

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

MISSOURI DENTAL BOARD,
Petitioner,

vs.

ANTHONY RIZZUTI, D.D.S.
Licensee.

Case No. 12-1158DB

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

AFIDAVIT

Anthony R. Rizzuti, being of lawful age and first duly sworn, states as follows:

1. I have personal knowledge of all matters stated herein.
2. On or about January 29, 2009, I was indicted in federal court on two counts, one of which was dismissed and the other to which I pleaded guilty. The guilty plea was to a violation of 18 U.S.C. §2252(a)(5)(B), possession of child pornography.
3. My plea of guilty concerned images of child pornography which were contained on my laptop computer. The circumstances surrounding those images being on my computer are as follows. I would go online to public chat rooms in Yahoo! Instant Messaging. The chat rooms were open chat rooms and would vary in the subject matter of the chat room. The chat rooms might be organized by location, for example, St. Louis area, or by age, such as 20s. The chat rooms were open and there might be a number of persons engaging in a discussion online on whatever topic was occurring when I logged into the chat room. According to the rules of the chat rooms I entered, everyone in the room was supposed to be at least 18 years of age and I

EXHIBIT

E

believed the persons in the rooms were following the rules. During the course of these sessions, I might go into a private chat session with someone who was also online in the public chat room at the time. With respect to the images of child pornography on my computer, these came to me through two separate private sessions. I cannot remember the dates these sessions occurred and I was unaware during these sessions that someone was sending me images of child pornography. My indictment and my guilty plea indicated I possessed these images in May of 2008. Certainly, they were on my laptop on May 30 or May 31, 2008, when my laptop was seized but I believed the chat sessions involved occurred much earlier. During the course of my session with these individuals, she (or he) attached multiple images to our chat session. A pop-up message would come up that would say, "Will you accept a file transfer from [user name]?" I would have said yes, and then would receive a follow-up pop-up message, "Where do you want to save it to?" I would then designate a folder on my laptop where the files were to be downloaded. I was unable to view the images before they were downloaded to the designated folder. Once the file had been downloaded, it was possible to open the folder and view the files; however, in these two instances I did not do so, although I cannot remember how soon it was after the particular chat session that I did open the files. In this instance, without knowing the content of the images, I accepted them and designated the folder where they would go. When I did get around to opening the files, I realized what they were. I knew at that point that they were nude images of children, some involving sexual activity and others of a sexually suggestive nature. I do not know why I did not delete the files at that time. I did not go to the police about them because I was afraid that I was breaking the law by simply having them on my computer, even though I did not know what they were when I accepted them in my chat session. I also told myself that I was not hurting the children in the pictures by not deleting the files or not reporting them to the police.

At least at that time, I felt that whatever abuse had occurred to those in the images had occurred long before I opened the files and decided to do nothing about them. I believe that these images came to me through a single chat session. One could ask why I accepted the images during this session. Occasionally someone might share pictures during such a session and I would accept them. This was, however, the first time that I had ever received pictures containing child pornography during one of these sessions. The person submitting them did not tell me that was what the pictures were and I did not know what they were at the time. If I had been told what they were beforehand or been able to see what they were, I would never have put them on my computer in the first place.

4. I had not requested any pictures of child pornography. I have not visited any child pornography sites on the internet, do not belong to and have never been part of an online or offline community that trades, sells or exchanges child pornography, have never searched for child pornography on the internet, or purchased any. I have never shared the photos that were on my computer with anyone and never passed them on to anyone else. I do not have a sexual interest in children and do not fantasize about children for my own sexual gratification. With respect to the pictures on my laptop, I never looked at them for any sexual gratification. I did open them, although not all at once, to see what they were and looked at them once or twice. All total, the time I looked at all the pictures, not individual photos, was never for more than a few minutes. I was repulsed by what was in the pictures, at the same time, I was shocked and somewhat astounded that someone could take such pictures or that such things could be done to children.

5. Following my arrest and prior to my sentencing, I was on supervised release for approximately 18 months. During that time, I was permitted to work in a dental office

performing some professional functions, although I did not have contact with patients, and was also allowed after court approval to travel. I also attended counseling sessions as part of pretrial sex offender group therapy. I learned a lot during those sessions, particularly I came to appreciate that whatever perceptions I had about how my having these photos in my possession not having an effect on the children in them was wrong. Even though at the time, I did not believe that I was doing anything to those children and that I certainly intended them no harm by having those images on my computer, I have come to understand that every child in those images is a victim, likely taken advantage of by someone they trusted, that none of them were willing participants and that they suffered a continuing emotional harm from what they experienced. I've also come to realize that, even though I didn't fantasize about these children and didn't keep the pictures for my own sexual gratification, I am not free from guilt. By keeping the pictures and not turning them into the authorities, I may have allowed the abuses to continue rather than perpetuating the apprehension of the physical abusers. For someone who has never and would never intentionally physically, emotionally, or sexually harm a child, this has been very hard to deal with, and something I will struggle with for the rest of my life.

6. The Missouri Dental Board knew of my arrest and charges as early as 2008, and had opened an investigation into the matter. I pleaded guilty to the charge of possession of child pornography in December of 2009, and was sentenced in July of 2010. My dental license was due to expire in November of 2010 and, accordingly, I applied for renewal of my license, listing my conviction and sentencing on my application. The Board renewed my license in November 2010 without conditions or reservations. A true and correct copy of my license renewal is attached to this affidavit.

7. I was also arrested and charged with a separate offense in state court. That charge has been dismissed. A true and correct copy of that dismissal is attached.

Further the affiant says naught.

Anthony R. Ruzziti

Subscribed and sworn to before me this ____ day of March, 2013.

Notary Public

My Commission expires: _____