

Nevada State Board of Dental Examiners



6010 S. Rainbow Blvd., Bldg. A, Ste.1 • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

NOTICE OF CONTINUANCE OF FORMAL HEARING & AGENDA **ANTONINA CAPURRO, DMD (Day 13)**

Meeting Date & Time

Wednesday September 29, 2021
6:00 p.m. to 9:00 p.m.

*****The Formal Hearing will continue on to the following dates*****
*****from 6:00 p.m to 9:00 p.m. (unless otherwise noted) or until completed*****
Thursday, September 30, 2021

Public Attendance of This Formal Hearing will be available exclusively through Zoom video/teleconference means only, pursuant to NRS 241.015, as amended by AB 253 (2021)

To access by phone, call Zoom teleconference Phone Number: (669) 900 6833

To access by video webinar, visit www.zoom.com or use the Zoom app

Zoom Webinar/Meeting ID#: **986 8646 0153**

Zoom Webinar/Meeting Passcode: **806749**

MINUTES

PUBLIC NOTICE:

*****This meeting will be held via VIDEO WEBINAR and TELE-CONFERENCE only*****

*****There will be no physical location for this meeting for public attendance*****

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.**

Public Comment by pre-submitted email/written form, only, is available after roll call (beginning of meeting); **Live Public Comment by teleconference** is available prior to adjournment (end of meeting). Live Public Comment is limited to three (3) minutes for each individual.

Members of the public may submit public comment 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@dental.nv.gov**. Written submissions received by the Board on or before **Tuesday, September 28, 2021, by 4:00 p.m.** may be entered into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in the permanent record.

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

1 supporting materials for the public body from the Board's website at <https://dental.nv.gov>. In addition, the supporting materials for the public
2 body are available at the Board's office located at 6010 S Rainbow Blvd, Ste. A-1, Las Vegas, Nevada.

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

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

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8 **1. Call to Order**

9 - Roll call/Quorum

10 Mr. Dworin conducted roll call.

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Dr. Kevin Moore (Dr. Moore)—Present	Dr. Todd Thompson (Dr. Thompson)— Present
Dr. Ronald West (Dr. West)— Present	Dr. Elizabeth Park (Dr. Park) — Present
Dr. Adam York (Dr. York)— Present	Ms. Yamilka Arias (Ms. Arias)— Present
Ms. Gabrielle Cioffi (Ms. Cioffi)— Present	Dr. Ronald Lemon (Dr. Lemon)— Present (Recused)
Dr. David Lee (Dr. Lee)—Not Present	Ms. Caryn Solie (Ms. Solie)— Present
Ms. Jana McIntyre (Ms. McIntyre) —Not Present	

13 **Others Present:** Phil Su, Board General Counsel and Interim Executive Director; Jason Dworin, Board General
14 Counsel; Rosalie Bordelove, Deputy Attorney General; Ogonna Brown, Counsel for the Nevada State Board
15 of Dental Examiners; Antonina Capurro, DMD; David Barney, Counsel for Antonina Capurro, DMD; Nadia
16 Ahmed, Counsel for Antonina Capurro, DMD; Crane Pomerantz, Counsel for Antonina Capurro, DMD;
17 Jennifer Hess; Debra Shaffer-Kugel; Robert Rourke, Counsel for Debra Shaffer-Kugel; Jennifer Hess; Becky
18 Parker, Court Reporter with Oasis Court Reporting

19 **Public Attendees:** "AB;" Henry Lichtenberger; Jack Smith; Kristine Jameson; Mark H. Barney; Ralph Capurro;
20 Johnathon Fayeghi; Kelly Taylor; Sandra Chan; Terri Chandler; "Henry;" Shane Mac

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22 **2. Public Comment (By pre-submitted email/written form only):** (Public Comment is limited to three (3) minutes for
23 each individual)

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

27 There was no written public comment.

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30 ***3. Approve Agenda and Disclosures** (For Possible Action)

31 Dr. Park made a motion to approve the agenda as written. Dr. West seconded the motion. All were in favor.
32 Motion passed.

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35 ***4. Approval/Rejection of Minutes (NRS 241.035)** (For Possible Action)

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37 (1) Continuation of Formal Hearing- NSBDE v. Dr. Antonina Capurro (Day 10) – 09/13/21
38 (2) Continuation of Formal Hearing- NSBDE v. Dr. Antonina Capurro (Day 11) – 09/14/21
39 (3) Continuation of Formal Hearing- NSBDE v. Dr. Antonina Capurro (Day 12) – 09/20/21

40 Dr. Park made a motion to approve the minutes as set forth above. Ms. Arias seconded the motion. All were
41 in favor. Motion passed.

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44 ***5. Formal Hearing: Nevada State Board of Dental Examiners v. Antonina Capurro, DMD** (For Possible Action)

45 The purpose of this hearing is to consider the allegations regarding/related to the investigative
46 complaint(s) and/or formal complaint(s) filed with the Nevada State Board of Dental Examiners for
47 alleged violations of NRS 631 and NAC 631. The Board may take such action as they deem
48 appropriate pursuant to NRS 631.350. (Pursuant to NRS 241.030(1)(a), the board may, by motion, enter closed session
49 to consider the character, alleged misconduct, professional competence or physical or mental health of a person.)
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1 Anyone desiring supporting material for the hearing is invited to email nsbde@dental.nv.gov.
2 Supporting material will also be available for review at the Board's office at 6010 S. Rainbow Blvd.,
3 Ste. A-1, Las Vegas, Nevada, 89118, and will be posted to the Board's website, <https://dental.nv.gov>,
4 not later than 24 hours after the conclusion of the meeting. (AB 253 (2021)).
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6 Following an introduction by Dr. Moore, a brief discussion took place among Dr. Moore, Ms. Brown, and Mr.
7 Barney regarding the potential admission of Exhibits 117 and 118.

8 Exhibits 117 and 118 were admitted.

9 Witness Debra Shaffer-Kugel was called and underwent continued direct examination by Mr. Barney.

10 Recess taken from 6:15pm to 6:19pm.

11 Discussion took place between Dr. Moore and Mr. Barney regarding the potential admission of Exhibit 116.

12 Recess taken from 6:21pm to 6:28pm.

13 Ms. Brown made a brief statement regarding objections to the admission of Exhibit 116 and read back a
14 portion of the transcript from the previous hearing session. Discussion ensued among Dr. Moore, Mr. Barney,
15 and Ms. Brown regarding the potential admission of Exhibit 116. Dr. Moore requested that Mr. Barney keep his
16 questioning relevant to the matter at hand.

17 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.

18 Exhibit 116 was admitted.

19 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.

20 Discussion took place among Dr. Moore, Mr. Barney, and Ms. Brown regarding the relevance and potential
21 admission of Exhibit 120.

22 Recess taken from 6:45pm to 6:48pm.

23 Exhibit 120 was admitted.

24 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.

25 There was discussion among Dr. Moore, Mr. Barney, and Ms. Brown regarding the relevance and potential
26 admission of Exhibit 115.

27 Recess taken from 6:53pm to 7:00pm.

28 Exhibit 115 was admitted.

29 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.

30 Recess taken from 7:07pm to 7:16pm.

31 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.

32 Witness Debra Shaffer-Kugel underwent cross examination by Ms. Brown.

33 Witness Debra Shaffer-Kugel underwent redirect examination by Mr. Barney.

34 Recess taken from 7:51pm to 7:56pm.

35 Witness Debra Shaffer-Kugel underwent continued redirect examination by Mr. Barney and the witness was
36 then passed to the Board for questioning. Witness Debra Shaffer-Kugel responded to questions from Board
37 members Dr. Park, Ms. Cioffi, Dr. Moore, and Dr. West, respectively.

38 Examination of witness Debra Shaffer-Kugel concluded and the witness was excused.

39 Mr. Barney inquired as to the method of presenting closing arguments. Dr. Moore made a statement outlining
40 the procedure for closing arguments as follows: each party will present oral closing arguments with a limit of
41 fifteen minutes, with Ms. Brown presenting first. A portion of the fifteen minutes may be set aside for rebuttal.
42 The parties would then submit written findings of fact, limited to ten pages, which must include a proposed
43 order. The findings of fact and proposed order must be submitted by close of business on Friday, October 1,
44 2021. The Board will then set an additional continuation date for deliberation. No additional argument will be
45 entertained during the deliberation session; however, Board members may request additional information by
46 way of asking questions.

47 Mr. Barney inquired whether oral arguments could be held on the September 30, 2021 continuation.

48 Recess taken from 8:21pm to 8:25pm.

49 Dr. Moore noted that oral arguments will be set forth at the current hearing session beginning at 8:30pm
50 sharp and that the September 30, 2021 continuation of the hearing will be cancelled.

51 Recess taken from 8:25pm to 8:30pm.

52 Ms. Brown made her closing argument.

53 Ms. Ahmed made her closing argument.

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6. Public Comment (Live public comment by teleconference): (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 or entertain public comment. See NRS 233B.126.

There was no public comment.

7. Announcements


Dr. Moore made a brief statement requesting counsel for the respective parties to include clear citations to the record within the findings of fact to be submitted to the Board.

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

Dr. Thompson made a motion to adjourn. Dr. West seconded the motion. All were in favor. Motion passed.

PUBLIC NOTICE POSTING LOCATIONS

Nevada State Board of Dental Examiners., 6010 S Rainbow Boulevard, #A-1, Las Vegas, Nevada 89118
Nevada State Board of Dental Examiners website: www.dental.nv.gov
Nevada Public Posting Website: www.notice.nv.gov

X 

Phil Su
General Counsel/Interim Executive Director