



NEVADA STATE BOARD OF DENTAL EXAMINERS



Meeting Location:

Nevada State Board of Dental Examiners
6010 S. Rainbow Blvd, Suite A-1
Las Vegas, NV 89118

Zoom Video and Teleconferencing Available for this meeting

Meeting Call-In Number: (669) 900 6833
Meeting ID#: 950 5411 8847
Zoom Video (via app) Passcode: 115011

Meeting Date & Time

Thursday, August 13, 2020
6:00 p.m.

MINUTES

NOTICE OF AGENDA & TELECONFERENCE MEETING FOR THE LEGISLATIVE, LEGAL, AND DENTAL PRACTICE COMMITTEE

(Dr. Moore (Chair); Dr. Lee; Mrs. McIntyre; Ms. Cioffi)

PUBLIC NOTICE:

The Nevada State Board of Dental Examiners may hold board meetings via video conference or telephone conference call. ***Due to the Governor's Executive Order in response to the COVID-19 pandemic, the Board office will not be open to the general public for this meeting. The general public is encouraged to participate via teleconference***

Public Comment time is available after roll call (beginning of meeting) and prior to adjournment (end of meeting). Public Comment is limited to three (3) minutes for each individual. You may provide the Board with written comment to be added to the record.

Persons wishing to comment may appear at the scheduled meeting/hearing or may address their comments, data, views, arguments in written form to: **Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd, A-1, Las Vegas, Nevada 89118; FAX number (702) 486-7046; e-mail address nsbde@nsbde.nv.gov**. Written submissions should be received by the Board on or before **Wednesday, August 12, 2020 by 4:00 p.m.** in order to make copies available to members and the public.

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.

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 the Board, at (702) 486-7044, 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 at (702) 486-7044, 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 <http://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.

Note: Asterisks (*) "**For Possible Action**" denotes items on which the Board may take action.

Note: Action by the Board on an item may be to approve, deny, amend, or tabled.

1. Call to Order

- Roll call/Quorum

Committee Member Moore called the meeting to order at approximately 6: pm, and Frank DiMaggio, Executive Director conducted the following Roll Call:

Dr. D. Kevin Moore (Chair) ---	PRESENT	Ms. Gabrielle Cioffi -----	PRESENT
Dr. David Lee -----	PRESENT	Mrs. Jana McIntyre -----	PRESENT

Executive Staff Present: Phil W. Su, General Counsel; Frank DiMaggio, Executive Director; Angelica Bejar, Public Information – Travel Administrator.

Others Present: Susan Fisher with McDonald Carano.

- 2. Public Comment:** The public comment period is limited to matters specifically noticed on the agenda. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

There was no public comment made.

***3. President's Report:** (For Possible Action)

(a) Request to remove agenda item(s) (For Possible Action)

There were no requests made to remove agenda items.

(b) Approve Agenda (For Possible Action)

MOTION: Committee Member Lee made the motion to approve the agenda. Committee Member Cioffi seconded the motion. All were in favor, motion passed.

***4. Review, discussion, and possible recommendations for approval/rejection of Legislative Representative** (For Possible Action)

- (a) Alpha Omega Strategies – Michael McDonald
- (b) Perkins Co. – Richard Perkins
- (c) McDonald Carano – Susan Fisher
- (d) Lewis Roca - Alfredo Alonso

Committee Member Moore asked Mr. Su and Mr. DiMaggio to take lead on explaining the need for a lobbyist and the search for potential lobbyists for the Board. Mr. Su noted for the record why a government agency/licensing board would need a lobbyist and discussed the benefit of using lobbyists for purposes related to the rulemaking process every two years. He further noted that it was cost effective to hire a lobbyist on a part-time basis rather than hiring an employee to serve in the same capacity. He advised that it would be important to avoid choosing a firm that may have a potential conflict in representing and lobbying for the Board.

Mr. DiMaggio indicated that the Board received four (4) proposals which were as listed. Mr. DiMaggio noted that Mr. Michael McDonald with Alpha Omega Strategies contacted him that morning and withdrew his proposal. Mr. DiMaggio discussed the proposed fee structures listed in each proposal for the two year period. He also noted any other potential charges that may be incurred and their rates for said potential charges. Mr. DiMaggio noted that he contacted all three entities to see if they had any potential conflicts. He noted that he received responses from both Lewis Roca and McDonald Carano that they did not have any potential conflicts should they offer services to the Board. It was noted that Mr. DiMaggio had not received a response from Perkins Company as of the start of the meeting.

Committee Member Moore welcomed Ms. Susan Fisher from McDonald Carano to provide the committee additional information regarding their services. Ms. Fisher noted that Ms. Mackenzie Warren, an Associate with her firm, was present, as well. Ms. Fisher gave a synopsis of the services they offer, while noting that they did represent two other occupational Boards, the Nevada State Board of Osteopathic Medicine, and Nevada State Board of Engineers and Professional Land Surveyors. She discussed in detail the services they offer and how she believed their services would be beneficial to the Board. She further discussed what the Board can expect from their agency should they elect to move forward with their proposal. She noted other state occupational boards they had the pleasure of serving in the previous legislative session. She spoke about the team atmosphere and approach that leads their agency.

124 It was noted that there were no representatives from any other firm available at the meeting. Mr.
125 DiMaggio acknowledged Ms. Fisher and her firm for providing the Board with legislative updates with the
126 progress of the special legislative session and newsletter of all the bills. He noted that they have been
127 providing him daily updates of the special session, and have done so complimentary.
128

129 Committee Member Moore called for the committee to discuss the bids before them and asked if
130 anyone had any questions. Committee Member Lee stated that Alfredo Alonso with Lewis Roca came
131 very highly recommended. He believed that the connections that Mr. Alonso had would be invaluable
132 to the Board with all they are trying to accomplish in formulating new regulations. Committee Member
133 McIntyre stated that she reviewed all the proposals and was impressed with Lewis Roca, and liked the size
134 of their firm and the team concept. Committee Member Cioffi stated that she appreciated that Ms.
135 Fisher making an appearance and liked what McDonald Carano had to offer. Committee Member
136 Cioffi noted that while she saw all that Lewis Roca offered, many of their connections were not current.
137 She noted that she was interested in McDonald Carano. Committee Member Moore inquired if the
138 Board had any recourse if the firm they move forward with fails to provide the Board with updates and
139 status reports of the bills pertinent to the Board, and if they fail to maintain open communication. Mr.
140 DiMaggio stated that he and Mr. Su spoke with Ms. Fisher and Mr. Hicks, and they gave Mr. Su and he an
141 overview of their communication methodology their firm uses during the legislative sessions. He stated
142 further, that the spoke with the firm of Lewis Roca and they also discussed their team approach of open
143 communication with their clients. He stated that it could be considered a breach of their contract,
144 should a firm not perform the responsibilities agreed to. Mr. Su mentioned that any contract the Board
145 entered into was subject to BOE approval, and therefore concurred with Mr. DiMaggio that it would be a
146 deemed a breach of contract.
147

148 Committee Member Moore mentioned that his hesitation at the moment was that there was not
149 something in writing to clearly states what would happen if the firm and the Board end up not being a
150 good fit. He stated that he appreciated Ms. Fisher and Ms. Warren being present. Committee Member
151 Moore suggested making a recommendation of 2 firms to the Board for consideration.
152

153 Ms. Fisher noted that because they are also a law firm, they are scrupulous about conflicts of interest; and
154 they run a conflict check electronically of all the lawyers in the firms. She added that they structure their
155 communication style based on how the board determines they would like it. Ms. Fisher stated that they
156 work to update their clients on a daily basis. Further, she added that they would offer an out to both
157 sides that would require a 30-day notice. Ms. Warren stated that they do have a team approach and
158 noted that their firm consisted of attorneys. She added that they had deep relationships with legislators.
159 Ms. Warren described the firms' communication methodologies in detail.
160

161 Committee Member Lee stated that he spoke with Mr. Alonso at Lewis Roca, who indicated that his also
162 conducts a conflict check. He noted that the Board wants their lobbyist to help the Board get their bills
163 passed, and that they need a firm that can do that for the Board.
164

165 MOTION: Committee Member Lee made the motion to recommend Lewis Roca for approval.
166 Committee Member McIntyre seconded the motion. Committee Member Cioffi
167 opposed; all others in favor. Motion passed.
168

169 Committee Member McIntyre excused herself from the meeting.
170

171 ***5. Review, discussion, and possible recommendation to grant authority to the Board's Secretary-**
172 **Treasurer to execute and approve contract for legislative services** (For Possible Action)
173

174 Mr. DiMaggio stated that the intent of item 5 was for the purpose of saving time due to the fact the
175 Legislative session was approaching. Therefore, it was suggested that they consider granting the
176 Secretary-Treasurer the authority to execute the contract for legislative services. It was clarified that the
177 committee may only make recommendations to the Board, and that only the Board may approve a
178 contract or grant the authority to the Secretary-Treasurer to execute a contract. He further noted that
179 this agenda item would allow for an expedited process of the contract being executed since the
180 contract must go before the BOE for approval.
181

MOTION: Committee Member Lee made the motion to recommend the approval to grant the Secretary-Treasurer the authority to execute and approve the contract for Legislative services. Committee Member Moore seconded the motion. Discussion: Committee Member Moore inquired if Committee Member Lee should be making the motion in favor of himself. Mr. Su advised that it would be best to have Committee Member Lee rescind his motion. Committee Member Lee rescinded his motion.

MOTION: Committee Member Moore made the motion to recommend the approval to grant the Secretary-Treasurer the authority to execute and approve the contract for Legislative services. Committee Member Cioffi seconded the motion. All were in favor; Committee Member Lee abstained from the motion. Motion passed.

- 6. Public Comment:** This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. The Chairperson of the Board will impose a time limit of three (3) minutes. The Chairperson may allow additional time at his/her discretion.

Ms. Susan Fisher thanked the Board for the opportunity.

7. Announcements

There were no announcements.

***8. Adjournment** (For Possible Action)

Committee Member Moore asked for a motion for adjournment.

MOTION: Committee Member Lee made a motion to adjourn meeting at approximately 6:41 p.m. Committee Member Cioffi seconded the motion. All were in favor; motion passed.

Respectfully submitted:


Frank DiMaggio, Executive Director