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**BEFORE THE ARIZONA STATE BOARD
OF PODIATRY EXAMINERS**

IN THE MATTER OF:

DANIEL BANGART, DPM
Holder of License No. 0345
For the Practice of Podiatric Medicine
In the State of Arizona,

Respondent.

Case No. 14-24-B

**CONSENT AGREEMENT
AND ORDER FOR DECREE OF
CENSURE AND SUSPENSION**

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and responsibilities of the Arizona Board of Podiatry Examiners (Board), and under A.R.S. §32-801, *et seq.*, and 41-1092.07(F)(5), Daniel Bangart, DPM, holder of license number 0345 to practice podiatric medicine in the State of Arizona (*Respondent*), and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (*Consent Agreement*) as the final disposition of this matter.

1. *Respondent* has read and understands this Consent Agreement as set forth herein, and has been provided the opportunity to discuss this Consent Agreement with an attorney. *Respondent* voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. *Respondent* understands that he has a right to a public administrative hearing concerning the above-captioned matter, at which administrative hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, *Respondent* knowingly and voluntarily relinquishes all rights to such an administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative

1 and/or judicial action, concerning the matters set forth herein. Respondent affirmatively agrees
2 that this Consent Agreement shall be irrevocable.

3 3. Respondent understands that this Consent Agreement or any part of the Agreement
4 may be considered in any future disciplinary action by the Board against him.

5 4. Respondent understands that acceptance of this Consent Agreement does not
6 preclude any other agency, subdivision or officer of this State from instituting any other civil or
7 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

8 5. Respondent understands that this Consent Agreement deals with Board investigation
9 number 14-24-B involving allegations of unprofessional conduct against Respondent. The
10 investigation into this case against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

12 6. All admissions made by Respondent in this Consent Agreement are made solely for
13 the final disposition of this matter, and any related administrative proceedings or civil litigation
14 involving the Board and Respondent. Therefore, any admissions made by Respondent in this
15 Consent Agreement are not intended for any other use, such as the context of another regulatory
16 agency's proceedings, whether in the State of Arizona or in any other state or federal court.

17 7. Respondent acknowledges and agrees that, upon signing this Consent Agreement and
18 returning this document to the Board's Executive Director, or Counsel for the State, Respondent
19 may not revoke his acceptance of the Consent Agreement or make any modifications to the
20 document, regardless of whether the Consent Agreement has been issued by the Board's
21 President. Any modification to this original document is ineffective and void unless mutually
22 approved by the parties in writing.


23 8. Respondent understands that the foregoing Consent Agreement shall not become
24 effective unless and until adopted by the Board and signed by its President or the Executive
25 Director on behalf of the President.

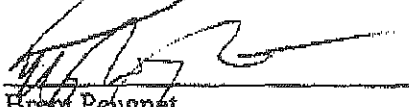
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1 9. Respondent understands and agrees that if the Board does not adopt this Consent
 2 Agreement, he will not assert as a defense that the Board's consideration of this Consent
 3 Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

4 10. Respondent understands that this Consent Agreement is a public record that may be
 5 publicly disseminated as a formal action of the Board, and shall be reported as required by law to
 6 the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

7 11. Respondent understand that any violation of the Consent Agreement constitutes
 8 unprofessional conduct under A.R.S §32-841.01(21), (violating any formal order, probation or
 9 stipulation of the Board), and may result in disciplinary action under A.R.S. §32-852.01.

10
 11 DATED: 9/29/14 SIGNED: 
 12 Daniel Bangart, DPM

13 APPROVED AS TO FORM: 
 14 Brent Peugnet
 15 Attorney for Respondent

16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of the
 18 practice of podiatric medicine in the State of Arizona.

19 2. Respondent holds license number 0345 issued by the Board to practice podiatric
 20 medicine in the State of Arizona which is valid through June 30, 2015.

21 3. On March 13, 2014, Steven Moore, DPM faxed, or caused to be faxed, to the
 22 Board's office a new license application and a copy of his personal check for the application fee.
 23 The application was notarized and dated February 25, 2014 by a notary in the state of Indiana.
 24 March 13, 2014 was the last date to submit a new license application in order to be eligible to sit
 25 for the required oral licensing exam on June 11, 2014.
 26 /

1 4. Board staff contacted Dr. Moore by phone and advised him that a faxed
2 application and check could not be accepted and that, per Board instructions and laws, postmark
3 dates are not accepted.

4 5. In the afternoon of March 13, 2014, T.W., an employee of Respondent, appeared
5 at the Board's office and submitted to Board staff a second license application for Dr. Moore.
6 The second application was accompanied by a personal check from Respondent for the
7 application fee. The application had been notarized by T.W., (who held a valid notary license in
8 the state of Arizona at the time), and was also dated February 25, 2014. Upon questioning by
9 Board staff, T.W. stated Respondent gave her the document that day and asked her to notarize it.

10 6. Immediately following receipt of the second application Board staff contacted
11 Respondent by phone. Respondent stated he had Dr. Moore's signature on file and affixed it to
12 the application document that day in order to submit it within the application deadline period.
13 Respondent also stated he had planned to hire Dr. Moore to work in his office.

14 7. During the course of his application process, Dr. Moore provided several
15 conflicting explanations of how the second application came to exist. On June 11, 2014 Dr.
16 Moore appeared before the Board to discuss his application(s). At that time, Dr. Moore admitted
17 he had not signed the second application and stated that Respondent had initiated a course of
18 action on March 13, 2014 to have an application submitted on his behalf.

19 8. In a written response to the present complaint, and in statements made during an
20 appearance before the Board on August 13, 2014, Respondent admitted that he had initiated the
21 submission of Dr. Moore's second application. Respondent stated his actions were in an effort to
22 be able to employ Dr. Moore in his practice in a more expeditious manner and he did not want
23 Dr. Moore to have to wait until the next oral licensing exam in December 2014. Respondent
24 admitted that he had affixed Dr. Moore's signature to the second application, that he instructed
25 T.W. to notarize the document, and that he had encouraged Dr. Moore throughout the application
26 process to be dishonest to the Board regarding the circumstances of his application documents.

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CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent pursuant to A.R.S. § 32-801 *et seq.*

2. The conduct and circumstances in the Findings of Fact above constitute grounds for disciplinary action against Respondent's license according to A.R.S. §32-852(6), (that he is guilty of unprofessional conduct as defined in section 32-854.01), via A.R.S. §32-854.01(22), (violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter) by assisting Steven Moore, DPM in violation of A.R.S. §32-852(A)(2), (that he knowingly made a false or fraudulent statement, written or oral, required for application, examination or licensing or in connection with the practice of podiatry).

ORDER

Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

1. Respondent is issued a **DECREE OF CENSURE**.

2. Respondent's license shall be **SUSPENDED** for a period of ten (10) consecutive calendar days. In an effort not to disrupt or negatively impact patient care needs, such suspension period is left to the discretion of Respondent. The suspension shall be fully completed within sixty (60) days of the effective date of this agreement. Respondent bears the duty of notifying the Board and/or Board staff in advance of when his suspension will occur.

3. This Order becomes effective as of the date stated below.

DATED AND EFFECTIVE this ____ day of _____, 2014.

ARIZONA STATE BOARD
OF PODIATRY EXAMINERS

By: _____
Barbara Campbell, DPM
Board President

1 ORIGINAL of the foregoing filed this
2 _____ day of _____, 2014, with:

3 Arizona Board of Podiatry Examiners
4 1400 W. Washington St. #230
5 Phoenix, AZ 85007

6 COPY of the forgoing sent via US Mail this
7 _____ day of _____, 2014, to:

8 Brent Peugnet
9 Hymson Goldstein & Pantiliat
10 16427 N. Scottsdale Rd. #300
11 Scottsdale, AZ 85254
12 Attorney for Respondent.

13 John Tellier
14 Assistant Attorney General
15 1275 W. Washington, CIV/LES
16 Phoenix, Arizona 85007
17 Attorney for the State

18 BY:

19 _____
20 Board Staff

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10
11 DATED: 9/25/14

SIGNED: 
Daniel Bangart, DPM

12
13 APPROVED AS TO FORM: 
14 Brent Peugnet
15 Attorney for Respondent

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