

FINDINGS AND ORDERS OF THE BOARD

DOCKETED COMPLAINT NO. 1973-6
(AMENDED)

TEXAS STATE BOARD OF DENTAL EXAMINERS

VS.

DOCTOR WILLIAM DONALD KELLEY
205 EAST WORTH STREET
GRAPEVINE, TARRANT COUNTY, TEXAS 76051
HOLDER OF TEXAS DENTAL LICENSE NO. 5930
1973 REGISTRATION CERTIFICATE NO. 2118
1974 REGISTRATION CERTIFICATE NO. 2352

MEETING OF THE TEXAS STATE BOARD OF DENTAL EXAMINERS, DALLAS, TEXAS,
SATURDAY, SEPTEMBER 28, 1974, at 11:00 a.m.

On the 28th day of September, 1974, the Texas State Board of Dental Examiners being in called meeting at the Sheraton-Dallas Hotel in Dallas, Dallas County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the transaction of other business, and said complaint and docketed complaint being called at the scheduled time but deferred temporarily until the Board completed a hearing in progress, and, the Defendant, Doctor William Donald Kelley, being present in person and represented by counsel and the following members of the Texas State Board of Dental Examiners being present to-wit:

Doctor S. H. Rabon, President
Doctor J. S. Rogers, President-Elect
Doctor Donald L. Brunson, First Vice-President
Doctor R. T. Weber, Secretary-Treasurer
Doctor William J. Kemp
Doctor Foster Kidd
Doctor Wm. Richard Knight, Jr.
Doctor J. N. Walker
Doctor L. M. Kennedy, absent excused

Said named individuals constituting the entire and all members of the Board; and, the President having called said docketed complaint for hearing and the State and the Defendant having announced ready, and by stipulation it was agreed that all jurisdictional requirements had been met and Defendant's plea of Not Guilty to the charges being entered; and, because of the absence of the witness when named in paragraph 1 of the complaint and Docketed Complaint Number 1973-6 (Amended), and the State having elected to proceed on the charges contained in paragraphs 2 and 3 of said complaint and Docketed Complaint Number 1973-6 (Amended), but did not dismiss the charges contained in paragraph 1 thereof. The Board then proceeded to hear all matters offered by the State and the Defendant. At the conclusion of the evidence and the argument of counsel both for the Defendant and the State, the Board took the case under advisement. Thereafter on Wednesday, October 2, 1974, the Board went into executive session to consider such case and all of the members of the Board being present and all participating except Doctor L. M. Kennedy and after consideration and deliberation on all of the evidence and argument presented at the hearing the Texas State Board of Dental Examiners at that time did make the following unanimous findings, to-wit:

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I.

That all statutory requirements to its jurisdiction have been met.

II.

The Board further unanimously finds that on or about the 15th day of January, 1970, in Fort Worth, Tarrant County, Texas, in Cause No. 59,197-C in the 48th Judicial District Court of Texas, Tarrant County, Texas, the said Doctor William Donald Kelley was found by the Judge of such Court to have practiced medicine in Texas without a license so to do, and, the said Honorable Walter E. Jordan, Judge presiding in such cause, found that the "Kelley Research Foundation" was also in violation of the Texas Medical Practice Act and did enjoin and restrain the said Doctor Kelley and the Kelley Research Foundation from further violations of such Act, and thereafter such finding, decision and injunction were affirmed as alleged in paragraph 2 of said complaint and Docketed Complaint Number 1973-6 (Amended).

III.

The Board further unanimously finds that on or about or during the year of 1969, the said Doctor William Donald Kelley caused to be printed a booklet entitled One Answer to Cancer through the "Kelley Research Foundation," and did circulate said booklet to persons or to his patients, all as alleged in paragraph 3 of said complaint and Docketed Complaint Number 1973-6 (Amended).

IV.

The Board further unanimously finds that the said Doctor William Donald Kelley because of the conduct and acts aforesaid and as contained in paragraph 2 is guilty of obtaining a fee by fraud or misrepresentation which is prohibited by subsection (b) of Article 752b of Vernon's Texas Penal Code; now Article 4548 g. of Vernon's Texas Civil Statutes, as amended, and, because of the conduct and acts aforesaid as set out in paragraph 3 hereinbefore, is guilty of circulating statements as to the (his) skill or method of practicing dentistry through an advertising device which is prohibited by subsection (d) of Article 752b of Vernon's Texas Penal Code, now Article 4548 g. of Vernon's Texas Civil Statutes, as amended, and, thereby also did make use of an advertising statement of a character tending to mislead or deceive the public which is prohibited by subsection (e) of Article 752b of Vernon's Texas Penal Code; now Article 4548 g. of Vernon's Texas Civil Statutes, as amended, and, further, because of the conduct and acts aforesaid in paragraphs 2 and 3 of said complaint and Docketed Complaint Number 1973-6 (Amended) is guilty of dishonorable conduct and deception or misrepresentation for the purpose of soliciting or obtaining patronage which is prohibited by subsections (c) and (d) of Article 4549 of Vernon's Texas Civil Statutes, as amended.

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V.

The Board finds that the facts brought out at such hearing justify and require the following orders, to-wit:

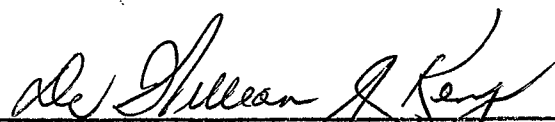
It is hereby ordered that Texas Dental License Number 5930 and 1974 Registration Certificate Number 2352 heretofore issued by the Texas State Board of Dental Examiners to Doctor William Donald Kelley, be and the same are hereby suspended for a period of five (5) years from November 1, 1974, the effective date of this Order and the time said five (5) year suspension shall begin; and the said Doctor William Donald Kelley shall not practice dentistry in the State of Texas during such suspension period provided, however should this order be suspended or set aside as provided by law then such order shall become effective upon the date this order is finally adjudicated.

The above Findings and Orders of the Texas State Board of Dental Examiners are ordered to be entered as the unanimous Findings and Orders of the Board, a quorum and majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such findings and orders are made this the 2nd day of October, 1974, in Dallas County, Texas.


The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit same for signature to the members of the Board, and to mail a copy of same to the Defendant at his last know address.



Doctor S. H. Rabon, President



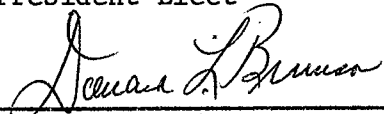
Doctor William J. Kemp



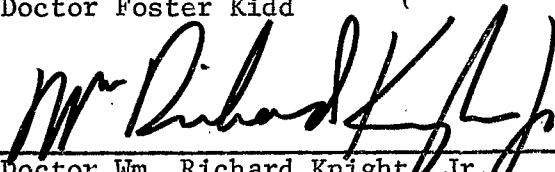
Doctor J. S. Rogers,
President Elect



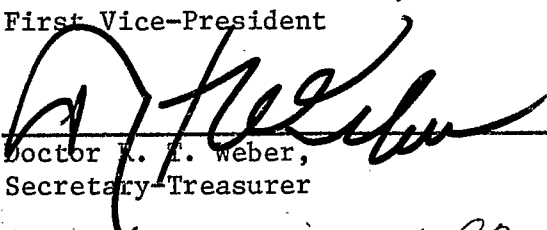
Doctor Foster Kidd



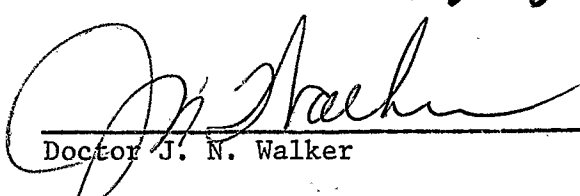
Doctor Donald L. Brunson,
First Vice-President




Doctor Wm. Richard Knight, Jr.



Doctor K. L. Weber,
Secretary-Treasurer



Doctor J. N. Walker



Doctor L. M. Kennedy,
not participating