

# NEVADA STATE BOARD of DENTAL EXAMINERS



Post Meeting Documents  
Public Comment & Records

March 10, 2017

Employment Committee  
Meeting

# STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(March 10, 2017)

My name is Dr Adrian Ruiz. I am a Nevada Licensed Dentist.

Dental licensees have been now been complaining for 1½ years to the Nevada State Board of Dental Examiners regarding the misconduct of the Nevada Dental Board's Executive Director, Debra Shaffer-Kugel, and the Nevada Dental Board's attorney, John Hunt. The Dental Board members' lack of supervision of these state employees was revealed in a Performance Audit conducted by the Audit Division of the Legislative Counsel Bureau where 14 recommendations for Dental Board reform were made public in May 2016.

For example, the Legislative Audit reported that the Nevada Dental Board's: (1) attorney overcharged dental licensees for costs of "investigations"; (2) Disciplinary Screening Officers are unsupervised; and (3) Executive Director purposefully "misled" LCB auditors. Yet, the Board continues to do nothing to these employees, both of whom can have their contracts terminated "without cause."

Regardless, the problems revealed by the LCB Audit are neither small nor confined to the Nevada Dental Board. Rather, the problems healthcare licensees are experiencing are common to all Boards operating under the current Administrative Law system. This is because while Administrative Law may work well for government entities it denies individual licensees their due process rights.

The disparity is obvious when one compares healthcare professionals to legal professionals. For example, legal professionals are given dispute mediation and a jury of their peers. Neither of these options are available to healthcare professionals. Further, while the cost of a Hearing for legal professionals is less than \$500 it can easily be as much as \$10,000 for health professionals. The Las Vegas Dental Association would like to see equality in the disciplinary process.

It is time for a change whereby healthcare boards have more supervision and accountability similar to the majority of other states. For this reason, the Las Vegas Dental Association supports BDR 157 because it is the right thing to do for all Nevada healthcare professionals.

Thank you!

# STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(March 10, 2017)

My name is Gus Leon, I am a Nevada Resident.

Today, the Employment Selection Committee is scheduled to reviewed applications for 5 applicants to serve as General Counsel for the Nevada State Board of Dental Examiners. In order for the selection process to be viewed as fair members of the Employment Committee must be free of ethical conflicts. With this in mind, I would like to briefly address my concern regarding the qualification of those members here today who volunteered to serve on the Employment Selection Committee.

During a meeting held on May 20, 2016, members of the Nevada State Board of Dental Examiners Greg Pisani made comments on the record regarding one of today's applicants, John Hunt:

1. Timothy Pinther "stated that he appreciated Mr. Hunt's knowledge and his invaluable expertise."
2. Stephanie Tyler "stated that as the Consumer member, it was her standpoint that the purpose of the Board is to protect the public, and that without the support of their legal counsel [John Hunt], no one would really understand the parameters, which are critical in conserving that purpose."
3. Pinther made an additional comment "that they were a better team with him, his knowledge, and that his enthusiasm did not go unnoticed."

Thus, because an application for the Board's General Counsel, John Hunt, is being considered today for the position of General Counsel, then I am requesting that Board Member Stephanie Tyler recuse herself from serving as a member of the Employment Selection Committee due to actual and perceived bias favoring Hunt, which he has already expressed openly on the public record.

As a result, I am also requesting that a new Selection Committee be formed that is composed of Board Members or members of the community who are without actual as well as perceived bias favoring Hunt or any other applicant for the job opening of General Counsel.

Failure to act responsibly upon these requests after they have been publicly brought to your attention is a neglect of duty and/or incompetence both of which are violations NRS 631.150.

Thank you!

# STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(March 10, 2017)

My name is Alan Boyer. I am a Nevada Resident.

Today, the Employment Selection Committee is scheduled to reviewed applications for 5 applicants to serve as General Counsel for the Nevada State Board of Dental Examiners. In order for the selection process to be viewed as fair members of the Employment Committee must be free of ethical conflicts. With this in mind, I would like to briefly address my concern regarding the qualification of those members here today who volunteered to serve on the Employment Selection Committee.

During a meeting held on May 20, 2016, members of the Nevada State Board of Dental Examiners Greg Pisani made comments on the record regarding one of today's applicants, John Hunt:

1. Timothy Pinther "stated that he appreciated Mr. Hunt's knowledge and his invaluable expertise."
2. Greg Pisani stated that he "reiterated and concurred with Dr. Pinther's comments, and added that Mr. Hunt was a true asset."
3. Pinther made an additional comment "that they were a better team with him, his knowledge, and that his enthusiasm did not go unnoticed."

Thus, because an application for the Board's General Counsel, John Hunt, is being considered today for the position of General Counsel, then I am requesting that Board Member Greg Pisani recuse himself from serving as a member of the Employment Selection Committee due to actual and perceived bias favoring Hunt, which he has already expressed openly on the public record.

As a result, I am also requesting that a new Selection Committee be formed that is composed of Board Members or members of the community who are without actual as well as perceived bias favoring Hunt or any other applicant for the job opening of General Counsel.

Failure to act responsibly upon these requests after they have been publicly brought to your attention is a neglect of duty and/or incompetence both of which are violations NRS 631.150.

Thank you!

# STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(March 10, 2017)

My name is Michael Koch. I am a Concerned Citizen.

Today, the Employment Selection Committee is scheduled to reviewed applications for 5 applicants to serve as General Counsel for the Nevada State Board of Dental Examiners.

In preparation for the Committee's review I would like to bring an important matter to your attention regarding the Board's application process for the position of General Counsel.

The description for the job opening stated that one of the requirements of General Counsel was that "travel is required throughout Nevada." However, when applicants called the Dental Board office to inquire about the job opening they were told that the General Counsel "must live in Las Vegas." This statement regarding place of residence was not included in the description. Moreover, requiring General Counsel to "live in Las Vegas" when the job requires "travel throughout Nevada" is unnecessary. Regardless, this information was given to applicants who called about the position that lived outside Las Vegas. Thus, there are other qualified applicants who would've applied for the job of General Counsel that were discouraged from doing so by the Board's administrative office.

Therefore, I am formally requesting that the job opening for the position of General Counsel be reopened and:

1. Clarified as "residing in Nevada" (not Las Vegas); and
2. Reposted in order to give qualified applicants another 30 days to submit their applications for the position of General Counsel based upon the foregoing updated and corrected information.

Failure to act responsibly upon these requests after they have been publicly brought to your attention is a neglect of duty and/or incompetence both of which are violations NRS 631.150.

Thank you!

# STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(March 10, 2017)

My name is Christina Navarro. I am a NV Resident.

Today, the Employment Selection Committee is scheduled to review applications for 5 applicants to serve as General Counsel for the Nevada State Board of Dental Examiners. In preparation for the Committee's review I would like to bring an important matter to your attention regarding the application submitted by attorney John Hunt.

It appears that Mr. Hunt had letters of support for his candidacy that were included in the Attachment for the Board's meeting on January 20, 2017 in a misguided attempt to unduly influence the Employment Selection Committee and prejudice these proceedings. It should be noted that not one of the other 22 candidates for the job opening of General Counsel has letters of support included in the Attachment.

Regardless, none of Hunt's solicited support letters were properly introduced into a public meeting or requested to be included on the public record in support of any item on the Agenda. Consequently, their inclusion in the Attachment appears to be in violation of the Open Meeting Law in NRS 241.020 Subsection (6)(c).

Therefore, I am formally requesting that the following be done:

- Hunt's solicited letters of support be stricken from the record for noncompliance with the Open Meeting Law in the NRS Chapter 241.

Failure to act responsibly upon these requests after they have been publicly brought to your attention is a neglect of duty and/or incompetence both of which are violations NRS 631.150.

Thank you!

# STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(March 10, 2017)

My name is Gidget Nazareno. I am a Nevada Resident.

Today, the Employment Selection Committee is scheduled to review applications for 5 applicants to serve as General Counsel for the Nevada State Board of Dental Examiners. In preparation for the Committee's review I would like to bring an important matter to your attention regarding the application submitted by attorney John Hunt.

The Attorney General's Office notified the Board in March 2016 that the Board's attorney could not serve as both its outside and inside counsel because this creates a conflict of interest in violation of Nevada Rule of Professional Conduct 1.7. Mr. Hunt appears to have been in violation of Rule 1.7 for his entire 26-year tenure with the Board by participating in both the investigation and prosecution of dental licenses.

In fact, Hunt falsely represents by advertising himself on the Board's website as its "General Counsel" in violation of Code of Professional Conduct 8.4(c). Regardless, the fact that Hunt has continued to function in this dual capacity and failed to remove his false advertising after formal notification from the Attorney General's Office of his violation clearly shows that Hunt has a blatant disregard for compliance with his own profession's code for conduct as well a blatant disregard for the constitutional due process rights of dental licensees.

Therefore, I am formally requesting that the following be done:

1. Hunt's application for General Counsel be withdrawn for his past and present conflict of interest pursuant to Rule of Professional Conduct 1.7;
2. Hunt being barred from serving as either outside or inside counsel for his conflict of interest pursuant to Rule of Professional Conduct 8.4(d); and
3. Attorney Bert Wuester's application also be withdrawn for his imputed conflict of interest as an Associate in Hunt's firm pursuant to Rule of Professional Conduct 1.10 subsection (a).

Failure to act responsibly upon these requests after they have been publicly brought to your attention is a neglect of duty and/or incompetence both of which are violations NRS 631.150.

Thank you!

# STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(March 10, 2017)

My name is Dr. Brett Miller. I am a nevada licensed dentist.

Today, the Employment Selection Committee is scheduled to reviewed applications for 5 applicants to serve as General Counsel for the Nevada State Board of Dental Examiners.

In preparation for the Committee's review I would like to bring an important matter to your attention regarding the Board's application process for the position of General Counsel.

NRS 332.045 Subsections 1(a) and 1(b) state that an advertisement for the job opening of General Counsel "must be published in a newspaper...wherein the local government...is situated" and "on the Internet website of the local government." To the best of my knowledge the Dental Board neither placed its ad for job opening with the local newspaper nor posted an ad for the job opening on its website.

Therefore, I am formally requesting that the job opening for the position of General Counsel be reopened and:

1. Posted on the Board's website in compliance with NRS 332.045 subsection (1)(b);
2. Advertised in the local newspaper in compliance with NRS 332.045 subsection (1)(a);and
3. Reposted in order to give qualified applicants another 30 days to submit their applications for the position of General Counsel based upon the foregoing updated and corrected information.

Failure to act responsibly upon these requests after they have been publicly brought to your attention is a neglect of duty and/or incompetence both of which are violations NRS 631.150.

Thank you!