

NEVADA STATE BOARD of DENTAL EXAMINERS



Post Meeting Documents
Public Comment & Records

January 20, 2017

Employment Committee
Meeting

STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(Lynn Stewart, January 20, 2017)

My name is Lynn Stewart. I am a former Assemblyman for the State of Nevada where I also served as a member of the Legislative Commission. In the past, I have received many complaints from dental licensees regarding their mistreatment by the Nevada State Board of Dental Examiners and its attorney, John Hunt.

Today, the Employment Selection Committee is scheduled to review applications for 23 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 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. Byron Blasco "commented that as a representative for Nevada at the WREB exams, he attests that all of the legal counsels from numerous other states pursue Mr. Hunt and his expertise, to enquire on how he is able to so such a tremendous job for the Board and while preserving costs for the Board." Blasco further added "that their Board was envied by other states for Mr. Hunt's work."
4. 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."
5. Pinther made an additional comment "that they were a better team with him, his knowledge, and that his enthusiasm did not go unnoticed."

Thus, if an application for the Board's attorney, John Hunt, is being considered today for the position of General Counsel, then I am requesting that the following Board Members recuse themselves from serving as members of the Employment Selection Committee due to actual and perceived bias favoring Hunt, which they have already expressed openly on the public record:

1. Byron Blasco;
2. Greg Pisani;
3. Stephanie Tyler; and
4. Timothy Pinther.

Therefore, I am recommending that a new Selection Committee be formed that is composed of members 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 could be considered a violation of NRS 631.150.

Thank you!

STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(Michael Schneider, DDS, January 20, 2017)

My name is Michael Schneider. I am a former State Senator for the State of Nevada where I served as a member of the Senate Labor and Commerce Committee.

Today, the Employment Selection Committee is scheduled to review applications for 23 qualified 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.

First, it appears that Mr. Hunt had letters of support for his candidacy including in the Attachment for today's meeting 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).

Second, 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.

Third, Code of Professional Conduct 8.2 subsection (b) states that "A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct," which includes compliance with Canon 4 of the Judicial Code of Conduct that states "A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary," as this would be prejudicial to the administration of justice in violation of Code of Professional Conduct 8.4(d). It is a well-known fact that John Hunt accepted numerous campaign contributions from dental licensees and dental practices during his candidacy for the Office of Attorney General in 2002. This means that Mr. Hunt has had a conflict of interest in both investigation and prosecuting dental licensees for the past 15 years.

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

1. Hunt's solicited letters of support be stricken from the record for noncompliance with the Open Meeting Law in the NRS Chapter 241;
2. Hunt's application for General Counsel be withdrawn for his past and present conflict of interest pursuant to Rule of Professional Conduct 1.7;
3. 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
4. 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 may be considered a violation of NRS 631.150 subsection (1).

Thank you!

STATEMENT TO NV STATE BOARD OF DENTAL EXAMINERS

(Victoria Seaman, January 20, 2017)

My name is Victoria Seaman. I am a former Assemblyman for the State of Nevada where I served on the Assembly Commerce and Labor Committee.

Today, the Employment Selection Committee is scheduled to reviewed applications for 23 qualified applicants to serve as General Counsel for the Nevada State Board of Dental Examiners ("Board"). In preparation for the Committee's review I would like to bring an important matter to your attention regarding the Board's job posting for the position of General Counsel.

First, 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.

Second, 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.

Third, the description for job opening of General Counsel did not state whether the position was part-time or full-time. This is partly because the Dental Boards' attorney, John Hunt, who advertises himself as the Board's General Counsel on the Board's website, does not work this position full-time. Rather, Hunt advertised in a recent ad that he practices both administrative law and real estate law. Further, Hunt has publicly stated that he charges the Dental Board \$250 per hour for his services. Thus, if Hunt were paid hourly for his "full-time" position as "General Counsel" he would have either need to be (1) Earning \$520,000 per year; or (2) Billing \$130 per hour. These figures can be compared with the report that the Dental Board paid Hunt \$270,000 in 2015. Regardless, neither of the figures are consistent with a full-time position.

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

1. Advertised in the local newspaper in compliance with NRS 332.045 subsection (1)(a);
2. Posted on the Board's website in compliance with NRS 332.045 subsection (1)(b);
3. Clarified as to be "part-time" or "full-time";
4. Clarified as "residing in Nevada" (not Las Vegas); and
5. 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 may be considered a violation of NRS 631.150.

Thank you!