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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

FREDERICK D. BAILEY, D.M.D.
License No. DI01568500

TO PRACTICE DENTISTRY IN THE STATE
OF NEW JERSEY

Administrative Action

VERIFIED COMPLAINT

Christopher S. Porrino, Attorney General of New Jersey, by David M. Puteska, Deputy Attorney General, with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, by way of Verified Complaint, says:

GENERAL ALLEGATIONS

1. Complainant, Christopher S. Porrino, Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey, pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons licensed by the New Jersey State Board of Dentistry (hereinafter the "Board") pursuant to N.J.S.A. 45:1-14 et seq.

2. The Board is charged with the duty and responsibility of regulating the practice of dentistry in the State of New Jersey pursuant to N.J.S.A. 45:6-1 et seq. and N.J.S.A. 45:1-14 et seq.

3. Pursuant to N.J.S.A. 45:1-22, the Board may enter an order of temporary suspension pending a plenary hearing on an Administrative Complaint upon a palpable showing by the Attorney General of a clear and imminent danger to the public health, safety and welfare.

4. Frederick D. Bailey, D.M.D. (hereinafter "Respondent") is a dentist, licensed to practice with the Board in the State of New Jersey, with an active license number of 22DI01568500.

5. Initials are used in this Complaint to protect the identities of certain individuals referenced herein. The identities of these individuals are known to the Respondent and have been made known to the Board.

COUNT I

6. Complainant repeats and realleges the General Allegations above as if fully set forth herein.

7. On Monday, August 22, 2016, Respondent, his domestic partner C.T. and a third individual, A.M., were arrested by the Denville Police Department at the home of Respondent. (See copies of Denville Police Department Investigation Report attached to the Certification of Investigator Catherine Butter ("Butter Cert.") as Exhibit 1). During the course of the arrest, a search was performed of Respondent's home.

8. Items seized by the police included the following:

- a. Glass pipe containing suspected crystal methamphetamine ("Crystal Meth");
- b. Crystal Meth hidden in a black speaker;
- c. A zip lock bag containing orange pills;
- d. A digital scale;
- e. Hypodermic needles;
- f. Pill bottle containing suspected marijuana; and

g. Numerous pieces of drug paraphernalia.
[Butter Cert., Exhibit 1 at Pg. 2-3].

9. At the time of his arrest, Respondent was found to be in possession of Crystal Meth.
(Butter Cert., Exhibit 1 at Pg. 2).

10. On Monday, August 22, 2016, at approximately 12:52 pm, Officer Scott Tobin, of the Denville Police Department questioned C.T. regarding his and Dr. Bailey's possession of Crystal Meth and to obtain details of how they met A.M. (Butter Cert. at ¶4).¹

11. After being on the website Grindr (a homosexual dating website), Mr. T. and Dr. Bailey met A.M. on August 21, 2016 at a hotel in the Newark Airport. (Butter Cert. at ¶6). The Crystal Meth they brought with them to the hotel had been shipped to Dr. Bailey's dental office. (*Ibid.*).

12. Mr. T. and Dr. Bailey obtained the Crystal Meth through a person with whom they communicated via Skype, by the name of "Roy," who gave them the name and number of a person in California. (Butter Cert. ¶7). Both Mr. T. and Dr. Bailey are in possession of this individual's contact number. Communication with this individual has been done via text messaging.

13. Once a quantity of Crystal Meth is requested, a price is exchanged and payment is made via "Google wallet" (Butter Cert. ¶8). Payment has been made using Dr. Bailey's debit account. The most recent purchase was in the amount of three hundred fifty dollars (\$350.00), three hundred for the Crystal Meth and fifty dollars constituted "processing fees" (*Ibid.*).

14. The Crystal Meth was mailed to Dr. Bailey's dental office from California via Fed Ex in a vacuum sealed pack. Purchases were made in this manner on three (3) separate occasions. (Butter Cert. ¶9).

¹ As detailed in her Certification, Investigator Butter has reviewed the video statement given by Respondent and Mr. T.. A copy of these statements have been obtained by the Attorney General and will be utilized to further verify these allegations if necessary.

15. While at the hotel, A.M., Mr. T. and Dr. Bailey all smoked the Crystal Meth that they had brought with them. (Butter Cert. ¶10). The bowl that was used to smoke the Crystal Meth was brought by Mr. T. and Dr. Bailey. (Ibid.).

16. Mr. T. and Dr. Bailey then invited A.M. back to Respondent's home in Denville. While at Respondent's home, A.M. was looking for "points," which is slang for needles. (Butter Cert. ¶11). Dr. Bailey supplied A.M. with a needle in order for A.M. to inject the Crystal Meth. (Ibid.). Mr. T. and Dr. Bailey smoked the Crystal Meth. (Ibid.).

17. Adderall was also found in the home. Dr. Bailey obtained the Adderall from a family member "S" and used it to help him stay focused. (Butter Cert. ¶13). Dr. Bailey writes prescriptions for himself in Mr. T.'s name because he cannot write prescriptions in his own name. (Butter Cert. ¶13). Dr. Bailey self-prescribed pain medications and eye drops in Mr. T.'s name.

18. Mr. T. and Dr. Bailey, who have been partners for the past eight (8) years, use Crystal Meth together. (Butter Cert. ¶14).

19. Following Respondent's arrest he was requested to give a statement by the Denville Police. (Butter Cert. Exhibit 1). Respondent asserted his right not to give a statement indicating that there were larger issues in play and that he will "lose his license." (Butter Cert. ¶15).

20. Based upon the above, Respondent was charged with multiple criminal violations. These include Possession with Intent to Use Drug Paraphernalia; Possession of a Controlled Dangerous Substance ("CDS") (marijuana) with intent to use; Possession with intent to use a hypodermic needle; and Possession of CDS (Methadone and Adderall). (Butter Cert. at Exhibit 2).

21. Respondent's actions described herein constitute the use or employment of dishonesty, fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(b); professional or

occupational misconduct in violation of N.J.S.A. 45:1-21(c); engaging in acts constituting any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board in violation of N.J.S.A. 45:1-21(f); the present use of drugs or alcohol that is likely to impair the ability to practice dentistry with reasonable skill and safety in violation of N.J.S.A. 45:1-21(l); the indiscriminate prescribing of CDS in violation of N.J.S.A. 45:1-21(m); and/or demonstrates the failure to be of good moral character as required for licensing as a dentist pursuant to N.J.S.A. 45:6-3.


22. Respondent's conduct as alleged herein palpably demonstrates that his continued practice as a dentist in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

WHEREFORE, Complainant respectfully demands the entry of an order against Respondent, Frederick Bailey, D.M.D., as follows:

1. Temporarily suspending Respondent's license to practice as a dentist in the State of New Jersey pending the disposition of a plenary hearing on this Verified Administrative Complaint;
2. Suspending or revoking the Respondent's license to practice as a dentist in the State of New Jersey following a plenary hearing;
3. Assessing civil penalties against Respondent for each and every separate unlawful act as set forth above, pursuant to N.J.S.A. 45:1-25;

4. Requiring Respondent to pay costs, including investigative costs, attorney's fees and costs, expert and fact witness fees and costs, costs of trial, and transcript costs, pursuant to N.J.S.A. 45:1-25;
5. Ordering such other and further relief as the Board of Dentistry shall deem just and appropriate under the circumstances.

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: 

David M. Puteska
Deputy Attorney General

Dated: August 29, 2016