

1 Ogonna M. Brown, Esq. (NBN 7589)
2 Adrienne Brantley-Lomeli, Esq. (NBN 14486)
3 LEWIS ROCA ROTHGERBER CHRISTIE LLP
4 3993 Howard Hughes Pkwy., Suite 600
5 Las Vegas, NV 89169-5996
6 Tel.: (702) 474-2622
7 Email: OBrown@lewisroca.com
8 *Attorney for the Nevada State Board of Dental Examiners, Complainant*

9 **BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS**

10 NEVADA STATE BOARD OF DENTAL
11 EXAMINERS,

Case No: LL-384-14-1978

12 Complainant,
13 vs.

**[PROPOSED]
FINDINGS OF FACT¹**

14 ANTONINA CAPURRO, DMD,

15 Respondent.

16 The Nevada State Board of Dental Examiners (“Board”), held public Formal Hearing
17 proceedings with regard to the First Amended Complaint dated and filed April 16, 2021, on
18 the following days: Friday, May 21, 2021; Tuesday, June 22, 2021; Monday through
19 Thursday, July 12-15, 2021; Tuesday and Wednesday, July 27-28, 2021; Tuesday and
20 Wednesday, August 10-11, 2021; Monday and Tuesday, September 13-14, 2021; Monday,
21 September 20, 2021; and Wednesday, September 29, 2021.

I.

INTRODUCTION/GENERAL MATTERS

Parties

22 1. Board members present for each day of the proceedings were: Yamilka Arias,
23 RDH; Gabrielle Cioffi, consumer member²; D. Kevin Moore, DDS, President; Ron R. Lemon,
24 DMD³; Elizabeth Park, DDS; Caryn Solie, RDH; Ronald D. West, DMD; W. Todd
25 Thompson, DMD; and Adam York, DMD.⁴

26 2. Ogonna Brown, Esq., and Phil W. Su, Esq., Board General Counsel, were
27 present and appeared as prosecutors for the Board. Rosalie Bordelove, Esq., Deputy Attorney
28 General, and Jason Dworin, Esq., Board General Counsel, appeared as counsel for the Board.

29 3. Antonina Capurro, DMD (“Respondent” or “Dr. Capurro”) was present for the
30 proceedings, and Nadia Ahmed, Esq., David Barney, Esq., and Crane Pomerantz, Esq.
31 appeared as counsel on behalf of Respondent.

Exhibits

32 4. A list of the exhibits that admitted into evidence in these proceedings are
33 attached herein as “**Exhibit B**”.

34 ¹ The form of the proposed Conclusions of Law and Order are attached hereto as **Exhibit**
35 **“A”**.

36 ² Ms. Cioffi did not attend, but did review recordings of the 5/21/21 proceedings.

37 ³ Dr. Lemon recused himself based on a conflict of interest pursuant to NRS 281A.420.

38 ⁴ David Lee, DMD, Secretary-Treasurer, and Jana McIntyre, RDH are members of the NRS
631.3635 Review Panel that reviewed this matter, and were excused.

Witnesses

1 5. During the formal hearing, the following individuals were sworn in and
2 provided testimony: Kristen deBraga (May 21, 2021); Jeffrey Chaffin (May 21, 2021); Ronald
3 Blaze (May 21, 2021; July 12-13, 2021); David Capelli (July 14-15, 2021; July 28, 2021);
4 Judy White (July 27, 2021); Richard Whitley (July 27-28, 2021); Jessica Woods (August 10,
5 2021); and Dean Lily Garcia (August 11, 2021) for the prosecutor’s case in chief.

6 6. The Respondent was given the opportunity to, and did, call witnesses Robert
7 Michael Sanders (September 13-14, 2021) and Debra Shaffer-Kugel (September 14, 2021;
8 September 20, 2021; September 29, 2021).

II.
JURISDICTION

9 7. The Board is empowered to enforce the provisions of Chapter 631 of the
10 Nevada Revised Statutes. NRS 631.190.

11 8. The Board, pursuant to NRS 630.190(6), keeps a register of all dentists and
12 dental hygienists licensed in the State of Nevada; said register contains the names, addresses,
13 license numbers and renewal certificate numbers of said dentists and dental hygienists.

14 9. On August 1, 2014, the Board issued Respondent a limited dental license
15 (License # LL-384-14).

16 10. Respondent is licensed by the Board and, therefore, has submitted herself to
17 the administrative and disciplinary jurisdiction of the Board.

III.
FINDINGS OF FACT

18 11. The Board, having considered all evidence presented, the testimony of
19 witnesses, and the arguments of counsel, for good cause appearing, finds sufficient quantity
20 and/or quality of evidence sufficient to meet a preponderance of the evidence standard of
21 proof as set forth in NRS Chapter 631 and by *Nassiri v. Chiropractic Physicians’ Board of
22 Nevada*, 130 Nev. Adv. Op. 27, at *8-9 (April 3, 2014) that:

Allegations in the Amended Complaint

Count I

Violations of NRS Chapter 631.271(1)(a), (c) and (e)

23 12. Respondent failed to meet the requirements for limited licensure pursuant to
24 NRS 631.271(1)(a), (c) and (e), which provides in pertinent part as follows:

**NRS 631.271 Limited license to practice dentistry, dental hygiene or dental
25 therapy; permit authorizing certain persons to practice dentistry or dental
26 hygiene; regulations. [Effective January 1, 2020.]**

27 1. The Board shall, without a clinical examination required by NRS 631.240,
28 631.300 or 631.3121, issue a limited license to practice dentistry, dental hygiene or
dental therapy to a person who:

 (a) Is qualified for a license to practice dentistry, dental hygiene or dental therapy
in this State;

 (c) Has entered into a contract with:

 (1) The Nevada System of Higher Education to provide services as a dental
intern, dental resident or instructor of dentistry, dental hygiene or dental therapy at an

1 educational or outpatient clinic, hospital or other facility of the Nevada System of
Higher Education; or

2 (2) An accredited program of dentistry, dental hygiene or dental therapy of an
3 institution which is accredited by a regional educational accrediting organization that
4 is recognized by the United States Department of Education to provide services as a
5 dental intern, dental resident or instructor of dentistry, dental hygiene or dental
therapy at an educational or outpatient clinic, hospital or other facility of the
institution and accredited by the Commission on Dental Accreditation of the
American Dental Association or its successor specialty accrediting organization;

6 ***

(e) Satisfies at least one of the following requirements:

7 (1) Has a license to practice dentistry, dental hygiene or dental therapy issued
8 pursuant to the laws of another state or territory of the United States, or the District of
Columbia;

9 (2) Presents to the Board a certificate granted by the Western Regional
10 Examining Board which contains a notation that the person has passed, within the 5
years immediately preceding the date of the application, a clinical examination
administered by the Western Regional Examining Board;

11 (3) Successfully passes a clinical examination approved by the Board and the
12 American Board of Dental Examiners; or

13 (4) Has the educational or outpatient clinic, hospital or other facility where
14 the person will provide services as a dental intern or dental resident in an internship or
15 residency program submit to the Board written confirmation that the person has been
16 appointed to a position in the program. If a person qualifies for a limited license
pursuant to this subparagraph, the limited license remains valid only while the person
is actively providing services as a dental intern or dental resident in the internship or
residency program and is in compliance with all other requirements for the limited
license.

17 Findings of Fact Re: Count I

18 13. With regard to Count I pertaining to the allegations that Respondent failed to
19 meet the requirements for limited licensure pursuant to NRS 631.271(1)(a), (1)(c) and (1)(e),
20 the following facts are hereby established by a preponderance of evidence, the Board finds
that:

21 14. Respondent graduated from UNLV SDM in 2011⁵ and had permanent depth
22 perception issues which were discovered in her third year of school, for which Respondent
requested⁶ and received accommodations after failing live patient clinical classes.⁷

23 15. Respondent filed a Complaint with the United States Department of Education,
24 Office for Civil Rights alleging that UNLV SDM discriminated against her on the basis of
disability by withholding her grades, excluding her from participating in clinical portions of
the program, requiring her to accept an academic-only degree ("Complaint").⁸

25 16. Respondent told her Disability Specialist "she had no intention or desire to
26 practice density... Is it possible for her to obtain an academic degree and not be licensed? She

27 ⁵ Exhibit 25 at CAPURRO 001.

⁶ Exhibit 25 at CAPURRO 002-003.

⁷ Exhibit 26 at UNLV_01051.

⁸ EXHIBIT 26 at UNLV_000253-UNLV_000261.

1 said she was not concerned with taking the licensing exam in the clinical area or being
2 licensed at all...”⁹ and that Respondent had no desire to practice dentistry, and just wanted the
3 degree in connection with her MBA to work for a company in the dental field.

4 17. After Respondent filed a Complaint against UNLV SDM, the school permitted
5 her to take manikin-based clinical coursework and graduate on the express condition that
6 Respondent agreed not present her diploma for licensure, as reflected in Respondent’s May 3,
7 2011 UNLV SDM Official Transcript (“**Original Transcript**”):

8 Due to an unexpected disability, this graduate was unable to fully complete the third-
9 and fourth-year patient care clinical course objectives. According to the best available
10 information, disability is a permanent disability for which no reasonable
11 accommodations exist. The UNLV SDM substituted simulation for patient contact
12 requirements. The UNLV SDM does not certify this graduate to take a clinical
13 licensure examination and the graduate **has agreed not to present her diploma as
14 eligibility to seek licensure**. All other requirements of the degree program were
15 satisfactorily completed.¹⁰

16 18. Dr. Sanders drafted Respondent’s Original Transcript,¹¹ was not aware that she
17 filed a Complaint against UNLV SDM at the time he drafted Respondent’s transcript,¹² and
18 was not aware that she was ever on academic probation.¹³

19 19. Dr. Sanders did not routinely observe Respondent’s clinical work,¹⁴ and
20 testified that Respondent was unable to conduct certain clinical procedures without harming
21 live patients and was pulled from clinical work on live patients.¹⁵

22 20. At the time Dr. Sanders assisted with amending Respondent’s transcript in
23 2014, that Respondent still had the same permanent disability for which no reasonable
24 accommodation could be made¹⁶ and that she had not passed the clinical exam on a live
25 patient using a high-speed hand piece.¹⁷

26 21. On October 18, 2016, Respondent emailed Sue Nieoff at UNLV, stating that
27 the Chief Medical Officer conferred with the Board and that the language Respondent may
28 practice anywhere in Nevada to carry out her duties must be included in her contract, and Ms.
Kopf, HR coordinator, stated in an email that the **same day**, that Respondent stopped by to
ensure this language was in the contract.¹⁸

22 22. In 2017, Respondent inquired with Debra Shaffer-Kugel as to who could apply
23 fluoride varnish beyond the 4 walls of UNLV SDM.¹⁹

24 23. On October 23, 2020, Respondent emailed David Keene requesting a change in
25 her employment agreement with UNLV SDM.²⁰

26 24. Respondent did not rely on Dr. Capelli’s memo dated October 22, 2020, that
27 Respondent could practice beyond the four walls of UNLV SDM as long as the employment
28 contract permitted it.²¹

22 ⁹ **Exhibit 26 at UNLV_000299.**

23 ¹⁰ **Exhibit 26 at UNLV_663- UNLV_666.**

24 ¹¹ See Sanders Tr. p. 28, ll. 3-4 (9.13.2021).

25 ¹² See Sanders Tr. p. ,38 ll. 5-21

26 ¹³ See Sanders Tr. p. ,38 ll. 5-21

27 ¹⁴ See Sanders Tr. p. 67, ll. 5-12

28 ¹⁵ See Sanders Tr. p. 66, ll. 14-23.

¹⁶ See Sanders Tr. p. 48, ll. 12-25 (Vol. XII, 9/14/21).

¹⁷ See Sanders Tr. p. 30, ll. 17-20 (Vol. XII, 9/13/21); see Blaze Tr., p. 54, ll. 8-10 (Vol. IV, 7/13/21).

¹⁸ **Exhibit 26 at UNLV 903.**

¹⁹ **Exhibit 27 at DHHS 228-229.**

²⁰ **Exhibit 26 at UNLV_57.**

²¹ **Exhibit 26 at UNLV 54.**

1 25. The next day, Ron Blaze, an attorney and former general counsel for UNLV
SDM, and, at the time, UNLV compliance officer, informed Dr. Capelli on October 23, 2020
2 that Dr. Capelli was incorrect: Respondent could not contract around the requirements of
Nevada's limited licensure statute limiting Respondent's practice of dentistry to the
3 geographical limitations of UNLV SDM's 4 walls.²²

4 26. Five days later, after Mr. Blaze informed Dr. Capelli that he was incorrect, and
that Respondent cannot contract around the limited licensure statute, Dr. Capelli nonetheless
5 wrote a memo to Respondent and Dean Garcia stating that she could work beyond the 4 walls
of UNLV SDM as long as the contracts so provided.²³

6 27. Respondent has been working beyond the four walls of UNLV SDM since at
least 2017 based upon the testimony of Ms. deBraga, and as reflected in the BSS Forms²⁴,
7 well before Dr. Capelli authored his 2020 memo.

8 **i. Visiting Assistant Professor with No Teaching Responsibilities**

9 28. After Respondent graduated, the Biomedical Sciences Department within
UNLV SDM hired Dr. Antonina Capurro in 2012 as a Visiting Assistant Professor who was
not visiting from any other university,²⁵ had no teaching responsibilities,²⁶ was never a course
10 director, but only assisted other professors in the simulation lab early on while employed at
UNLV SDM, and appeared at occasional seminars.

11 29. Respondent never graduated from a program of dental hygiene with a
minimum of a two year curriculum of dental hygiene.²⁷

12 30. Respondent's Employment Contract with UNLV SDM dated June 26, 2020,²⁸
expressly provides that Respondent has "no teaching at UNLV School of Dental Medicine".²⁹

13 31. Dean Garcia testified that Respondent's prior contracts with UNLV SDM
should have clearly indicated that she has no teaching responsibilities.³⁰

14 32. When this fact was brought to her attention in 2020, Dean Garcia wrote a letter
15 to the Dental Board confirming that Respondent held no teaching responsibilities at the
school.³¹

16 **ii. Respondent concealed information in application(s) for licensure**

17 33. Given the restrictions on the original versions of her transcript and diploma, in
2014 Respondent attempted to apply for a Nevada license as a dental hygienist. The Board
18 considered Respondent's request and determined she did not meet the eligibility requirements
for dental hygiene (NRS 631.290) because she did not take the requisite coursework and
19 issued an Advisory Opinion to that effect, AO-14-0425.³²

20 34. Dr. Sanders omitted from his April 10, 2014 letter to the Board in support of
Respondent's dental hygienist license that she ever had any limitations to her diploma, and
21 that she agreed not to present her diploma for licensure in exchange for graduation. The Board
finds that thereafter, Respondent applied for a limited license to practice dentistry.³³

22 ²² Exhibit 26 at UNLV 832.

23 ²³ Exhibit 26 at UNLV 119.

24 ²⁴ Exhibit 58.

25 ²⁵ Ron Blaze Hearing Transcript ("Tr.") 07/12/2021, p. 63:12-15 (relevant excerpts).

26 ²⁶ Blaze Tr. 07/13/2021, p. 125:2 – 5; Blaze Tr. 07/12/2021, p. 53:23 – 25; Capelli Tr. 07/14/2021, p. 32:19 – 25;
27 33:1 – 6 (relevant excerpts).

28 ²⁷ See Sanders Tr. p. 49, ll. 3-7 (Vol. XII, 9/14/21).

29 ²⁸ Exhibit 26 at UNLV 923-927.

30 ²⁹ Exhibit 26 at UNLV 926.

31 ³⁰ Lily Garcia Tr. 08/11/2021 p. 26:7-25; 28:1-6 (relevant excerpts).

32 ³¹ Exhibit 3 at NSBDE 450.

33 ³² Exhibit 25 at CAPURRO 006-09.

³³ Exhibit 25 at CAPURRO 011-012.

1 35. On or about August 1, 2014, Capurro was issued a limited license to practice
dentistry in the State of Nevada, # LL-384-14 (“Limited License”) by the Board pursuant to
2 NRS 631.271.³⁴

3 36. Respondent renewed her license on an annual basis, and the Board accepted
those renewal applications from 2015 through 2020.

4 37. At no time when Respondent renewed her license on an annual basis between
2015 through 2020, did Respondent ever self-report and affirmatively disclose to the Board
5 that she did not have teaching responsibilities at UNLV SDM.

6 **C. Executive Director Expires Respondent’s Limited License**

7 38. Executive Director Frank DiMaggio administratively expired Respondent’s
license under NRS 233B.127(1) after he learned she had no teaching responsibilities at UNLV
SDM and after she failed to provide contrary evidence upon his request, leading the Executive
8 Director to determine that Respondent therefore did not meet the limited licensure
requirements under NRS 631.271.³⁵ Respondent thereafter filed suit against the Board and
9 sought a preliminary injunction after The Court granted Plaintiff’s Motion for Preliminary
Injunction and ordered the Board to return her license to active status. The Court further ruled
10 that if the Board wanted to take further action against Respondent’s license, it would need to
provide her with her due process rights in the form of a hearing.

11 39. Thereafter, the Board’s counsel began the process of providing Respondent
with a hearing by requesting an authorized investigation of Respondent³⁶ for failure to meet
12 the requirements for limited license, which the Board authorized. *See* Agenda, January 20,
2021 Board Meeting.

13 40. Respondent contracted with the Nevada System of Higher Education as
14 Visiting Faculty at UNLV SDM to provide services at the Bureau of Child, Family &
Community Wellness Oral Health Program by virtue of the Employment Agreement, the
15 Interlocal Contract, and NRS 277.180. However, these do not satisfy subsection (c).

16 41. Respondent is not a dental intern, resident or instructor as required by
subsection (c)(1). Respondent’s employment agreement clearly states that Respondent has no
17 teaching responsibilities at UNLV.³⁷ Ron Blaze testified on multiple occasions that
Respondent was not an instructor at UNLV SDM.³⁸

18 42. Dr. Cappelli noted that Respondent never received any teaching evaluations,
and never provided teaching services to UNLV.³⁹

19 43. Dean Garcia at UNLV SDM confirmed, in writing, that Respondent did “not
20 have assigned responsibilities with UNLV SDM” and that she must ultimately remain “within
the confines of her Faculty Dental License.”⁴⁰

21 44. Respondent is not an instructor for purposes of limited licensure.

22 45. Respondent also fails to meet the requirement under NRS 631.271(1)(c)(2),
because she has not entered into any contract for any services at AT Still as a dental intern, a
23 dental resident or an instructor of dentistry or dental hygiene at an educational outpatient
clinic, hospital or other facility of AT Still.⁴¹

24
25 ³⁴ Exhibit 25 at CAPURRO 013.

26 ³⁵ Exhibit 25 at CAPURRO 015, 034-38.

27 ³⁶ Anonymized in the 1/20/21 Board Meeting Agenda as “Dr. Z.”

28 ³⁷ Exhibit 1 at NSBDE_001940 - NSBDE_001963.

³⁸ Blaze Tr. 07/12/2021, p. 52:23 – 25 (relevant excerpts).

³⁹ Capelli Tr. 07/14/2021, p. 30:18-20; p. 32:19 – 25;33:1 – 6 (relevant excerpts).

⁴⁰ Exhibit 4 at NSBDE_000460 – 00461.

⁴¹ Exhibit 28 at ATSU 000001-14.

1 46. Respondent did not have a contract with either UNLV or AT Still as a dental
2 intern, resident or instructor and there is a preponderance of the evidence that Respondent
fails to meet the requirements of NRS 631.271.

3 **D. Respondent is Not An Intern or Resident at an Outpatient Facility**

4 47. Respondent has failed to demonstrate that she is eligible for a limited license
5 under NRS 631.271(1)(e)(4), based upon the testimony of Mr. Blaze and Dr. Chaffin, that
Respondent has **not entered into a contract** with UNLV SDM or A.T. Still **to provide**
6 **services as a (i) dental intern; (ii) dental resident; or (iii) as an instructor of dentistry or**
7 **dental hygiene.**

8 48. Based upon the testimony of Mr. Blaze and Dr. Chaffin, that Respondent has
not entered into any type of contract with UNLV SDM or A.T. to provide any services
9 whatsoever.

10 49. Based upon the testimony of Mr. Blaze and Dr. Chaffin, that Respondent has
not provided any services at a UNLV SDM or A.T. Still **(i) educational clinic; (ii)**
11 **outpatient clinic; or (iii) hospital.**

12 50. Based upon the testimony of Mr. Blaze and Dr. Chaffin, that Respondent has
not provided any services at a UNLV SDM or an A.T. Still educational or outpatient clinic,
13 hospital or other facility as a **(i) dental intern, (ii) dental resident in an internship, or (iii)**
14 **dental resident in a residency program** at UNLV SDM or A.T. Still.

15 51. Based upon the testimony of Mr. Blaze and Dr. Chaffin, that Respondent has
not been appointed to a position in an internship program at UNLV SDM or A.T. Still.

16 52. Based on the testimony of Jeffrey Chaffin of AT Still and Ron Blaze at UNLV
SDM that Respondent is not providing services as a dental intern or dental resident.⁴², **but**
17 **rather is a student** as a general resident in the AT Still program.⁴³ **who** has not entered into
18 a contract for services⁴⁴ who has not received any kind of appointment from AT Still
19 whatsoever, but is just a student in dental public health.⁴⁵

20 53. Respondent is not in compliance with subsection (1)(e)(4). Accordingly, this
Board finds that the evidence demonstrates by a preponderance of the evidence that
21 Respondent fails to meet the requirements of NRS 631.271 as alleged in paragraphs 31-38 of
the Amended Complaint.

22 **E. Respondent Did Not Pass a Clinical Exam**

23 54. Under subsection (1)(e) of NRS 631.271, an applicant must meet one of four
requirements.

24 55. Under NRS 631.271(1)(e)(3), an applicant must present evidence that they
have passed a clinical examination administered by Western Regional Examining Board
25 (“WREB”) or the American Board of Dental Examiners. Respondent argued that she has
successfully passed a clinical examination approved by the Board and relies upon a document
purporting to show she passed a clinical dental hygiene WREB exam.⁴⁶

26 56. The document purporting to show Respondent passed a clinical dental hygiene
WREB exam does not meet the requirements under NRS 631.271 for a limited license.⁴⁷

27 ⁴² Capelli Tr. 07/14/2021, p. 33:19-34:6 (relevant excerpts).

28 ⁴³ Jeffrey Chaffin Tr. 05/21/2021, p. 165:20-25; 166:1-4 (relevant excerpts).

⁴⁴ Chaffin Tr. 05/21/2021, p. 166:17-20 (relevant excerpts).

⁴⁵ Chaffin Tr. 05/21/2021, p. 169:9-25; 170:1-21 (relevant excerpts).

⁴⁶ **Exhibit 25 at CAPURRO 005.**

⁴⁷ **Exhibit 25, at CAPURRO 006-009.**

1 57. This Board, in 2014, previously ruled that Respondent was not eligible for an
2 RDH license under NRS 631.2901(d) because such an applicant MUST be a graduate of a
3 program of dental hygiene with a minimum of a 2-year curriculum of dental hygiene.

4 58. Respondent’s WREB RDH clinical exam document does not qualify as proof
5 of a qualifying clinical examination for a dentistry limited license under NRS 631.271.

6 Conclusions

7 59. In light of the above, the Board finds there is a preponderance of the evidence
8 that Respondent fails to meet the requirements of NRS 631.271(1)(a), (1)(c) and (1)(e).

9 **Count II**
10 **Violations of NRS Chapter 631.271(3)(a) and (b); NRS 631.400(3)(a); NRS 631.3475(2)**
11 **and (4); NRS 631.349, and/or NAC 631.230(1)(c)**

12 60. Respondent failed to meet the requirements for limited licensure pursuant to
13 NRS 631.271(1)(a), (c) and (e), which provides in pertinent part as follows:

14 3. Except as otherwise provided in subsection 4, a person to whom a limited license
15 is issued pursuant to subsection 1:

16 (a) May practice dentistry, dental hygiene or dental therapy in this State only:

17 (1) At the educational or outpatient clinic, hospital or other facility where the
18 person is employed; and

19 (2) In accordance with the contract required by paragraph (c) of subsection 1.

20 (b) Shall not, for the duration of the limited license, engage in the private practice
21 of dentistry, dental hygiene or dental therapy in this State or accept compensation for
22 the practice of dentistry, dental hygiene or dental therapy except such compensation
23 as may be paid to the person by the Nevada System of Higher Education or an
24 accredited program of dentistry, dental hygiene or dental therapy for services
25 provided as a dental intern, dental resident or instructor of dentistry, dental hygiene or
26 dental therapy pursuant to paragraph (c) of subsection 1.

27 Findings of Fact Re: Count II

28 61. With regard to Count II, regarding the allegations that Respondent provided
services constituting the practice of dentistry to minor patients at locations or facilities other
than “the educational or outpatient clinic, hospital or other facility” where Respondent was
employed during her Limited License in violation of 631.271(3)(a) and (b); NRS
631.400(3)(a); NRS 631.3475(2) and (4); NRS 631.349, and/or NAC 631.230(1)(c), the
following facts are hereby established by a preponderance of evidence:

62. The Board finds that in 2016, Respondent was appointed the Nevada State
Dental Health Officer (“DHO”), under the supervision of the Chief Medical Officer of the
Department of Health and Human Services (“DHHS”), Division of Public and Behavioral
Health (“DPBH”), pursuant to an interagency agreement between UNLV SDM and DHHS,
and that among her work as DHO, Respondent purportedly oversaw the “administration” of
dental screenings on children at sixteen (16) Head Start Clinics across Northern Nevada.⁴⁸

⁴⁸ Exhibit 27 at DHHS000095-104; DHHS000083-94.

1 Executive Director Richard Whitley of DHHS stated it was his understanding
2 Respondent would not be actively participating in any clinical activities while serving her role
3 as the DHO and would not have a direct service role with individual patients.⁴⁹

4 63. The Board finds that through this program Respondent herself provided “dental
5 screening services for children” with “visual inspection using a dental mouth mirror” and
6 applied fluoride varnish to school-aged children.

7 64. Basic Screening Survey (“BSS”) Forms from 2017 and 2020 identified
8 Respondent’s initials and signature as the dental screener at these remote locations,⁵⁰ which
9 were “beyond the four walls of UNLV SDM,” and none of which were an “off-site facility.”

10 65. The Board finds that Dean Garcia, Ron Blaze and Jessica Woods each testified
11 that UNLV SDM does not, nor has it ever, operated remote facilities in rural Nevada.⁵¹

12 66. The Board finds that Dr. Sanders testified that Respondent conducted dental
13 screenings and applied fluoride varnish, which conduct constituted the practice of dentistry.⁵²

14 67. The Board finds that Dr. Cappelli also testified that Respondent conducted
15 visual examinations, which, in his opinion, could constitute the practice of dentistry⁵³ and that
16 applying fluoride does constitute the practice of dentistry.⁵⁴

17 68. The Board finds that former State Dental Public Hygiene officer Judy White
18 testified that no licensed dental hygienist accompanied Respondent during her Head Start
19 visits in 2017, which left Respondent as the only licensed dental professional present during
20 those visits and, presumably, the individual performing screenings and fluoride applications.⁵⁵

21 **F. Respondent Performed Dental Screenings Outside of the Four Walls of
22 UNLV SDM**

23 69. The Board finds Ron Blaze testified that Respondent should not have been
24 permitted to practice dentistry outside of UNLV SDM, and that Respondent was not in
25 compliance with the geographical limitations of her limited license under NRS 631.27.⁵⁶

26 70. The Board finds that Dean Garcia noted Respondent must ultimately remain
27 “within the confines of her faculty dental license,”⁵⁷ and Dr. Cappelli addressed the “reach” of
28 Respondent’s limited license as being confined to the “four walls” of UNLV SDM.⁵⁸

71. The Board finds Respondent was employed at UNLV SDM,⁵⁹ was therefore
limited to practicing only at UNLV SDM,⁶⁰ but that Respondent has practiced dentistry
“outside the 4 walls” repeatedly since at least 2017.

72. The Board finds Ms. Kristen deBraga’s testimony and the 2017 BSS Forms
signed by Respondent and Ms. deBraga demonstrate, by a preponderance of the evidence, that
in over 100 instances in rural Nevada locations, Respondent committed the practice of

⁴⁹ Richard Whitley Tr. 07/27/2021, p. 98:24 – 99:6 (relevant excerpts).

⁵⁰ **Exhibit 57 at NDE_000001 – 16** (BSS Forms from 11/2/2020 at Leopard Cubs and Early Steps Childcare and from 11/3/2020 at Spring Creek Childcare); Ex. P, **Exhibit 58 at NDE_000017 – 000124** (BSS Forms from 5/4/2017 at Golf Course Childcare)).

⁵¹ Garica Tr. 08/11/2021 p. 32:8-11 and Ex H, Jessica Woods Tr. 08/10/2021 p. 27:4-8; 50:18-21; 56:10-12).

⁵² See 9/14/2021 Sanders Tr., p.60 ll. 2-4.

⁵³ Capelli Tr. 07/14/2021, p. 73:11 – 14.

⁵⁴ Capelli Tr. 07/14/2021, p. 74:3 – 22 (relevant excerpts).

⁵⁵ Judy White Tr. 7/27/21, p. 38:25; 39:1-7 (relevant excerpts).

⁵⁶ Blaze Tr. 07/13/2021, p. 123:6-14 (relevant excerpts).

⁵⁷ **Exhibit 4 at NSBDE_000460 – 00461.**

⁵⁸ **Exhibit 26 at UNLV_00054.**

⁵⁹ **Exhibit 26 at UNLV_00923-927.**

⁶⁰ **Exhibit 26 at UNLV_00832-33.**

dentistry “beyond the 4 walls” of UNLV SDM.⁶¹

73. The Board finds Respondent did not rely on advice of the Board, but, instead, concealed information and affirmatively lobbied to force desired language into her contracts in an attempt to circumvent the statutory limitations of her limited license.⁶²

74. The Board finds Respondent’s treatment of minor patients at locations or facilities **other than** “the educational or outpatient clinic, hospital or other facility” where Respondent was employed constitutes unprofessional conduct under NRS 631.349 in the following respects: 1) Respondent performed clinical procedures in manner outside the scope of her Limited License,⁶³ and 2) Respondent attempted to diagnose and treat patients in a manner outside the scope of her Limited License.⁶⁴

Conclusions

75. In light of the above, the Board finds that there is a preponderance of the evidence that Respondent has violated NRS 631.3475(1), NRS 631.3475(2), NRS 631.3475(4), NRS 631.349, and NAC 631.230(1)(c) in connection with her unauthorized practice of dentistry on minor patients beyond the 4 walls of UNLV SDM since at least 2017.

Count III

Recovery of Attorneys’ Fees and Costs Under NRS 622.400

76. NRS 622.400 governs the recovery of reasonable attorneys’ fees and costs incurred by the Board, as a regulatory body, as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body enters a final order in accordance with NRS 622.400(a) or (b).

Findings of Fact Re: Count III

77. With regard to Count III, the following facts are established by a preponderance of the evidence: (a) This action relates to the Board, a regulatory body, undertaking action as part of its investigative, administrative, and disciplinary proceedings against Respondent as to the enforcement of provisions of NRS 631 and/or NAC 631, which the Board has the authority to enforce; and (b) The Findings of Fact, Conclusions of Law, & Decision constitute a final order in which the Board finds, as noted herein, that Respondent has violated provisions of NRS 631 and/or NAC 631. Therefore, NRS 622.400(1)(a) is satisfied.

78. The Board shall meet to consider the reasonableness of the fees and costs to be assessed pursuant to NRS 622.400(1) after reviewing the fees and costs together with the supporting documentation regarding same, to be submitted by special counsel Lewis Roca.

EXHIBIT “A”

[PROPOSED] CONCLUSIONS OF LAW AND ORDER

CONCLUSIONS OF LAW

Any Finding of Fact that are or may be construed to constitute a Conclusion of Law is hereby incorporated as such to the extent as if originally so designated.

⁶¹ **Exhibit 58**; see also NDE 17-124;, Kristen DeBraga Tr. 05/21/2021 (relevant excerpts), pp. 128:3-25; 129:1-14 and 130:10-13 (relevant excerpts).

⁶² **Exhibit 26 at UNLV_000904**, Blaze Tr. 07/12/2021, p. 84: 4-9; 84:25-85:3 (relevant excerpts).

⁶³ NRS 631.271(3)(a) and (b).

⁶⁴ NRS 631.271(3)(a) and (b).

1 Having made the aforementioned findings, the Board decides that there is a sufficient
2 quantity and/or quality of evidence to meet a preponderance of the evidence standard of proof,
3 *see Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op. 27, at *8-9, to
4 make the following conclusions of law:

5 By virtue of the foregoing findings, and based upon the recommendations of the
6 Review Panel as set forth in the Review Panel's written Findings of fact and Recommendations
7 drafted on April 8, 2021, pursuant to NRS 631.3635(4), which are being adopted by this
8 Board, and as more fully addressed above,
9

10 (i) Respondent did not qualify for a limited license pursuant to NRS
11 631.271(1)(a), (1)(c) and (1)(e); and

12 (ii) Respondent committed unprofessional conduct by performing outside
13 the scope of her Limited License, by engaging in the treatment of minor
14 patients at locations or facilities other than "the educational or
15 outpatient clinic, hospital or other facility" where Respondent was
16 employed pursuant to her Limited License.
17

18 Respondent failed to meet the requirements for limited licensure pursuant to NRS
19 631.271(1)(a) because pursuant to the dental doctorate degree conferred upon her, UNLV
20 SDM did not certify Respondent "to take a clinical licensure examination and the graduate has
21 agreed not to present her diploma as eligibility to seek licensure."
22

23 Respondent failed to meet the requirements for limited licensure pursuant to NRS
24 631.271(c) because she:
25

26 (i) Does not provide services as a dental intern, dental resident or
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

instructor of dentistry or dental hygiene” pursuant to a contract with either:

- a. the Nevada System of Higher Education, or
- b. “[a]n accredited program of dentistry, dental hygiene or dental therapy of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene or dental therapy at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization”;

Respondent failed to meet any of the enumerated requirements of NRS 631.271(e)

because she:

- (i) is not licensed in another state or territory;
- (ii) has not presented to the Board a certificate granted by the Western Regional Examining Board noting that she has passed a dental clinical examination administered by the Western Regional Examining Board;
- (iii) has not successfully passed a clinical examination approved by the Board and the American Board of Dental Examiners; and
- (iv) failed to have the educational or outpatient clinic, hospital, or other facility where she will “provide services as a dental intern or dental resident in an internship or residency program,” as contemplated by NRS 631.271, submit to the Board written confirmation that she has

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

been appointed to a position in the program. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

Respondent failed to meet the requirements for limited licensure pursuant to NRS 631.271(3)(a) because she provided services constituting the practice of dentistry to minor patients beyond the 4 walls of UNLV SDM, at locations or facilities other than “the educational or outpatient clinic, hospital or other facility” where Respondent was employed pursuant to her Limited License.

The services Respondent provided at such off-site locations beyond the 4 walls of UNLV SDM violates NRS 631.271(3)(a) and (b); NRS 631.400(3)(a); NRS 631.3475(2) and (4); NRS 631.349, and/or NAC 631.230 (1)(c).

The services Respondent provided at such off-site locations beyond the 4 walls of UNLV SDM violates NAC 631.230 and constitutes unprofessional conduct arising from Respondent’s consistent use of dental procedures, services or treatments which constitute a departure from prevailing standard of acceptable dental practice even though the use does not constitute malpractice or gross malpractice as set forth under NAC 631.230(c).

Respondent’s treatment of minor patients at locations or facilities other than “the educational or outpatient clinic, hospital or other facility” where Respondent was employed pursuant to her Limited License constitutes unprofessional conduct as defined above in the following respects:

- (i) Respondent performed clinical procedures in manner outside the scope of her Limited License, as set forth in NRS 631.271(3)(a) and (b).

1 (ii) Respondent attempted to diagnose and treat patients in a manner
2 outside the scope of her Limited License, as set forth in NRS 631.271(3)(a) and (b).

3 Pursuant to NRS 631.271(8), the Board concludes that Respondent's limited license is
4 invalid and is hereby revoked as a result of Respondent's failure to meet the requirements of
5 NRS 631.271(1)(a), (1)(c) and (1)(e), and in the avoidance of doubt, Respondent's
6 administratively suspended license as of Jun 30, 2021, is further hereby administratively
7 revoked, and Respondent shall not be permitted to renew her limited license through and
8 including July 1, 2022 under NRS 631.271(5).⁶⁵

9
10 The Board concludes that NRS 622.400 is applicable to allow the Board to recover its
11 attorneys' fees and costs incurred as a regulatory body in an applicable regulatory proceeding
12 as follows:

13 1. Except as otherwise provided in this section, a regulatory body may
14 recover from a person reasonable attorney's fees and costs that are incurred by
15 the regulatory body as part of its investigative, administrative and disciplinary
16 proceedings against the person if the regulatory body:

17 (a) Enters a final order in which it finds that the person has violated any
18 provision of this title which the regulatory body has the authority to enforce,
19 any regulation adopted pursuant thereto or any order of the regulatory body; or
20 (b) Enters into a consent or settlement agreement in which the regulatory
21 body finds or the person admits or does not contest that the person has violated
22 any provision of this title which the regulatory body has the authority to
23 enforce, any regulation adopted pursuant thereto or any order of the regulatory
24 body.

25 2. A regulatory body may not recover any attorney's fees and costs pursuant
26 to subsection 1 from a person who was subject to an investigative,
27 administrative
28 or disciplinary proceeding of the regulatory body unless the regulatory body
submits an itemized statement of the fees and costs to the person.

3. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone calls and

⁶⁵ NRS 631.271(5) provides that: "A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year."

1 postage and delivery.

2 (c) Fees for hearing officers and court reporters at any depositions or
3 hearings.

4 (d) Fees for expert witnesses and other witnesses at any depositions or
5 hearings.

6 (e) Fees for necessary interpreters at any depositions or hearings.

7 (f) Fees for service and delivery of process and subpoenas.

8 (g) Expenses for research, including, without limitation, reasonable and
9 necessary expenses for computerized services for legal research.

10 The award of Attorneys' Fees and Costs in favor of the Board is appropriate because
11 this matter relates to the Board, a regulatory body, undertaking action as part of
12 its investigative, administrative, and disciplinary proceedings against Respondent as to the
13 enforcement of provisions of chapter 631 of the Nevada Revised Statutes and/or chapter 631
14 of the Nevada Administrative Code which the Board has the authority to enforce and,
15 therefore NRS 622.400(1) is satisfied.

16 As a result of NRS 622.400(1) being satisfied, NRS 622.400(1)(a) or (b) requires that
17 the Board may recover from Respondent its attorney's fees and costs.

18 That, pursuant to the foregoing findings, as more fully addressed above, and in light of
19 NRS 622.400(1)(a) being satisfied, the Board may recover from Respondent its attorneys'
20 fees and costs in the amount of \$_____.

21 Any Conclusion of Law that is or may be construed as a Finding of Fact is hereby
22 incorporated as such to the extent as if originally so designated.

23 ...

24 **ORDER**

25 Having found by a preponderance of the evidence the Findings of Fact and
26 Conclusions of Law set forth herein and having unanimously voted, **THE BOARD HEREBY**

27 **ORDERS:**

1 1. Pursuant to NRS 631.350(1)(b), (1)(c) and (1)(e),⁶⁶ Respondent's license is
2 hereby revoked under NRS 631.271(8),⁶⁷ such that Respondent's administratively suspended
3 license as of Jun 30, 2021, is hereby administratively revoked, and Respondent shall be
4 prohibited from renewing her limited license through and including July 1, 2022

5 2. Pursuant to NRS 631.271(8), NRS 631.350(1)(b), and any other applicable
6 provision of Chapter 631 of the NRS and/or NAC, Respondent's conduct constitutes
7 violations of the provisions of Chapter 631 of the NRS and/or NAC 63, warranting
8 disciplinary action against Respondent in the form of the following:
9

10 (i) Revocation of Respondent's Limited License, namely administrative
11 revocation, resulting in the invalidity of Respondent's limited licensure for a period of ten
12 (10) years pursuant to NRS 622A.410(1).

13 (ii) The Board shall report the discipline and this Order to the National
14 Practitioner Data Base within ten (10) calendar days from the date this Board approves the
15 this Order.
16

17 3. The Board hereby orders Respondent to pay the Board its attorneys' fees and
18 costs incurred by reason of the investigation, administration, prosecution, and hearing of this
19 matter as provided by law.

20 4. The Board shall issue a public reprimand upon Respondent, pursuant to NRS
21 631.350(1)(e), based upon the Board's findings of Respondent's violations of the above-
22

23
24 _____
25 ⁶⁶ NRS 631.350 Authorized disciplinary or other action; grounds; delegation of authority to take disciplinary
26 action; deposit of fines; claim for attorney's fees and costs of investigation; private reprimands prohibited; orders
imposing discipline deemed public records. [Effective through December 31, 2019.]

27 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

- 28 (b) Revoke or suspend the license or renewal certificate issued by it to any person;
(c) Fine a person it has licensed;

- (e) Issue a public reprimand to a person;

1 referenced provisions of Chapter 631 of the Nevada Revised Statutes and Nevada
2 Administrative Code

3 5. Pursuant to NRS 622.400, Respondent shall reimburse the Board for the
4 Board's attorneys' fees and costs relative to this matter in the amount of \$_____
5 pursuant to the _____ () payment installment plan approved by the Board on
6 _____, 2021 as follows: () payments of \$_____ and a final payment in
7 the amount of \$_____. The first payment shall be made within thirty (30) days of
8 entry of this Order. All payments shall be made payable to the "Nevada State Board of Dental
9 Examiners" and mailed directly to 6010 S. Rainbow Blvd., Suite A1, Las Vegas, Nevada
10 89118.
11

12 DATED November 2, 2021.

13 NEVADA STATE BOARD OF DENTAL EXAMINERS

14 By: _____

15 Its: _____
16

17 Submitted by:
18 Attorney General's Office, State of Nevada
19 Aaron Ford, Attorney General

20 By: _____
21 Rosalie Bordelove, Deputy Attorney General

22 **EXHIBIT "B"**

23 **EXHIBITS ADMITTED INTO EVIDENCE**

24 The following exhibits were admitted by Complainant during the hearing:

25

No.	Description	Bates Nos.
1.	Correspondence from Respondent to F. DiMaggio and P. Su – 10.26.2020	NSBDE_001940 - NSBDE_001963

26

27 ⁶⁷ NRS 631.271(8) provides that "[t]he Board may revoke a limited license and a permit issued pursuant to this
28 section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license
violated any provision of this chapter or the regulations of the Board."

No.	Description	Bates Nos.
2.	Correspondence from Respondent to P. Su – 10.28.2020	NSBDE_001964 – NSBDE_001965
3.	Letter from L. Garcia/UNLV to F. DiMaggio re Respondent – 10.29.2020	NSBDE_000450
4.	Correspondence from Respondent to P. Su and F. DiMaggio w/attachments – 11.02.2020	NSBDE_000460 – NSBDE_000467
5.	Letter from Frank DiMaggio to Respondent re expiration of License – 11.19.2020	NSBDE_000468 – NSBDE_000471
16.	Nevada State Board of Dental Examiner’s Notice of Complaint and Request for Records – 02.19.2021	NSBDE_000653 – NSBDE_000655
21.	Nevada State Board of Dental Examiner’s Review Panel Findings – 04.09.2021	NSBDE_001562 – NSBDE_001565
22.	Nevada State Board of Dental Examiner’s Complaint – 04.09.2021	NSBDE_000866 – NSBDE_000880
23.	Nevada State Board of Dental Examiner’s First Amended Complaint – 04.15.2021	NSBDE_001085 – NSBDE_001100
24.	Respondent’s Answer to First Amended Complaint – 05.06.2021	NSBDE_000896 – NSBDE_000910
25.	Respondent’s March 5, 2021 Response to the Notice of Complaint & Request for Records with documents produced by Respondent	CAPURRO 001- CAPURRO 079
26.	UNLV Subpoena Response	UNLV_000001- 001055
27.	Department of Health & Human Services	DHHS_000001- 000651
28.	A.T. Still University Subpoena Response	ATSU_000001- 000347
29.	Jessica Woods’ Subpoena Response	WOODS_000001- 000201
30.	Update Letter from the State Dental Health Officer to the Advisory Committee on the State Program for Oral Health for the September 7, 2018 committee meeting – 08.31.2018	NSBDE_000911 – NSBDE_000921
31.	Civil Subpoena Duces Tecum Pursuant to NRS 631.360 to PMK for A.T. Still University of Health Sciences	NSBDE_001566 – NSBDE_001579
32.	Civil Subpoena Duces Tecum Pursuant to NRS 631.360 to PMK for Nevada Department of Health and Human Services	NSBDE_001580 – NSBDE_001593
33.	Civil Subpoena Duces Tecum Pursuant to NRS 631.360 to PMK for UNLV School of Dental Medicine	NSBDE_001594 – NSBDE_001607
34.	Amended Civil Subpoena Duces Tecum Pursuant to NRS 631.360 to Jessica Woods	NSBDE_001608 – NSBDE_001620
35.	UNLV School of Dental Medicine Acknowledgement, Waiver, and Acceptance of Service of Subpoena Duces Tecum Pursuant to NRS 631.360	NSBDE_000420- NSBDE_000421
36.	Nevada Department of Health and Human Services (DHHS) Acknowledgement, Waiver, and Acceptance of Service of Subpoena Duces Tecum Pursuant to NRS 631.360	NSBDE_001103
37.	Jessica Woods’ Acknowledgement, Waiver, and Acceptance of Service of Subpoena Duces Tecum Pursuant to NRS 631.360	NSBDE_001104
38.	Acknowledgement, Waiver and Acceptance of Service on Behalf of Phil W. Su – Deposition and Public Hearing	NSBDE_001105 – NSBDE_001106
39.	Acknowledgement, Waiver and Acceptance of Service on Behalf of Frank DiMaggio – Deposition and Public Hearing	NSBDE_001107 – NSBDE_001108

No.	Description	Bates Nos.
40.	A.T. Still University of Health Sciences Acknowledgement, Waiver, and Acceptance of Service of Civil Subpoena Duces Tecum Pursuant to NRS 631.360	NSBDE_001109 – NSBDE_001110
41.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Ron Blaze	NSBDE_001518 – NSBDE_001522
42.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – David Cappelli	NSBDE_001523 – NSBDE_001527
43.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Jeffrey Chaffin	NSBDE_001528 – NSBDE_001532
44.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Lily T. Garcia	NSBDE_001533 – NSBDE_001537
45.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Gregory Loeben	NSBDE_001538 – NSBDE_001542
46.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Julia Peek	NSBDE_001543 – NSBDE_001547
47.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Richard Whitley	NSBDE_001548 – NSBDE_001552
48.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Jessica Woods	NSBDE_001553 – NSBDE_001557
49.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Kristen deBraga	NSBDE_002368- NSBDE_002372
50.	Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing – Judith White	NSBDE_002373- NSBDE_002389
51.	Julia Peek and Richard Whitley Acknowledgment, Waiver, and Acceptance of Service of Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing	NSBDE_001558
52.	David P. Cappelli, Ron Blaze and Lily T. Garcia Acknowledgment, Waiver, and Acceptance of Service of Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing	NSBDE_001559
53.	Jeffrey Chaffin and Gregory Loeben Acknowledgment, Waiver, and Acceptance of Service of Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing	NSBDE_001560
54.	Kristen DeBraga’s Acknowledgment, Waiver, and Acceptance of Service of Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing	NSBDE_001561
55.	Proof of Personal Service on Judy A. White of Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing	NSBDE_001939
56.	Affidavit of Service on Jessica Woods of Civil Subpoena Pursuant to NRS 631.360 for Appearance at Public Hearing	NSBDE_002390
57.	Basic Screening Forms from 11/2/2020 at Leopard Cubs and Early Steps Childcare and from 11/3/2020 at Spring Creek Childcare);	NDE 000001- NDE 000016
58.	BSS Forms from 5/4/2017 at Golf Course Childcare	NDE 000017- NDE 000124
59.	Respondent’s Limited Dental License Application dated 8/14/2014	NSBDE 923-1011

The following exhibits were admitted by Respondent during the hearing:

No.	Description	Bates Nos.
100	UNLV DOE Contract 2020 Signature	UNLV_000080-112

101	UNLV DHHS Contract	
102	UNLV ATSU Practicum Memorandum Agreement	UNLV_000883-887
103	UNLV ATSU Education Affiliation Agreement	UNLV_000873-882
106	Email communications between Capurro and Cappelli	UNLV_000001-000004
105	UNLV SDM Mission, Vision & Goals	
107	Frank DiMaggio Deposition Transcript	CAPURRO000080-201
108	Phil Su Deposition Transcript	CAPURRO000202-298
109	License Verification for Antonina Capurro, DMD	CAPURRO000299-230
110	Email correspondence from Amelia Moloche to Candice Stratton	UNLV0011 – 028; CAPURRO000231 - 237
111	January 20, 2021 Board Meeting Minutes	CAPURRO000238 – 241
112	Declaration of Phil Su, Esq.	CAPURRO000242 - 253
113	E-mail correspondence between Phil Su, Esq. and David Keene, Esq.	UNLV0433 – 434; UNLV0444 – 446; UNLV0421 – 424
115	Public comment made by Kevin Moore DDS, dated May 4, 2021	CAPURRO000257
116	Understanding the NSBDE Complaint, Investigatory and Disciplinary Process	CAPURRO000258 – 269
117	July 21, 2020 Board Meeting Minutes	CAPURRO000270 – 275
118	September 15, 2020 Board Meeting Minutes	CAPURRO000276 – 287
119	Transcript of Hearing from District Court Hearing on May 20, 2021	CAPURRO000288 – 327
120	Email correspondence from Ogonna Brown, Esq. dated April 30, 2021	CAPURRO000328 - 330
121	8/1/2014 NSBDE Public Meeting Minutes	CAPURRO000331-341
122	Email correspondence from Rosalie Bordelove, Esq. dated July 14, 2021	CAPURRO000342-343
143	1/7/2021 Email from Board Deputy General Counsel to DHHS Dir. Whitley	