

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS

To: The Dentist’s Choice, Inc.
Steven Everhart
34700 Coast Highway, Suite 307
Capistrano Beach, California 92624

DESIST AND REFRAIN ORDER

(For violations of section 31110 of the Corporations Code)

The California Corporations Commissioner finds that:

1. The Dentist’s Choice, Inc. is currently a Nevada corporation with its principal place of business at 34700 Coast Highway, Suite 307, Capistrano Beach, California 92624. Previously, The Dentist’s Choice, Inc. was a California corporation conducting business at the same address. The corporate address for The Dentist’s Choice, Inc. is 4785 Caughlin Parkway, Reno, Nevada 89519.

2. Steven Everhart is the President of The Dentist’s Choice, Inc.

3. Beginning at least as early as 1998 and continuing thereafter, The Dentist’s Choice, Inc. and Steven Everhart have offered and sold franchises to own and operate a business offering repair services and maintenance of dental handpieces to local dentists.

4. On or about September 29, 1998, the Department of Corporations issued a registration to The Dentist’s Choice, Inc. for the offer or sale of “The Dentist’s Choice” franchises in this state. The Dentist’s Choice, Inc. applied for and received yearly franchise renewal registrations. The Department of Corporations issued the most recent franchise registration to The Dentist’s Choice, Inc on or about January 2, 2004. This franchise registration terminated on September 20, 2004.

5. The Dentist’s Choice, Inc. maintains a website at www.thedentistschoice.com. The Dentist’s Choice franchise opportunities are offered on this website.

6. In or about January 2007, The Dentist’s Choice, Inc. and Steven Everhart offered a The Dentist’s Choice franchise to a California resident.

1 7. The Dentist’s Choice Inc. provides initial training, ongoing support and a marketing and
2 sales manual to its franchisees. The Dentist’s Choice franchisees are granted the right to use “The
3 Dentist’s Choice” trademarks, logo, trade names, and other commercial symbols in connection with
4 their business. The franchise fee is \$25,000.

5 8. The business opportunity offered or sold by The Dentist’s Choice, Inc. and Steven
6 Everhart constitutes a franchise as defined by Corporations Code section 31005.

7 9. These franchises were offered or sold in this state.

8 10. There is no current franchise registration issued by the Department of Corporations to The
9 Dentist’s Choice, Inc. or Steven Everhart for the offer or sale of any franchise in this state.
10 Additionally, the offer or sale of The Dentist’s Choice franchise is not exempt from registration.

11 Based upon the foregoing findings, the California Corporations Commissioner is of the
12 opinion that The Dentist’s Choice, Inc. and Steven Everhart have offered or sold franchises in
13 California that are subject to registration under the Franchise Investment Law, in violation of
14 Corporations Code section 31110. Pursuant to section 31402 of the Corporations Code, The
15 Dentist’s Choice, Inc. and Steven Everhart are hereby ordered to desist and refrain from the further
16 offer or sale of “The Dentist’s Choice” franchises unless and until the offers have been duly
17 registered under the Franchise Investment Law or unless exempt.

18 This Order is necessary, in the public interest, for the protection of franchisees and consistent
19 with the purposes, policies, and provisions of the Franchise Investment Law.

20 Dated: April 16, 2007
21 Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

22 By _____
23 ALAN S. WEINGER
24 Lead Corporations Counsel
25 Enforcement Division
26
27
28