



NEVADA STATE BOARD OF DENTAL EXAMINERS  
 6010 S Rainbow Boulevard, Suite A-1  
 Las Vegas, Nevada 89118  
 (702) 486-7044



Formal Hearing to be held at the Nevada State Board of Dental Examiners office  
 \*\*If necessary, the Formal Hearing may continue to Saturday April 7, 2018\*\*

## NOTICE OF PUBLIC HEARING

Friday, April 6, 2018  
 11:00 a.m.  
 \*\*Saturday April 7, 2018\*\*  
 9:00 a.m.

**CANCELLED**  
 (The Formal Hearing is continued to July 13, 2018)

### FORMAL HEARING AGENDA

#### Nevada State Board of Dental Examiners v. Erika J Smith, DDS

**Please Note:** The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. See NRS 241.030. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.

At the discretion of the Chair, public comment is welcomed by the Board, but will be heard only when that item is reached and will be limited to five minutes per person. A public comment time will also be available as the last item on the agenda. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.

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*Asterisks (\*) denote items on which the Board may take action.  
 Action by the Board on an item may be to approve, deny, amend, or table.*

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1. Call to Order, roll call, and establish quorum
2. Public Comment: (Public Comment is limited to three (3) minutes for each individual)

**Note:** Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.

- \*3. Formal Hearing: Nevada State Board of Dental Examiners vs. Erika J Smith, DDS  
 (For Possible Action)

The purpose of this hearing is to consider the allegations regarding/related to the the verified complaints/formal complaint by the Nevada State Board of Dental Examiners for the violations of NRS 631 and NAC 631 and take such action the Board deems appropriate, pursuant to NRS 631.350. (Pursuant to NRS 241.030(1)(a), the board may, by motion, enter into closed session)

4. **Public Comment:** (Public Comment is limited to three (3) minutes for each individual)

**Note:** Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.

\*5. **Adjournment** (For Possible Action)

\* For Possible Action: Indicates items which may be acted upon by the Board.

Agenda Items may be taken out of order by motion of the Board. The Board may remove an agenda item or delay discussion relating to any item on the agenda at any time. (See NRS 241)

Pursuant to NRS 241.030(a), the board may, by motion, enter into closed session to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

**AGENDA POSTING LOCATIONS**

Clark County Government Center, 500 Grand Central Parkway, Las Vegas, Nevada  
Elko County Courthouse, Room 106, Elko, Nevada  
Washoe County Courthouse, 75 Court Street; Reno, Nevada  
Office of the N.S.B.D.E., 6010 S Rainbow Boulevard, #A-1, Las Vegas, Nevada  
On the Internet at the Nevada State Board of Dental Examiners website: [dental.nv.gov](http://dental.nv.gov)  
Office of the Attorney General, 100 N Carson Street, Carson City, Nevada 89701  
Nevada Public Posting Website: [notice.nv.gov](http://notice.nv.gov)  
Carson City Library, 900 N. Roop St., Carson City, Nevada  
Churchill County Library, 553 S. Main St., Fallon, Nevada  
Clark County Public Library, 1401 E Flamingo Rd., Las Vegas, Nevada  
Douglas County Library, P.O. Box 337, Minden, Nevada  
Elko County Library, 720 Court St., Elko, Nevada  
Esmeralda County -Goldfield Public Library, P.O. Box 430, Goldfield, Nevada  
Eureka Branch Library, 10190 Monroe St., Eureka, Nevada  
Humboldt County Library, 85 East 5th St., Winnemucca, Nevada  
Lander County Library, 625 S. Broad St., Battle Mountain, Nevada  
Lincoln County Library, P.O. Box 330, 93 Main Street, Pioche, Nevada  
Lyon County Library, 20 Nevin Way, Yerington, Nevada  
Mineral County Library, P.O. Box 337, Hawthorne, Nevada  
Nye County: Tonopah Public Library, P.O. Box 449, 171 Central St., Tonopah, Nevada  
Pershing County Library, P.O. Box 781, 1125 S. R St., Lovelock, Nevada  
Storey County Library, Virginia City, Nevada - via email  
Washoe County Downtown Reno Library, 301 S. Center St., Reno, Nevada  
Washoe County Sparks Branch Library; 1125 12<sup>th</sup> Street, Sparks, NV  
White Pine County Library, 950 Campton St., Ely, Nevada  
Las Vegas Office of the State Attorney General, 555 E. Washington Ave, Las Vegas, Nevada  
Carson City Office of the State Attorney General, 100 N. Carson St., Carson City, Nevada  
Las Vegas Child Support Enforcement; 1900 E Flamingo Rd, Ste #100; Las Vegas, NV  
Southern Nevada Health District; 330 S. Valley View; Las Vegas, NV

Persons/facilities who want to be on the mailing list must submit a written request every six (6) months to the Nevada State Board of Dental Examiners at the address listed in the previous paragraph. With regard to any board meeting or telephone conference, it is possible that an amended agenda will be published adding new items to the original agenda. Amended Nevada notices will be posted in compliance with the Open Meeting Law.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Angelica Bejar, at (702) 486-7044 ext 65847 no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

Pursuant to NRS 241.020(2) you may contact Angelica Bejar at (702) 486-7044 ext 65847 to request supporting materials for the public body or you may download the supporting materials for the public body from the Board's website at [www.dental.nv.gov](http://www.dental.nv.gov) In addition, the supporting materials for the public body are available at the Board's office located at 6010 S Rainbow Blvd, Ste A-1, Las Vegas, Nevada.

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF: )  
)  
Nevada State Board of )  
Dental Examiners )  
)  
)  
vs )  
)  
Erika J. Smith, DDS )

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ORDER RE:

Motion for Continuance of Formal Hearing  
Case Numbers: 5627-0003; 5627-1247;  
5627-1326; 5627-1385; 5627-1386;  
5627-1391; 5627-1483; 5627-1574

On April 3, 2018, pursuant to agenda item 3(a) at a properly noticed meeting held at the Nevada State Board of Dental Examiners ("Board") office located at 6010 S Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118 the "Board" considered the following.

Dr. Brendan Johnson	Present
Dr. Gregory Pisani	Present
Dr. Jason Champagne	Excused
Dr. Timothy Pinther	Present
Dr. R. Michael Sanders	Present
Dr. Ali Shahrestani	Present
Dr. Byron Blasco	Present
Ms. Maria "Sharon" Gabriel	Present
Ms. Betty Pate	Present
Mrs. Yvonne Bethea	Present
Mrs. Nikki Harris	Excused

I.

BACKGROUND

As set forth in NAC 631.310 through authority of NRS 631.190 the Board is authorized to consider motions.

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NAC 631.310 Motions. (NRS 631.190)

1. All motions, unless made during a hearing, must be made in writing. All written motions must set forth the nature of relief sought, the grounds therefor, and the points and authorities relied upon in support of the motion.
2. A party desiring to oppose a motion may serve and file a written response to the motion within 20 days after service of the motion. The moving party may serve and file a written reply to the response within 10 days after service of the response.
3. A decision on the motion will be rendered without oral argument unless oral argument is requested by the Board, in which event the Board will set a date and time for hearing.

- A. The Board has discretion whether or not to approve/reject the request for the continuance of the formal hearing
- B. Licensee, Erika J. Smith, DDS, by and through her legal counsel Lawrence Semenza, Esquire filed a Motion for Continuance of the Formal Hearing with the Board on March 27, 2018
- C. Public notice of the above-referenced Motion for Continuance of the Formal Hearing was provided in accordance with state law.

II.  
DISCUSSION

Lawrence Semenza, Esquire legal counsel to Erika J. Smith, DDS was present to discuss the request made by Dr Erika Smith to continue the formal hearing that is currently scheduled for April 6-7, 2018. On March 27, 2018, the Board received the Motion for Continuance of the Formal Hearing advising the Board that Dr Smith could not be present for the hearing scheduled for April 6-7, 2018.

Board Members requested information from General Counsel for the Board pertaining to prior continuances. Sophia Long, Esq., DAG advised the Board of Dr Smith's due process rights.

Board Members, General Counsel and Mr. Semenza had discussions to establish a new date for the Formal Hearing. The new date was agreed upon for Friday July 13-14, 2018.

III.  
CONCLUSION


After considering and discussing public comment pursuant to the authority set forth in NAC 631.310 and NRS 631.190, a motion was made by Board Member Pisani that the Board approve the new date of July 13-14, 2018 to commence the Formal Hearing for Erika J. Smith, DDS.

The motion was seconded by Board Member Pinther. No discussion:

III

Dr. Blasco called for the motion:

The motion passed unanimously to approve the new date of July 13-14, 2018 to commence the Formal Hearing for Erika J. Smith, DDS.

  
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Debra Shaffer-Kugel Executive Director  
Nevada State Board of Dental Examiners