

NEVADA STATE BOARD OF DENTAL EXAMINERS



Board Teleconference Meeting

Tuesday, December 08, 2020

6:00 p.m.

Public Comment Book

Public Comment:

Allen Tang

November 30, 2020 & December 02, 2020

Isabel M. Franco

From: Board of Dental Examiners
Sent: Monday, November 30, 2020 8:44 AM
To: Isabel M. Franco
Cc: Frank DiMaggio; Angelica L. Bejar
Subject: FW: Public Comment

From: Tang, Allen-AZ Dental 21 [REDACTED]
Sent: Thursday, November 26, 2020 11:11 AM
To: Board of Dental Examiners
Subject: Public Comment

Dear NV State Board of Dental Examiners,

I hope this email finds you all well. As a 4th year dental student preparing for live-patient boards, it is exceedingly more difficult to find patients who are willing to participate given the current situation with COVID-19. I appreciate the fact that a temporary license will be granted for mannikin-based exams. However, having to re-take the boards on a live-patient once the pandemic is over seems counter-intuitive. Therefore, I implore the board to reconsider permanently allowing the use of mannikin-based exams for dental licensing.

Thank you for the opportunity to participate in the discussion.

Sincerely,
Allen Tang



#MWUTOGETHER

Isabel M. Franco

From: Tang, Allen-AZ Dental 21 <[REDACTED]>
Sent: Wednesday, December 2, 2020 12:14 PM
To: Board of Dental Examiners
Subject: ADEX Exam

Dear Board Members,

I am a 4th year student and we were recently informed the CDCA will no longer allow live patient exams. If this is the case, this will be a tremendous barrier for those of us who wishes to practice in Nevada. I implore the members to consider permanently allowing mannikin-based exams for all dental professionals. Thank you.

Sincerely,
Allen Tang



Added 12/08/2020

**Public Comment:
Simon Pashkovsky**

From: [Simon Pashkovsky](#)
To: [Board of Dental Examiners](#)
Cc: [Phil W. Su](#); [Daniel K. Moore](#)
Subject: Pre-submitted Email/written form - Public Comment
Date: Friday, December 4, 2020 4:57:42 PM
Attachments: [RE Please consider my request to receive your contention .eml](#)
[RE Draft Minutes 10 20 2020 Board Meeting.eml](#)
[Opposition to Review Panel resolution.doc](#)

From the desk of
Semion Pashkovsky

December 4, 2020

Review Panel Board members
Nevada State Board of Dental Examiners
6010 S. Rainbow Blvd. , Bldg A, Ste 1
Las Vegas, NV 89118

Re: Opposition of procedural inadequacy during Public Board Meeting dated 10/20/2020

Pre-submitted Email/written form - Public Comment for consideration by Review Panel members during Public Board Meeting dated 12/08/2020

Opposition of procedural inadequacy facilitating erred resolution.

In reference to accompanying correspondence with Executive Director Mr. DiMaggio please consider my request to broadcast the accompanying information to Review Panel members preceding their final approval of the 10/20/2020 Board Meeting Draft Minutes .

The relevant information encompass "Opposition letter" dated 11/09/2020 along with subsequent letters dated November 11 and November 25, 2020 to Mr. DiMaggio.



S. Pashkovsky

Sent from [Mail](#) for Windows 10

From the desk of
Semion Pashkovsky

November 9, 2020

Via U.S. Mail and or Electronic Mail

Frank DiMaggio, Executive Director
Nevada State Board of Dental Examiners
6010 S. Rainbow Blvd., Building A, Suite 1
Las Vegas, NV 89118
fdimaggio@nsbde.nv.gov

**Re: S. Hall, DDS and Board Member – NSBDE File No. [REDACTED]
NSBDE vs. Michelle Martinez-Pham, DDS. Corrective Action
Plan Stipulation Agreement - Case No. 74127-03174
Disciplinary Action NSBDE vs. Jody Lin, September 2009, Case No. 09-
01984.**

Mr. DiMaggio: Please consider my dispute of Review Panel disposition and Open Meeting Law violation. Since you didn't provide requested on 11/02/2020 relevant documentation for inspection of recorded minutes in regards to 10/20/2020 Review Panel meeting I'm compelled to publish my opposition to the process with no regards for meeting minutes.

Introduction (Summary review of referenced grievance File No. [REDACTED]).

In reference to accompanying Schedule "A" (excerpt, Dr. Lin's Summary Report for S. Pashkovsky provided to NSBDE) there is no ambiguity of Dr. Lin's involvement level in dental injuries (ref. NSBDE Case No. 74127-03174, Corrective Action Plan Stipulation Agreement between NSBDE and Dr. Martinez-Pham). Dr. Lin's counsel denied Dr. Lin's causation of referenced dental injuries and successfully swayed Dr. Roberts outlook (appointed DSO coordinator File # 23524) to dismiss Dr. Lin's connection with dental injuries. His viewpoint of charging Dr. Martinez-Pham with causation of dental injuries was only partial resolution of my grievance. Subsequently DSO coordinator Dr. Thiriot colluded with Dr. Roberts' outlook. Both DSO investigators overlooked Dr. Lin's rendered compensation in reference to data provided with Schedule "A" and to a large extent characterized dental licensing board ethical and procedural shortcomings in board operations.

Significant efforts during next 42 months period were undertaken to dispute and expose Dr. Lin counsel's legal shenanigans, falsifications and denial of Dr. Lin's professional misconduct

and or ethical concerns. Dr. Lin and her counsel were happy to obfuscate facts of being dishonest and essential violations of ADA Principle of Ethics. My grievance was relegated to the level equal to "using frivolous pattern of harassment and vexatious litigations". Dr. Lin's contention was not substantiated; nonetheless the discovery was made of Dr. Lin's strategic objective to bring objections and doubts of her professional misconduct and dishonesty charges.

Dr. Lin's scheme made me a fanatic huntsman of justice.

Dr. Lin started my dental treatment on June 15, 2015 and subsequently, three weeks later on July 10, 2015 Dr. Lin has assigned to Dr. Martinez-Pham the responsibility to continue my dental treatment without my consent. Starting from July 10, 2015 any of Dr. Martinez-Pham's questions related to assigned responsibility and or any of surfaced treatment complications were discussed and resolved between two dentists over the phone. I've witnessed that from July 2015 through December 2015. The ADA Principle of Ethics (sections 2C & 2F - patient abandonment and patient supervision) as well as NRS 631.105 provisions were ignored by Dr. Lin. All together case studies confirm that Dr. Lin's professional conduct constitutes actions based on professional negligence and regulated by provisions of NRS 42.021.3. In reference to Ms. Shaffer-Kugel's correspondence, the Executive Director considered subpoenaing records from Dr. Lin and or Dr. Martinez-Pham mobile phone providers in order to verify my contention.

Dentist has a duty to communicate truthfully. Under this principle, the dentist's primary obligations include respecting the position of trust inherent in the dentist-patient relationship, communicating truthfully and without deception, and maintaining intellectual integrity. Unfortunately, it was not Dr. Lin's code of professional conduct. My dental treatment at Lin Henderson Dental Group started with initial consultation with Dr. Lin and according to Dr. Lin, the member of centuries-old Taiwanese Lin Dynasty. The consultation with Dr. Lin was disingenuous on her part and regrettably, resulted with commencement of my dental treatments limited to anticipated and an estimated 6-8 office visits in total. During next (25) twenty-five office visits, through December 23, 2015 I've received verified dental injuries. Dr. Lin's defiance of professional conduct was evident in reference to ADA Principle Ethics, Sections 5(A) (E) (F2) describing dentist's veracity. Dr. Lin neglected to be truthful from the beginning. Her business advertising didn't include revealing the disciplinary action taken against her by NSBDE in 2009 for lacking adequate knowledge of Adhesion Dentistry, Dental Materials, Preparation Design, and Comprehensive Examination. Treatment Planning, Periodontal Charting and Documentation, which in the past contributed to the failure of multiple restorations; that is by itself constitutes misleading advertising and violation of NAC 631.270(d).

CONCEPTION OF DUTY-BOUNDED FANATIC HUNTSMAN OF JUSTICE.

IN PURSUIT OF JUSTICE I'M COMPELLED TO SUBMIT CLEAR, CONVINCING AND SUFFICIENT EVIDENCE OF DR. LIN'S CONNECTION WITH RECEIVED DENTAL

INJURIES, ETHICAL CONCERNS AND HER PROFESSIONAL MISCONDUCT. REVIEW PANEL MEMBERS ARE COMPELLED TO MAINTAIN OML RULES DURING MEMBERS' DELIBERATIONS USING QUALITY INFORMATION. THE ACCEPTABLE LEVEL OF QUALITY INFORMATION IS MEASURED BY ITS' ACCURACY, OBJECTIVITY AND MUST BE COMPLETE, RELEVANT AND TRUSTWORTHY. ADDING TO TRANSPARENCY, OUT OF AN ABUNDANCE OF CAUTION AND ELIMINATING POSSIBILITY OF HAVING MISCONSTRUED GRIEVANCE, I'VE ATTACHED SCHEDULE "A" CONTAINING DR. LIN'S CERTIFIED DATA AND INFORMATION IN ORDER TO SUBSTANTIATE RAISED ISSUES. THE PROVIDED CERTIFIED INFORMATION IS NOT THE MANUFACTURED INFORMATION AND TO BE EVALUATED ON ITS MERITS. DR. HALL HAS MADE HIS REPRESENTATIONS FOR REVIEW PANEL MEMBERS' OUTLOOK AND I DOUBT THE QUALITY OF HIS REPRESENTATION. I SUSPECT NBSDE REVIEW PANEL MEMBERS HAVE ALREADY BEEN LED TO BELIEVE (IN RESPECT TO REVIEW PANEL FINAL DISPOSITION ON 10.20.2020) THAT DR. LIN'S INVOLVEMENT IN DENTAL INJURIES WAS INCONSEQUENTIAL AND IN REFERENCE TO DR. ROBERTS' AND DR. THIRIOT'S STANDPOINT BEING CHARACTERIZED BY MS. SHAFFER-KUGEL'S CONCLUSION ON 02/23/2017: "THE COMPLAINT YOU FILED AGAINST DR. LIN WAS NOT INVESTIGATED DUE TO THE FACT THAT SHE WAS NOT THE ONE WHO RENDERED THE TREATMENT TO YOU THAT IS IN QUESTION AS REFERENCED IN YOUR COMPLAINT". IN ADDITION, THERE WAS AFFIRMATION BY DR. LIN'S COUNSEL ON MARCH 22, 2016: "DENTIST OBJECTS COMPLAINT TO THE EXTENT ...NEARLY ALL OF THE RELEVANT CARE AND TREATMENT WAS RENDERED BY PROFESSIONALS OTHER THEN DR. LIN. DR. LIN CANNOT AND MUST NOT BE DISCIPLINED FOR ISSUES SURROUNDING TREATMENT RENDERED BY OTHER DENTAL PROFESSIONAL(S), IF ANY".

INASMUCH, DR. ROBERTS, DR. THIRIOT, DR. LIN, DR. LIN'S COUNSEL, MS. SHAFFER-KUGEL AND REVIEW PANEL MEMBERS DIDN'T APPRAISE THE MERITS OF MY GRIEVANCE USING CLEAR AND OBVIOUS INFORMATION AS IT RELATES TO DR. LIN'S INVOLVEMENT IN DENTAL INJURIES AND ETHICS CONCERNS. FURTHERMORE, ON OCTOBER 4, 2019 DR. LIN'S COUNSEL ACKNOWLEDGED DR. LIN'S 45% RENDERED COMPENSATION WHILE DENYING DR. LIN'S INVOLVEMENT. IT SHOULD BE CLARIFIED, THESE 45% FIGURES TO BE AMENDED TO HIGHER VALUE SINCE ACCOMPANYING SCHEDULE "A" DOES NOT INCLUDE DR. LIN'S INTENTIONALLY OMITTED \$219.50 OF RENDERED COMPENSATION DATED MARCH 1, 2016.

HOW THE ALLEGED INVESTIGATION FAILURE IS RELATED TO REVIEW PANEL ERRED ACTION.

My contemporary complaint concerns the violation of the October 20, 2020 Open Meeting Law by Dr. Steven Hall, DDS a member of the Nevada State Board of Dental Examiners. On or before October 20, 2020 Dr. Hall distributed to the Review Panel members questionable in regards to accuracy findings concerning my original complaint. Dr. Hall's finding guided Board's action and constitutes policy violation of the Office of Attorney General. Enforced by the Office of the Nevada Attorney General: any action taken in violation of the Open Meeting Law to be void.

IT APPEARS THAT MY COMPLAINT COULD BE INCLUDED, AS THE CASE STUDY OF WRONG IDEOLOGY POLICIES, INTO GOVERNOR SISOLAK'S ARTICULATED SPEECH IN RESPONSE TO 73-PAGE NSBDE EXECUTIVE SUMMARY REPORT PUBLISHED BY NEVADA DIVISION OF INTERNAL AUDITS STANDARDS ABOUT JUNE OF 2019, WHEREAS EXPOSING "STATE'S DENTAL LICENSING BOARD MULTIPLE ETHICAL AND PROCEDURAL SHORTCOMINGS IN BOARD OPERATIONS, OVERSIGHT AND ENFORCEMENT". GOV. STEVE SISOLAK CALLED IT THE MOST "EGREGIOUS" AUDIT REPORT IN HIS TWO DECADES IN ELECTED OFFICE.

My arguments of Dr. Roberts' erred conclusion fell on deaf ears back in April 2016. Perhaps my ongoing argument of Dr. Lin's 45% rendered compensation and corresponding involvement in dental injuries did escape the Review Panel member's attention. The Review Panel disposition was guided by imperfect information provided by Dr. Hall. However, filed Dr. Lin's compensation distribution with corresponding dates, amounts and service codes, as summarized on Schedule "A", most likely was not referenced. Coupled with adequate concern for phone' provider calls schedule on file, specifying corresponding contacts between two dentists and matching corresponding dates of my office visits during period July-December, 2015, would reveal Dr. Lin's unambiguous involvement in received dental health injuries.

THE FALLOUT FROM ERRED BOARD ACTION AND IGNORANCE OF THE COLLATERAL DAMAGE(S) LEFT IN ITS WAKE.

I'M NOT SURE HOW TO INTERPRET REVIEW PANEL DISPOSITION OF MY COMPLAINT WITHOUT KNOWING OR HAVING CLEAR UNDERSTANDING IT'S' RATIONALE. THE CONSUMER OF DENTAL HEALTH MAINTENANCE SERVICES WOULD NOT BE PROTECTED IF OR WHEN SERVICES WOULD BE PROVIDED BY LIN HENDERSON DENTAL GROUP IN GENERAL OR DR. LIN IN PARTICULAR FOR THE FOLLOWING REASONS:

- 1). DR. LIN'S DECEIVING PRACTICE (DECEPTION OF PROFESSIONAL DEFICIENCIES) WOULD ENDANGER PUBLIC HEALTH.
- 2). DR. LIN'S CONCEALMENT OF DISCIPLINARY ACTION TAKEN BY NSBDE FOR LACKING ADEQUATE PROFESSIONAL KNOWLEDGE WOULD ENDANGER PUBLIC HEALTH.
- 3). DR. LIN'S PRACTICE OF ABANDONING IN PROGRESS DENTAL TREATMENT AND DELEGATING IT TO AUXILIARY DENTIST WOULD ENDANGER PUBLIC HEALTH.
- 4). DR. LIN'S PRACTICE OF SUPERVISING PATIENT'S TREATMENT, IN PROGRESS BY AUXILIARY DENTIST, OVER THE PHONE THROUGH ALLOWING OR ENABLING POSSIBLE PATIENT'S TREATMENT COMPLICATIONS WOULD ENDANGER PUBLIC HEALTH.
- 5). DR. LIN'S PRACTICE OF VIOLATING OF ADA PRINCIPLES OF ETHICS WOULD ENDANGER PUBLIC HEALTH.
- 6). DR. LIN'S DECEPTIVE TRADE PRACTICE TOWARD AN ELDERLY PERSON AS GOVERNED BY NRS 598.0973.1 & NRS 598.0973.2(d) WOULD ENDANGER PUBLIC HEALTH.
- 7). DR. LIN'S DISHONESTY IN REGARDS TO OMITTED RENDERED COMPENSATION CONSTITUTES LACK OF DENTIST'S INTEGRITY.
- 8). DR. LIN'S LACK OF INTEGRITY WHILE SUBSCRIBING TO LEGAL SERVICES FOR DISHONEST CONDUCT WOULD ENDANGER PUBLIC HEALTH.
- 9). DR. LIN'S PROFESSIONAL DEFICIENCY DOES ENDANGER PUBLIC DENTAL HEALTH.
- 10). DR. LIN OF LIN HENDERSON DENTAL GROUP DOES NOT UPHOLD STANDARDS OF HONOR, INTEGRITY AND PUBLIC COURTESY AND DOES ENDANGER PUBLIC HEALTH.

THEREFORE, PLEASE CONSIDER MY REQUEST TO GIVE ADEQUATE DELIBERATION TO RELEVANT FACTS INCLUDED IN THESE AND FILED PREVIOUSLY PAPERS. IF APPROPRIATE, OPEN NEW BOARD CONSIDERATION OF MY ALMOST 4-YEARS OLD GRIEVANCE.

HOPEFULLY, IT MEETS YOUR AGREEMENT TO NOTIFY ME OF ANTICIPATED NSBDE ACTIVITY IN REGARDS TO MY OPPOSITION TO UNLAWFUL, UNJUST AND ORCHESTRATED REVIEW PANEL PROCESS.

SINCERELY,

A handwritten signature in black ink, appearing to be 'L. Henderson', written in a cursive style.

S. PASHKOVSKY

CC: NSBDE REVIEW PANEL

D. MOORE, NSBDE PRESIDENT

P. SU, NSBDE GENERAL COUNSEL

S. SISOLAK, GOVERNOR

A. FORD, NEVADA ATTORNEY GENERAL.

K. MOYER, LAS VEGAS REVIEW-JOURNAL, PUBLISHER AND EDITOR.

SCHEDULE A

EXCERPTS SUMMARY REPORT FOR S. PASHKOVSKY (REC'D BY NSBDE FROM LIN HENDERSON DENTAL GROUP)

PROVIDER	TYPE	DATE	FEE (\$)	DISTRIBUTION	TOOTH	SERVICE CODE
JODY LIN	COMPLETED	06.15.15	26.00	FLUORIDE VARNISH-FM		01206
JODY LIN	COMPLETED	07.22.15	710.00	PORC/PREC ABUTMENT	4	00999
JODY LIN	COMPLETED	07.22.15	518.00	CUSTOM IMPLANT ABUT	4	06057
JODY LIN	COMPLETED	07.22.15	710.00	PORC/PREC PONTIC	5	06240
JODY LIN	COMPLETED	07.22.15	710.00	PORC/PREC ABUTMENT	6	06750
JODY LIN	COMPLETED	07.22.15	518.00	CUSTOM IMPLANT ABUT	6	06057
JODY LIN	COMPLETED	07.14.15	44.00	ESTIMATE CORRECTION		09999
JODY LIN	PLANNED	12.23.15	354.00	BONGRAFT 1ST (SPEC)	12	04263
JODY LIN	PLANNED	12.23.15	435.00	MEMBR RESDRB (SPEC)	12	04266
JODY LIN	PLANNED	12.23.15	1940.00	SINUS LIFT LATERAL	14	07951
JODY LIN	PLANNED	12.23.15	518.00	CUSTOM IMPLANT ABUT	12	06057
JODY LIN	PLANNED	12.23.15	518.00	CUSTOM IMPLANT ABUT	14	06057
JODY LIN	PLANNED	12.23.15	865.00	BRUXZIR ABUTMENT	12	06740
JODY LIN	PLANNED	12.23.15	865.00	BRUXZIR ABUTMENT	14	06740
JODY LIN	PLANNED	12.23.15	865.00	BRUXZIR PONTIC	13	06245
JODY LIN	PLANNED	12.23.15	250.00	SECTION BRIDGE	11	07999

From: [Frank DiMaggio](#)
To: [Simon Pashkovsky](#)
Cc: [Phil W. Su](#)
Subject: RE: Please consider my request to receive your contention
Date: Monday, November 9, 2020 10:09:19 AM

Mr. Pashkovsky:

Thank you for your email dated Sunday, November 8, 2020 .

On Sunday, October 18, 2020, you sent an email addressed to the Board, Mr. Su and me. On Tuesday, October 20, 2020, you also forwarded a copy of that same email to “Ms. White”.

Below is the a copy of the email sent to you on Tuesday, October 20, 2020, by the Board’s General Counsel, Phil Su, in response to your October 18, 2020 email. His October 20, 2020 email was also sent to Ms. White, the Board, and me. That email from Mr. Su along with his other emails to you, e.g., emails dated October 13, 2020; September 22, 2020; June 24, 2020; all of which were also cc’d to me by Mr. Su, addressed the concerns raised in your emails. As you are aware, I sent you an email on November 2, 2020 (in response to your email of the same date) giving you information about the October 20, 2020 Board decision regarding your complaint.

In summary, I have found no evidence of any intent or desire on Mr. Su’s behalf to demonstrate disrespect for your complaint; to show ignorance of statutory law disallowing disrespect toward elderly persons; to maintain ties with the Taiwanese-speaking community; to demonstrate obscured and well-hidden interests with Dr. Lin, while assisting her efforts to safeguard her dental license; or to evidence criminal conduct which should be investigated. Neither have I found any evidence of any misconduct, improper motive, or bias of any type or kind toward you by Mr. Su.

Lastly, I respectfully disagree with your contention that there is a “new norm” to disregard, or to not respond timely to, your or any other citizens’ valid concerns.

Sincerely,
Frank DiMaggio
Executive Director

Nevada State Board of Dental Examiners

6010 S Rainbow Blvd., Suite A-1
Las Vegas, NV 89118
Office Number (702) 486-7044
Fax (702) 486-7046

RE: Contact request information

Phil W. Su
Sent: Tue 10/20/2020 10:16 AM
To: Simon Pashkovsky; [REDACTED]
Cc: Board of Dental Examiners; Frank DiMaggio

Dear Mr. Pashkovsky,

Please allow this email to confirm my receipt of this email, and of a substantially similar email that you sent to me, Executive Director Frank DiMaggio, and "nnsbde@nsbde.nv.gov" at approximately 2:41 pm on Sunday, 10/18/2020.

As I explained in my email correspondence to you, dated Tuesday, 10/13/2020, I have submitted the review panel's findings and recommendations for your case to the full Board for its consideration at today's Tuesday, October 20, 2020 board meeting, under agenda item 5(a)(1). The agenda for the scheduled board meeting has been posted on the board's website, dental.nv.gov. Because "any records or information obtained during the course of an investigation by the Board or a review panel appointed pursuant to NRS 631.3635 and any record of the investigation or review are confidential" pursuant to NRS 631.368, the agenda does not specifically identify your matter. Moreover, the review panel's findings and recommendations are not included in the public book for that same reason. Nevertheless, rest assured that the review panel's findings and recommendations have been provided to each of the board members for review and approval, which Mr. DiMaggio can independently confirm.

Once the board has reviewed and considered the review panel's findings and recommendations for your matter, I will correspond with you regarding the outcome of the investigation.

Phil W. Su, Esq.

Board General Counsel

Nevada State Board of Dental Examiners

6010 S Rainbow Blvd., Suite A-1

Las Vegas, NV 89118

Email pwsu@nsbde.nv.gov

Office (702) 486-7044

Fax (702) 486-7046

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From: Simon Pashkovsky [REDACTED]
Sent: Sunday, November 8, 2020 9:22 PM
To: Frank DiMaggio; Daniel K. Moore
Subject: Please consider my request to receive your contention

Mr. DiMaggio: I'm retired 74-years old citizen. I report for your alarm, that it is grown into new norm for NSBDE employees not to respond timely to a citizen's concern. Contrary, it's disregarded in

some cases entirely. I strongly protest that norm and intent to expose for authorities concern my resentment at every time I'm subjected to that custom.

In reference to reprinted correspondence below, please consider my request to receive your contention and or comments being sent to your office on 10/18/2020.

Considering my frustration.

The incident described below references ongoing 46-months case # 5341-1823 and brings to the surface one of the dental board problems with repeated failures by the board to revoke the licenses of dentists who were alleged to have made mistakes.

My correspondence with General Council Mr. Su reveals the controversy of acknowledged and much less condemned his oversight concerning my complaint against Dr. Lin and his ignorance of compelled professional ethics. In addition my complaint demonstrate how much dental board is ineffective in making discoveries of 46-months old case, which include dentist's dishonesty and malpractice. Former Executive Director Ms. Debra Shaffer-Kugel assisted initial processing of my complaint in late 2016 through December 2019. Unfortunately she was not able to see the end of it. I'm very disappointed with that fact.

On February 23, 2020 I've submitted to Mr. Moore my appeal and request to intervene and curtail the Review Panel's delays. I was told to be patient because of changes in staff and board membership early this year. The changes took place through September of this year. On September 10, 2020 I've asked Mr. DiMaggio to receive from his office the update of my case, however didn't receive any reply. On September 19, 2020 I've emailed to Mr. DiMaggio request to explain reason(s) for Review Panel's delay and in my correspondence I was clear with my intention to contact Las Vegas Review-Journal editor and the governor internal investigation office regarding my frustration of the 11-months procedural delays.

Last communication with Mr. DiMaggio resulted with General Council's affirmation on September 22, 2020 "The referenced complaint is at the front of the list of items and scheduled for Review Panel consideration on October 6, 2020".

In my judgment, General Council's affirmation was mere sophisticated disguise of his objective to prevent my intended contact with Las Vegas Review-Journal editor and the governor internal investigation office. Indeed, it was General Council's misleading assurance because scheduled Review Panel consideration didn't happened despite of being past due since December 2019. The General Council's changed priorities were explained on October 12, 2020 as it is being in competition with "many other matters before Review Panel". Was it General Council's oversight or was it his tactical process for achieving some other objectives? The ongoing complaint already was signed with Review Panel findings and recommendations, but some other motive(s) influenced General Council's decision to postpone Review Panel consideration. What was it? Despite of it's being obscured, there is a common knowledge that all problems are having meaning and significance. What could be the motivation for General Council's ignorance of compelled judicial ethics? Why General Council was disrespectful with his affirmation statement "you may construe any perceived oversight on my part however you wish"?

In reply, I've perceived and construed General Council's declaration in accord with my life experience and I believe, any one or all scenarios listed below should be considered and investigated:

a) The desire to demonstrate disrespect for my complaint is a professional

misconduct.

- b) Ignorance of statutory law disallowing disrespect toward elderly person is a professional misconduct.
- c) The desire to maintain ties with the Taiwanese speaking community should not be in conflict with compelled professional ethics.
- d) Having obscured and well hidden common interests with Dr. Lin, while assisting her efforts to safeguard her dental license (in consideration of her 2010 license suspension, as well the ongoing verified dishonesty and professional misconduct) at any cost in addition to her ongoing legal expense in excess of \$50,000. In my mind it created perception of General Council committed criminal conduct should be investigated.

In reference to General Council's misconduct and my judgment, the following information is presented for investigative authorities:

- 1). General Counsel's last decade work experience is distributed among 8 (eight) different employers and 80% of that employment period was limited to employment during grace period (4-8 months) and, inasmuch, General Counsel's professional merits are to be scrutinized.
- 2). In my over 45-years executive experience, merits of prospective employee could be successfully assessed during grace period by his/her demonstration of loyalty level to the company interests; his/her demonstration of efforts during grace period and his/her demonstrated skill during grace period. In turn the productivity level would be evaluated subsequent to grace period. In reference to General Counsel's resume the level of his productivity could not be established because over 80% of General Counsel's work performance was completed within grace period and by any standards, it is not adequate information for assessment of General Counsel's professional experience and should be investigated.
- 3). General Counsel's performance in association with my complaint includes admitted oversights and principles of his misconduct to be evaluated.
- 4). My 46-months old complaint is 11-months past due for the Review Panel consideration and General Council's established competing priority with "many other matters before Review Panel" is professional misconduct and should be assessed for his executive discretion qualification.
- 6). General Counsel's bias attitude toward me and my life-long support of honesty and integrity (especially among younger generation) regardless of their cultural and ethnic background and or their social achievements to be thoroughly appraised for their executive discretion qualification.
- 7). General Council's performance deficiency to be evaluated for the executive privilege qualification.

Optimistically, I hope that General Council's misconduct and my current writings would not influence the Review Panel member's final resolution.

Regards,

S.Pashkovsky

From: [Frank DiMaggio](#)
To: [Simon Pashkovsky](#)
Cc: [Phil W. Su](#)
Subject: RE: Draft Minutes 10/20/2020 Board Meeting
Date: Wednesday, November 25, 2020 8:58:28 AM

Mr. Pashkovsky: Thank you for your email below. I am not sure what matters you are seeking clarification on, but I will try to address your concerns.

The letter from Ms. Bejar dated November 24, 2020 (which was attached to my email of the same date) is a response to your request for a copy of the minutes of the October 20, 2020 Board meeting. The sentence you quote from that letter, "The Board will now close this matter", refers to the fact that we have complied with your request for a copy of those minutes and therefore that matter is closed.

My letter dated October 22, 2020 addressed to you is notification of the Board's action taken at its October 20, 2020 Board meeting ratifying that the matter be remanded to the practitioner's file with no further action. The Board's decision to do so at its October 20, 2020 Board meeting closes your complaint against the practitioner.

After the draft minutes from a Board meeting are prepared, they are put on a Board agenda for the Board's approval. The Board's October 20, 2020 remand of the matter is not dependent on the Board's approval of the minutes at the next meeting tentatively scheduled for December 8, 2020. The remand became final upon the Board's ratification of it at the October 20, 2020 Board meeting.

As I previously informed you in prior emails, the Review Panel deliberations are confidential; pursuant to NRS 631.3635, meetings held by a review panel are not subject to the provisions of NRS Chapter 241 (the Nevada Open Meetings Law).

You mentioned your desire to attend the tentatively-scheduled December 8, 2020, Board Meeting. Any member of the public is welcome to attend. You may refer to our website, dental.nv.gov, to obtain the necessary information to enable you to attend by telephone.

Sincerely,

Frank DiMaggio
Executive Director

Nevada State Board of Dental Examiners

6010 S Rainbow Blvd., Suite A-1

Las Vegas, NV 89118

Office Number (702) 486-7044

Direct Line (702) 486-7048

Fax (702) 486-7046

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From: Simon Pashkovsky [REDACTED]
Sent: Wednesday, November 25, 2020 7:20 AM
To: Frank DiMaggio
Cc: [REDACTED]
Subject: FW: Draft Minutes 10/20/2020 Board Meeting

From: [Simon Pashkovsky](#)
Sent: Wednesday, November 25, 2020 7:02 AM
To: [Frank DiMaggio](#)
Cc: abejar@nsbde.nv.gov; [REDACTED]; [Phil W. Su](#); aginfo@ag.nv.gov; [Board of Dental Examiners](#); kmoyer@reviewjournal.com
Subject: RE: Draft Minutes 10/20/2020 Board Meeting

Via Electronic Mail

Frank DiMaggio, Executive Director
Nevada State Board of Dental Examiners
6010 S. Rainbow Blvd., Building A, Suite 1
Las Vegas, NV 89118
fdimaggio@nsbde.nv.gov

Mr. DiMaggio:

In reference to two (2) contesting and contradicting messages being received from your office in regards to October 20, 2020 Board's disposition of my complaint please consider my apprehension.

Message provided with your letter received on October 22, 2020, immediately thereafter the Board's meeting states:

“The Review Panel recommended the matter to be remanded to the practitioner's file with no further action, and the Review Panel's findings and recommendations were reviewed and ratified by the Board on October 20, 2020 board meeting.”

Message on November 24, 2020 (6 working days before time limitation for inspection of Board meeting minutes) is referencing Board members and Review Panel **Draft** Minutes which states:

“The Review Panel favored motion to accept recommendations as to the 21 matters that the Review Panel has recommended for remand”.

Message from the attached letter by Angelica Bejar on November 24, 2020 states:

“ The draft minutes have been prepared and are being provided to you. However, please note that the minutes are a draft copy and are not the official record as the draft minutes have not yet been adopted by the Board. In order for minutes to be adopted and become the official record, the Board, at a regularly scheduled Board meeting, must vote to adopt the draft minutes. Should the Board adopt the minutes at the next scheduled Board meeting on December 8, 2020; a copy will be forwarded to you. The Board will now close this matter”.

Therefore, it appears that Draft Minutes is not final Board meeting resolution in regards to my complaint and does not include connotation "the Board will close this matter". It is my understanding that the matter should not be closed until next scheduled Board meeting on December 8, 2020 (Please make a note that on December 8, 2020 it will be exactly ONE YEAR since Board's December 9, 2019 disposition of my complaint for Review Panel deliberation due to changes in staff and board membership and it will be 48 months since original complaint submission) and not until Review Panel would acquire accurate and complete evidential material in regards to my complaint for required corresponding deliberation of my matter. Next question would be appropriate - when the Review Panel deliberation and communication between the members of the public body would be conducted?

Furthermore, yours October 22, 2020 letter' connotation "...the matter to be remanded to the practitioner's file with no further action, and the Review Panel's findings and recommendations were reviewed and ratified by the Board on October 20, 2020 board meeting" is misleading since there was no the Review Panel deliberation being conducted in regards to the collective acquisition and exchange of evidential material provided to NSBDE and your office with accompanying Schedule "A" on October 2, 2020. Please be advised that I object your bias and misleading judgment of the Review Panel future exchange of facts preliminary to the ultimate decision.

In addition, please confer with my letter dated November 9, 2020 encompassing detailed description of my opposition of Dr. Hall's Open Meeting Law (OML) violation when his presented to Review Panel outlook excluded complete and accurate factual materials for fair and honest resolution. The procedural shortcomings and violation of the Review Panel OML operation, in my opinion, would be inevitable if there would not be adequate consideration given to verified and corroborative material facts on file.

Hopefully it meets your agreement to provide clarification to raised issues at your earliest convenience. Yet, please consider my request and yours affirmation of my desire to attend the December 8, 2020 the Board meeting.

Sincerely,



S. Pashkovsky

Cc: NSBDE Review Panel

D. Moore, NSBDE President

P. Su, NSBDE General Counsel

S. Sisolak, Governor

A. Ford, Nevada Attorney General.

K. Moyer, Las Vegas Review-Journal, Publisher and Editor.

A. Bejar

From: [Frank DiMaggio](#)
Sent: Tuesday, November 24, 2020 10:20 AM
To: [Simon Pashkovsky](#)
Cc: [Angelica L. Bejar](#)
Subject: Draft Minutes 10/20/2020 Board Meeting

Mr. Pashkovsky: Please find attached hereto a letter dated November 24, 2020, from Ms. Angelica Bejar, the Board's Public Information – Travel Administrator, regarding your written request contained in an email from you dated November 2, 2020, for a copy of the minutes pertaining to the Board's October 20, 2020 Board Meeting.

Also, please find attached the **Draft Minutes** for the **October 20, 2020 Board Teleconference Meeting**.

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As I previously advised you in my email dated November 2, 2020, pursuant to NRS 631.3635, meetings held by a review panel are not subject to the provisions of NRS Chapter 241 (the Nevada Open Meetings Law).

The attached minutes are only a **DRAFT** copy because the Board has not yet convened to approve those minutes. Please refer to Ms. Bejar's attached letter for more information.

Sincerely,

Frank DiMaggio
Executive Director

Nevada State Board of Dental Examiners

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Las Vegas, NV 89118
Office Number (702) 486-7044
Fax (702) 486-7046

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