

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 14)**

Meeting Date & Time

Tuesday November 2, 2021
6:00 p.m. to 9:00 p.m.

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 **Monday, November 1, 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 supporting materials for the public body from the Board's website at <https://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
2 **1. Call to Order**

3 - Roll call/Quorum

4
5 Mr. Su conducted roll call.

6

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. Kimberly Petrilla (Ms. Petrilla) — Present
Ms. Jana McIntyre (Ms. McIntyre) — Not Present	

7
8 **Others Present:** Phil Su, Board General Counsel and Interim Executive Director; Jason Dworin, Board General
9 Counsel; Rosalie Bordelove, Deputy Attorney General; Ogonna Brown, Counsel for the Nevada State Board
10 of Dental Examiners; Antonina Capurro, DMD; David Barney, Counsel for Antonina Capurro, DMD; Nadia
11 Ahmed, Counsel for Antonina Capurro, DMD; Crane Pomerantz, Counsel for Antonina Capurro, DMD;
12 Jennifer Hess; Nicole Lord; Dana Tavaglione, Court Reporter with Oasis Court Reporting

13
14 **Public Attendees:** Gavin Rean; Henry Lichtenberger; Jack Smith; Kelly Taylor; Mary Bobbett; Michele Reeder;
15 Ralph Capurro; Sandra Chan; Shane Mac; Terri Chandler; "Antonio"; Caryn Solie

16
17
18 **2. Public Comment (By pre-submitted email/written form only):** (Public Comment is limited to three (3) minutes for
19 each individual)

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<p>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.</p>
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21
22 There was no written public comment.

23
24 ***3. Approve Agenda and Disclosures** (For Possible Action)

25
26 Dr. Park made a motion to approve the agenda as written. Ms. Arias seconded the motion. All were in favor.
27 Motion passed.

28
29 ***4. Formal Hearing: Nevada State Board of Dental Examiners v. Antonina Capurro, DMD** (For Possible Action)

30
31 The purpose of this hearing is to consider the allegations regarding/related to the investigative
32 complaint(s) and/or formal complaint(s) filed with the Nevada State Board of Dental Examiners for
33 alleged violations of NRS 631 and NAC 631. The Board may take such action as they deem
34 appropriate pursuant to NRS 631.350. (Pursuant to NRS 241.030(1)(a), the board may, by motion, enter closed session
35 to consider the character, alleged misconduct, professional competence or physical or mental health of a person.)

36
37 Anyone desiring supporting material for the hearing is invited to email nsbde@dental.nv.gov.
38 Supporting material will also be available for review at the Board's office at 6010 S. Rainbow Blvd.,
39 Ste. A-1, Las Vegas, Nevada, 89118, and will be posted to the Board's website, <https://dental.nv.gov>,
40 not later than 24 hours after the conclusion of the meeting. (AB 253 (2021)).

41
42 Dr. Moore introduced Ms. Bordelove, who offered an overview and instructions to the Board members
43 regarding deliberations. Dr. Moore then listed the allegations contained in the Amended Complaint
44 regarding violations against the Dental Practice Act as set forth below:

- 45
- 46 • Count I: Violations of Chapter 631.271(1)(a), (c), and (e)
 - 47 • Count II: Violations of NRS Chapter 631.271(3)(a) and (b); NRS 631.400(3)(a); NRS 631.3475(2) and (4);
48 NRS 631.349, and/or NAC 631.230(1)(c)
 - 49 • Count III: Recovery of Attorneys' Fees and Costs Under NRS 622.400

50
51 Dr. Moore invited the Board members to begin conversation regarding Count I and requested that Count I

1 be placed on the screen for all members to reference. Discussion ensued among Dr. York, Dr. Park, and Ms.
 2 Cioffi regarding Count I and their opinions resulting from the evidence presented throughout the hearing. Dr.
 3 Moore made a brief request for the Board members to focus on each count separately and approach
 4 discussion regarding each count in an orderly fashion. Discussion continued among Dr. York, Dr. Park, Dr.
 5 West, Ms. Arias, Dr. Moore, Ms. Cioffi, and Dr. Thompson regarding Count I.
 6 Following a brief recess, a second roll call was taken as follows:
 7

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	Ms. Kimberly Petrilla (Ms. Petrilla) — Present

8
 9 Discussion continued among Dr. Thompson, Dr. Moore, Dr. Park, Ms. Petrilla, Dr. West regarding Count I. All
 10 members agreed that they were ready to state their decisions. A vote was then taken as to Count I as
 11 follows:
 12

Dr. Kevin Moore (Dr. Moore) — Proven	Dr. Todd Thompson (Dr. Thompson) — Proven
Dr. Ronald West (Dr. West) — Proven	Dr. Elizabeth Park (Dr. Park) — Proven
Dr. Adam York (Dr. York) — Not Proven	Ms. Yamilka Arias (Ms. Arias) — Proven
Ms. Gabrielle Cioffi (Ms. Cioffi) — Proven	Ms. Kimberly Petrilla (Ms. Petrilla) — Proven

13
 14 Dr. Moore then invited the Board members to move on to conversation regarding Count II, along with
 15 confirmation from Ms. Bordelove that the vote was sufficient for the previous count. Discussion ensued among
 16 Dr. York, Dr. Moore, Dr. West, Dr. Thompson, Dr. Park, and Ms. Cioffi regarding Count II and their opinions
 17 resulting from the evidence presented throughout the hearing. All members agreed that they were ready to
 18 state their decisions. A vote was then taken as to Count II as follows:
 19

Dr. Kevin Moore (Dr. Moore) — Proven	Dr. Todd Thompson (Dr. Thompson) — Not Proven
Dr. Ronald West (Dr. West) — Proven	Dr. Elizabeth Park (Dr. Park) — Proven
Dr. Adam York (Dr. York) — Not Proven	Ms. Yamilka Arias (Ms. Arias) — Proven
Ms. Gabrielle Cioffi (Ms. Cioffi) — Proven	Ms. Kimberly Petrilla (Ms. Petrilla) — Proven

20
 21 A recess was taken following the vote for Count II. A third roll call was taken as follows:
 22

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	Ms. Kimberly Petrilla (Ms. Petrilla) — Present

23
 24 Mr. Dworin introduced Count III for the Board members to consider and provided an overview of NRS 631.350,
 25 which provides guidelines for authorized disciplinary action. Dr. Moore then invited the Board members to
 26 move on to conversation regarding Count III. Discussion ensued among Dr. York, Dr. Park, Dr. West, Ms. Arias,
 27 Ms. Cioffi, Dr. Thompson, and Dr. Moore regarding Count II and their respective positions regarding
 28 disciplinary action, with some input from Mr. Dworin, Mr. Su, and Ms. Bordelove regarding guidelines.
 29 Dr. Thompson made a motion that a public reprimand be issued containing the summary of the facts and
 30 findings of the hearing, including that Dr. Capurro not practice outside the bounds of any future license. Dr.
 31 Park seconded the motion. Dr. Thompson amended to include that the full Board must review any future
 32 license applications made by Dr. Capurro. Dr. Park seconded the amended motion. Dr. York clarified his
 33 understanding of the motion and discussion continued regarding specifics of disciplinary action among Dr.
 34 Thompson, Dr. York, Dr. West, and Ms. Cioffi. All were in favor. Motion passed.
 35 Mr. Dworin introduced and provided a brief overview for the Board regarding the determination of whether
 36 or not to impose attorneys' fees and costs. Ms. Bordelove offered an explanation of the process as well as
 37 guidance for the Board members regarding the determination.
 38

39 After a brief recess, Mr. Dworin suggested a vote as to whether or not to impose fees and costs with the
 40 understanding that a specific amount be determined at a later date.
 41 Dr. West made a motion to impose attorneys' fees and costs with the amount to be revisited once
 42 information regarding the amount becomes available. Ms. Cioffi seconded the motion. A vote was then

1 taken as to Count III as follows:
2

Dr. Kevin Moore (Dr. Moore) — In Favor	Dr. Todd Thompson (Dr. Thompson)— Opposed
Dr. Ronald West (Dr. West) — In Favor	Dr. Elizabeth Park (Dr. Park) — In Favor
Dr. Adam York (Dr. York) — Opposed	Ms. Yamilka Arias (Ms. Arias)— Opposed
Ms. Gabrielle Cioffi (Ms. Cioffi) — In Favor	Ms. Kimberly Petrilla (Ms. Petrilla) — In Favor

3
4 Motion in favor of Count III passed.

5 Dr. Moore ordered that the deadline for the Board's counsel to file a memorandum of fees and costs was set
6 for 48 hours from the adjournment of the meeting with the response from the Respondent's counsel due 4
7 business days thereafter.
8

9 **5. Public Comment (Live public comment by teleconference):** (Public Comment is limited to three (3) minutes for each
10 individual)
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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.

12 There was no public comment.
13
14

15 **6. Announcements**


16 There were no announcements.
17
18

19 ***7. Adjournment** (For Possible Action)

20 Dr. Park made a motion to adjourn. Dr. West seconded the motion. All were in favor. Motion passed.
21

22 **PUBLIC NOTICE POSTING LOCATIONS**

23 Nevada State Board of Dental Examiners., 6010 S Rainbow Boulevard, #A-1, Las Vegas, Nevada 89118
24 Nevada State Board of Dental Examiners website: www.dental.nv.gov
25 Nevada Public Posting Website: www.notice.nv.gov
26

X 

Phil Su
General Counsel/Interim Executive Director