to Georgia,  
22 you made a statement in there that, in order -  
23 - if you ever wanted to reinstate your license  
24 in Georgia that they would be able to access  
25 your file.

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1 DR. TRIMMIER: Sure.

2 DR. DIXON: And we would just like that same  
3 opportunity.

4 MR. RITCHIE: I agree with that. I'm trying to  
5 make sure how I would phrase that.

6 DR. DIXON: In other words, we're -- our biggest  
7 concern overall is that, for somebody to have  
8 a license revoked, seems like a pretty harsh  
9 thing for it to be a paperwork problem.

10 MR. RITCHIE: Right.

11 DR. DIXON: And then for them to suspend after they  
12 revoked -- you know, after it went to the  
13 judge -- that seems like that's pretty harsh.  
14 And we just, we feel like we're missing some  
15 of the gap in between there. And it may not  
16 be true, but we would just like the  
17 information to be able to say, well, we're  
18 protecting the people of South Carolina.

19 DR. ALTERMAN: We feel like there's something there  
20 we're not hearing.

21 DR. DIXON: And our job is to protect the state of  
22 South Carolina.

23 MR. RITCHIE: Completely understand. So if I were  
24 to ask Georgia to prepare a letter saying that  
25 the status of his license has been voluntarily

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1 terminated or surrendered, but in the event  
2 that it is to be applied for, that all  
3 applications, materials and all records should  
4 be provided to South Carolina as well, is that  
5 what you're asking me?

6 DR. DIXON: Well, I guess access to the file that  
7 he would -- if he were going to go back to  
8 Georgia, and he said, well, I'll be able to  
9 access -- will give you permission to access  
10 my file again.

11 MR. RITCHIE: Absolutely.

12 DR. DIXON: We would like to have the same access  
13 to that file again.

14 MR. RITCHIE: Absolutely. Or --

15 DR. DIXON: Whether it be transcripts from the  
16 hearing, the hearing themselves. What we're  
17 just a little bit worried about is, it just  
18 seems like that was such a harsh judgement for  
19 a piece of paperwork not being --

20 MR. RITCHIE: I completely agree. I did not  
21 represent Dr. Trimmier, but I, I agree with  
22 your analysis.

23 DR. JONES: What I would like to know, maybe more  
24 specifically, is what the status of Dr.  
25 Trimmier's license, prior to it being

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1 voluntarily surrendered and the events of  
2 whatever was leading up to that. I want to  
3 know the specifics, not just that it was  
4 revoked. I want to know the specifics, the  
5 reason or the little what we're trying to get  
6 at is not necessarily with Dr. Trimmier, but  
7 for future policy, you know, what's to prevent  
8 somebody coming in here who has screwed up in  
9 several other states and those, those -- and  
10 they just say, well, I'm going to give those  
11 up and so I've hidden everything that's,  
12 that's happened. I want to know those details  
13 so we can make what I feel like is a more  
14 informed decision.

15 DR. WADE: Because your license was in a state of  
16 suspension when you voluntarily surrendered  
17 it. And so, you know, our question is why?

18 DR. TRIMMIER: The anesthesia permit issue.

19 DR. WADE: No. That just seems awfully harsh just

20 --

21 DR. TRIMMIER: Well, it was.

22 DR. WADE: -- for paperwork.

23 MR. RITCHIE: Perhaps this would be a way to  
24 resolve it --

25 DR. GOINS: It was suspended for two years.

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In the Matter of Edward Perry Trimmer -

1 MR. RITCHIE: -- how about if I submit a draft  
2 letter for his review prior to submitting to  
3 Georgia for their work. Would that, would  
4 that be helpful?  
5 MR. SPOON: A draft letter going to Georgia?  
6 MR. RITCHIE: To Georgia, saying here's what we are  
7 looking for. We need a letter from Georgia  
8 that would identify these matters.  
9 MR. SPOON: I mean, I'd be happy to look at it.  
10 It's ultimately up to Georgia.  
11 DR. DIXON: What I, what I would like for us to see  
12 is -- obviously, you went through a trial --  
13 MR. RITCHIE: Yes.  
14 DR. DIXON: -- here over this. And obviously,  
15 there was probably minutes or transcriptions  
16 taken from that trial.  
17 MR. RITCHIE: Or there's orders from the court.  
18 DR. DIXON: Yeah. Transcription. And it -- the  
19 punishment was just so harsh for, for what it  
20 seems like it was. I mean, we probably  
21 would've said, \$500 and a year's probation.  
22 MR. RITCHIE: Usually, that's what they do.  
23 DR. DIXON: It just seems so harsh that we're --  
24 what we're afraid of is that we're, we're  
25 missing the big picture. And if we could look

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In the Matter of Edward Perry Trimmier -

1 at the transcript of that, that hearing, I  
2 think that we would all feel a lot more  
3 comfortable with the thing overall.

4 DR. GOINS: Uh-huh.

5 DR. TRIMMIER: I'd be happy to do that.

6 DR. DIXON: Does that sound agreeable to y'all,  
7 too?

8 DR. GOINS: Uh-huh, uh-huh, uh-huh.

9 MR. RITCHIE: So a letter from New York, letter  
10 from Georgia, upon receipt of those and  
11 acceptance of those --

12 DR. DIXON: Transcriptions from the trial.

13 MR. RITCHIE: Transcripts.

14 DR. DIXON: Transcription from the trial.

15 MR. RITCHIE: Sure.

16 DR. JONES: Everything that you can do to  
17 strengthen your case with what happened in  
18 Georgia --

19 DR. TRIMMIER: Sure.

20 DR. JONES: -- we'll look at everything.

21 DR. TRIMMIER: Excellent. Thank you. I appreciate  
22 it.

23 (Whereupon, at 11:58 a.m., the  
24 proceeding in the above-entitled  
25 matter was concluded.)

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In the Matter of Edward Perry Trimmer -

STATE OF SOUTH CAROLINA )  
 ) CERTIFICATE  
 COUNTY OF LEXINGTON )

Be it known that I, Terri A. Winiarski, Nationally Certified Court Reporter and Notary Public in and for the State of South Carolina, took the foregoing hearing at 10:36 a.m. on Friday, July 16th, 2010;

That the witnesses were duly sworn under penalties of perjury to testify the truth, the whole truth, and nothing but the truth;

That the foregoing 38 pages constitute a true and accurate transcription of the proceedings and all testimony given at that time to the best of my skill and ability;

I further certify that I am not counsel or kin to any of the parties to this cause of action, nor am I interested in any manner of its outcome.

In witness whereof, I have hereunto set my hand and seal this 12th day of August 2010.

*Terri A. Winiarski*

---

Terri A. Winiarski, CVR  
 Notary Public for South Carolina  
 My commission expires November 16th, 2015.

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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE  
OF NEW YORK

OFFICE OF PROFESSIONAL DISCIPLINE, 195 MONTAGUE STREET, BROOKLYN, N.Y. 11201, 4<sup>TH</sup> FLOOR  
Tel. (718) 246-3093  
Fax (718) 246-3096

February 10, 2011

Edward P. Trimmier, DDS.  
C/O James H. Ritchie Jr.  
Holcombe Bomar, P.A.  
100 Dunbar Street – Suite 200  
Spartanburg, SC 29304

RE: COMMISSIONER'S ORDER NO. 0021819

Dear Dr. Trimmier,

The Commissioner's Order under the above numbers had imposed a period of Probation on you with respect to your privilege to practice the Profession of Dentistry in the State of New York. Your period of Probation started on 02/13/05 and ended on 02/12/11.

Since you have complied with ALL the Terms of your Probation, we have

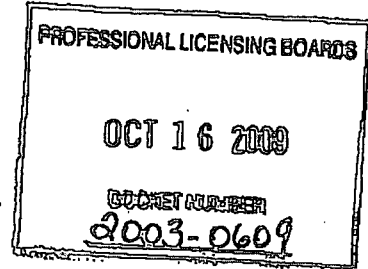
**CLOSED THIS FILE.**

Very truly yours,

**ARIANA MILLER  
SUPERVISOR**

By: *Elizabeth Carr*

Elizabeth Carr  
Sr. Investigator



BEFORE THE GEORGIA BOARD OF DENTISTRY  
STATE OF GEORGIA

GEORGIA BOARD OF DENTISTRY, \*  
Petitioner, \*  
v. \*  
EDWARD P. TRIMMIER, D.M.D., \*  
Respondent, \*  
License No. DN012482 \*  
\*  
\*

OSAH DOCKET NO.  
PLBD-DEN-0809225-33- Miller

AMENDED FINAL DECISION

An Initial Decision was docketed by the Office of State Administrative Hearings in the above-captioned matter on April 17, 2007. On March 28, 2008, the Board of Dentistry held a Final Review of the Initial Decision. On April 1, 2008, a Final Decision and Order which modified, among other matters, the decision of the Initial Decision and revoked the Respondent's license to practice dentistry, was docketed. Thereafter the Respondent sought judicial review of that Final Decision and Order in the Bibb County Superior Court.

On or about September 15, 2009, the Bibb County Superior Court entered an Order reversing the Board of Dentistry's decision to revoke the Respondent's license to practice dentistry. The Court's Order remanded the case to the Board with an order that it enter an Amended Final Decision that imposes the sanctions contained in the Initial Decision.

Wherefore, the Board of Dentistry enters this Amended Final Decision to amend the Decision portion of the Final Decision and Order so that the Decision portion shall now state:

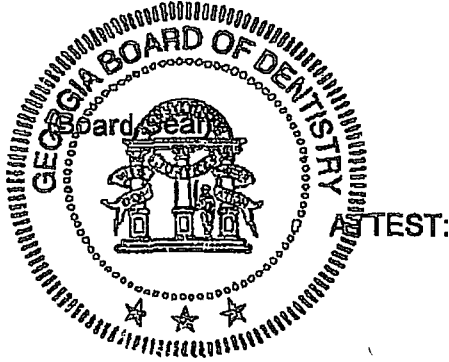
#### DECISION

In accordance with the Order of the Bibb County Superior Court, the Board hereby sanctions the Respondent's license to practice dentistry as follows:

The Respondent's license to practice dentistry shall be suspended indefinitely, commencing thirty days from the date of entry of this Amended Final Decision in this matter. The Respondent shall be eligible to petition the Board for the lifting of such suspension and restoration of his license at any time following his service of two years of suspension. Such petition shall include appropriate evidence that the Respondent has fully and continuously complied with the laws of the United States and the State of Georgia, as well as any applicable rules of the Georgia Board of Dentistry. Lifting of the Respondent's suspension and restoration of his license shall be in the discretion of the Board, but said discretion shall not be abused. If the Board should deny the petition, the Respondent may request a hearing to determine whether the Board has abused its discretion, and he may submit a subsequent petition no sooner than one year following denial of his prior petition. If the Board should grant the Respondent's petition, the Respondent's license shall be restored and placed on probation under such terms and conditions as the Board deems necessary for the protection of the public. In addition, the Respondent shall pay a fine of \$1,000.00 to the Board within thirty days of the entry of the Amended Final Decision in this matter.

SIGNATURE(S) ON FOLLOWING PAGE

SO ORDERED, this 9<sup>th</sup> day of October, 2009.



GEORGIA BOARD OF DENTISTRY

STEPHAN F. HOLCOMB, D.M.D.,  
President

*R. D. Vaughn*  
RANDALL VAUGHN  
Division Director  
Professional Licensing Boards Division

#554300

PROFESSIONAL LICENSING BOARDS  
APR 14 2010  
DOCKET NUMBER  
2010-1120

BEFORE THE GEORGIA BOARD OF DENTISTRY

IN THE MATTER OF: )  
 )  
EDWARD PERRY TRIMMIER, D.M.D., )  
License No. DN012482 )  
 )  
Respondent. )

DOCKET NO.

VOLUNTARY SURRENDER

I, EDWARD PERRY TRIMMIER, D.M.D., holder of an interest in License No. DN012482 to practice as a dentist in the state of Georgia pursuant to O.C.G.A. Ch. 11, T. 43, as amended, hereby freely, knowingly and voluntarily surrender said license to the Georgia Board of Dentistry. I hereby acknowledge that this surrender shall terminate my license completely, and I knowingly forfeit and relinquish all right, title and privilege of practicing as a dentist and my right to renew my license to practice dentistry in the state of Georgia, unless and until such time as my license may be reinstated, in the sole discretion of the Board.

I understand that I have a right to a hearing in this matter, and I hereby freely, knowingly and voluntarily waive such right. I also understand that should the Board entertain any request for reinstatement, the Board shall have access to my file.

This surrender shall become effective immediately upon acceptance thereof by the Georgia Board of Dentistry and docketing by the Division Director of the Professional Licensing Boards for the Office of the Secretary of State. I understand that this document will be considered a public record.

REMAINDER OF PAGE INTENTIONALLY BLANK

Sworn to and subscribed  
before me this 6 day  
of April, 2010.

Edward Perry Trimmier, D.M.D.  
EDWARD PERRY TRIMMIER, D.M.D.,

Respondent

Brenda B. Church  
NOTARY PUBLIC  
My commission expires: 11-8-2012

**ACCEPTANCE OF SURRENDER**

The voluntary surrender of License No. **DN012482** is hereby accepted by the Georgia  
Board of Dentistry, this 9<sup>th</sup> day of April, 2010.

**GEORGIA BOARD OF DENTISTRY**

BY:

Stephen B. Holcomb, DMD  
President

ATTEST:

R.D. Vaughn  
RANDALL D. VAUGHN  
Division Director



2010 APR 13 A 7:11

# APPLICATION FOR REINSTATEMENT OF LICENSE / CERTIFICATE

Application must be fully completed with all requested information and documentation supplied. Application fee of \$75.00 (cashier's check or money order only) must accompany application. Application fee is non-refundable and non-transferable. The application form itself is a public document obtainable under the Freedom of Information Act.

I HEREBY APPLY FOR REINSTATEMENT:  Dental License  Dental Hygiene License  Technician Certificate

Year my SC license/certificate was originally issued: 1999 SC license/certificate number: 3600

\*Year my SC license/certificate was last renewed: 2001

\*Year in which I last practiced my profession: 2009

If your SC license/certificate has been inactive or expired for six (6) or more years, you may be required to complete a Board-approved re-entry program.

Applicant's Name Trimmier Edward P.  
Last First Middle Suffix (Jr, III)

Name that you retired your license under: Same

Preferred Mailing Address 233 N. Fairview Avenue Spartanburg SC 29302  
Street City State Zip

Home Address Same  
Street City County State Zip

Current Office Address N/A  
Street City County State Zip

Home Phone ( 864 ) 582-0616 Business Phone ( 404 ) 802-0720 Business Fax ( )

Do you need special accommodations in order to take an examination? Yes  No  No. If yes, please specify:

Intended place of practice (if known):

Street/Box City State Zip Telephone

Have you had any action or malpractice claims taken against your license, been placed on probation or convicted of a felony in South Carolina or any other state in the past five (5) years? Yes  No

If yes, please give place, date and circumstances (use additional paper if necessary):

\*The Social Security Number (SSN) is not subject to disclosure as public information. The disclosure of the SSN for identification purposes is authorized and mandated by federal statutes requiring state dental boards to report to the Healthcare Integrity and Protection Data Bank (HIPDB) and the National Practitioner Data Bank (NPDB), among other things.

**APPLICATION FEE: Cashier's Check or Money Order in the amount of \$75.00 to be made payable to: LLR - Board of Dentistry. Application fee is non-refundable and non-transferable. Submit application and fee to: SC Department of Labor, Licensing and Regulation - Board of Dentistry, PO Box 12517, Suite 306, Columbia, SC 29211.**

SC	1999	3600	12/31/03	SERTA
NY	4/1996	046464-1	11/30/99	NERB Combined
GA	12/2001	012482	12/31/09	SERTA

**CONTINUING EDUCATION:**

List below C.E. courses you have taken within the past two (2) years in order to satisfy the \*required number of hours as follows: Dentist - 28 hours; Dental Hygienist - 14 hours; Dental Technician - 8 hours.

COURSE TITLE	DATE	HOURS
Hinman Dental Meeting	03/2009	18
Hinman Dental Meeting	03/2010	18

\*Total Hours: 36

List below the CPR course you completed in order to receive current CPR certification.  
(Dental and Dental Hygiene Applicants only)

COURSE TITLE	DATE	HOURS
Healthcare Professionals		
BLS: Adult, Child, Infant, Emergency & AED Skills	Jan. 2009	All day

List below an infection control / HIV / AIDS course (two-hour minimum) you have taken within the past two (2) years:

COURSE TITLE	DATE	HOURS
Blood Borne Pathogens	Jan 2009	All day



THIS CERTIFIES THAT THE INFORMATION SUBMITTED BY ME IN THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF

*[Handwritten Signature]*  
SIGNATURE

4/6/10  
DATE

Sworn to before me this 6 day of April, 20 10

*[Handwritten Signature]*  
NOTARY PUBLIC

Affix Seal Here

My Commission Expires: 11-8-2012

ALL APPLICANTS for reinstatement must successfully complete the SC Dental Practice Act (jurisprudence) Examination. If you hold or have ever held a license to practice in another state, you must provide:

- (1) **VERIFICATION OF LICENSURE FORM:** The enclosed Verification of Licensure Form is to be completed by each State Board wherein you now hold or have ever held a license, and is to be mailed directly to the Board office; and
- (2) **NATIONAL PRACTITIONER DATA BANK:** It is your responsibility to self-query the NPDB for a certified report of any pending or final disciplinary actions or malpractice actions against any license you have ever held in any state. Upon receipt of this report, you are to forward it immediately to the Board office. You may contact NPDB at: P.O. Box 10832, Chantilly, VA 20153; 1-800-767-6732; [www.npdb.hhs.gov](http://www.npdb.hhs.gov).

In addition, ALL DENTAL AND DENTAL HYGIENE APPLICANTS for reinstatement must also provide:

- (1) **DETAILED RESUME** of your dental practice since license has been retired;
- (2) **PROOF OF CURRENT CPR CERTIFICATION;**
- (3) **PROOF OF IMMUNIZATION** against or immunity to the Hepatitis B virus.



Revised 07/09

## AFFIDAVIT OF ELIGIBILITY

Pursuant to Section 8-29-10 SC Code of Law, **ALL** applicants for a South Carolina license after July 1, 2008 are required to complete and sign this Affidavit of Eligibility.

### **Section A: LAWFUL PRESENCE in the United States.**

I, (please print your full name) Dr. Edward P. Timmier, swear or affirm under penalty of perjury under the laws of the State of South Carolina that (check 1, 2 or 3 below):

1.  I am a United States citizen or legal permanent resident eighteen years of age or older; or
2.  I am not a US citizen but am lawfully present in the US as evidenced by one of the following
  - a.  I am a qualified alien as defined in 8 U.S.C. sec 1641, eighteen years of age or older.
  - b.  I am a nonimmigrant under the "Immigration and Nationality Act," Federal Public Law 82-414 as amended, eighteen years of age or older.
3.  I am not physically present in the US under 8 U.S.C. sec 1621 (c) (2) (c) or employed in the US pursuant to 8 U.S.C. 1621 (c) (2) (a) (check either a or b below):
  - a.  I am a US citizen, not physically present or employed in the United States.
  - b.  I am a Foreign National, not physically present or employed in the United States.

*If you selected either 3.a. or 3.b., you do not need to complete Section B. Skip to Section C.*

### **Section B: Secure and Verifiable Document.**

*This section must be completed if you checked number 1 or 2 in Section A.*

1. Please check one of the following acceptable secure and verifiable documents. Complete documentation must be provided **upon request only**.
  - Any South Carolina Driver License, South Carolina Driver Permit or South Carolina Identification Card, expired less than one year.
  - Out-of-state issued photo Driver's License or photo identification card, photo driver's permit expired less than one year. State: Georgia
  - Valid Temporary Resident Card
  - Certificate of Naturalization with intact photo
  - Certificate of (US) Citizenship with intact photo
  - Other: (Name of verifiable document) \_\_\_\_\_

(If issued by a state agency, include both the state and agency name.)

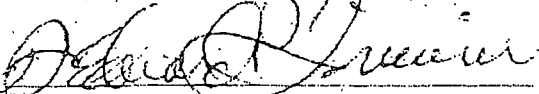
4. What is the secure and verifiable document number? 050961636

5. What is the expiration date of your secure and verifiable document? Dec. 21, 2011  
(month/day/year)

(If you hold a document without an expiration date, such as a military ID or naturalization certificate, write N/A.)

**Section C: Attestation.**

- I understand that this sworn statement is required by law because I have applied for or hold a professional or commercial license regulated by 8 U.S.C. sec. 1621. I understand that state law requires me to provide proof that I am lawfully present in the United States. I may also be required to provide proof of lawful presence.
- I understand that in accordance with section 8-29-10 false statements made herein are punishable by law. I state under penalty of perjury that the above statements are true and correct.
- I am the person identified above and the information contained herein is true and correct to the best of my knowledge. I understand that under South Carolina law, providing false information is grounds for denial, suspension or revocation of a license, certificate, registration or permit.
- I understand that the above information must be disclosed to the Department of Labor, Licensing and Regulation upon request and is subject to verification.

  
Signature

4/16/10  
Date

Edward P. Trimmier, DMD

Please print your name as shown on your secure and verifiable document.

Professional License Type: Dentistry

License Number (if already licensed): 3600

*The South Carolina Code of Laws requires that every individual who applies for an occupational or professional license provide a social security or alien identification number for use in the establishment, enforcement and collection of child support obligations and for reporting to certain databanks established by law. Failure to provide your social security number for these mandatory purposes will result in the denial of your licensure application. Social security numbers may also be disclosed to other governmental regulatory agencies and for identification purposes to testing providers and organizations involved in professional regulation. Your social security number will not be released for any other purpose not provided for by law.*

American  
Red Cross

Respectos por cada vida

This recognizes that  
**Edward Trimmer**  
 has completed the requirements for  
**CPR-Adult Child &  
 Infant**  
 Conducted by  
**Cowpens Nat. Battlefie**  
 Date completed **6/9/2010**  
 The American Red Cross recognizes this certificate  
 as valid for **1** year(s) from completion date.



**SOUTH CAROLINA  
DEPARTMENT OF PROBATION, PAROLE,  
AND PARDON SERVICES  
COLUMBIA, SC**



## CERTIFICATE OF PARDON

KNOW ALL MEN BY THESE PRESENTS:

*It having been made to appear to the SOUTH CAROLINA BOARD OF PROBATION, PAROLE, AND PARDON SERVICES that Edward Trimmier SS# 250-80-8576 and SID # 1425781 who was convicted of Filing False Claims (5 cts.) on October 5, 2000 in the county of Georgetown has lived as a law abiding citizen since satisfying sentence and it being the opinion of the said South Carolina Board of Probation, Parole and Pardon Services that the Pardoning of this prisoner is not incompatible with the welfare of society, and it appearing further that the Board is satisfied he will abide by all laws of this State.*

*It is therefore ORDERED that said Edward Trimmier BE PARDONED, effective January 30, 2007 and by this action, is absolved from all legal consequences of the above stated crime and conviction, and all his civil rights are restored.*

In witness whereof this Certificate bearing the approval of the South Carolina Board of Probation. Parole and Pardon Services is issued this date, February 2, 2007.

By order of:

SOUTH CAROLINA BOARD OF PROBATION,  
PAROLE AND PARDON SERVICES

By:

*Gwendolyn A. Knight*

Director of Parole Board Support Services

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

---

Case No. 11-ALJ-11-0453-AP

---

Edward P. Trimmier, D.M.D. .... Appellant,

v.

South Carolina Department of Labor, Licensing and Regulation,  
State Board of Dentistry. .... Respondent.

---

NOTICE OF APPEAL

---

Appellant above-named appeals the Order of the Honorable John D. McLeod, dated May 15, 2011 [sic] (actually 2012) and Order of the Honorable John D. McLeod, dated March 22, 2011 [sic] (actually 2012). Appellant received written notice of entry of the last Order on May 15, 2012.



---

Paul D. de Holczer, Esquire  
Moses & Brackett, PC  
Post Office Box 100261  
Columbia, South Carolina 29202-3261  
(803) 461-2317  
Attorney for Appellant

Columbia, South Carolina  
June 11, 2012

Other Counsel of Record:  
Sheridan H. Spoon, Esquire  
LLR Office of General Counsel  
Post Office Box 11329  
Columbia, South Carolina 29211-1329  
(803) 896-4473  
Attorney for Respondent

**FILED**

JUN 12 2012

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

Case No. 11-ALJ-11-0453-AP

Edward P. Trimmier, D.M.D. . . . . . Appellant,

v.

South Carolina Department of Labor, Licensing and Regulation,  
State Board of Dentistry. . . . . Respondent.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material and is in compliance with the Supreme Court's Order dated August 13, 2007.



Paul D. de Holczer, Esquire (SC Bar No. 6905)  
Moses & Brackett, PC  
Post Office Box 100261  
Columbia, South Carolina 29202-3261  
(803) 461-2317  
Attorney for Appellant

Columbia, South Carolina  
October 8, 2012