

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 12)**

Meeting Date & Time

Monday September 20, 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 **Friday, September 17, 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.

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2
3 **1. Call to Order**

- 4 - Roll call/Quorum
5

6 Mr. DiMaggio conducted roll call.
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 | Dr. Ronald Lemon (Dr. Lemon)— Present |
| Dr. David Lee (Dr. Lee)— Not Present | Ms. Caryn Solie (Ms. Solie)— Present |
| Ms. Jana McIntyre (Ms. McIntyre)- Not Present | |

8
9 **Others Present:** Frank DiMaggio, Executive Director; Phil Su, Board General Counsel; Jason Dworin, Board
10 General Counsel; Rosalie Bordelove, Deputy Attorney General; Ogonna Brown, Counsel for the Nevada State
11 Board of Dental Examiners; Antonina Capurro, DMD; David Barney, Counsel for Antonina Capurro, DMD;
12 Nadia Ahmed, Counsel for Antonina Capurro, DMD; Crane Pomerantz, Counsel for Antonina Capurro, DMD;
13 Jennifer Hess; Debra Shaffer-Kugel; Robert Rourke, Counsel for Debra Shaffer-Kugel; Kim Farkas, Court
14 Reporter with Oasis Court Reporting
15

16 **Public Attendees:** "AB;" Debora Barney; Dibora Berhanu; Dr. Barney; Henry Lichtenberger; Jack Smith; Joe
17 Simms; Kelly Taylor; Ralph Capurro; Sandra Chan; Johnathon Fayegh; Nicole Lord; Terri Chandler; "Antonio,"
18 Joseph Wineman, DMD; Shane Mac
19

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

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.

23 There was no written public comment.
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25

26 ***3. Approve Agenda and Disclosures** (For Possible Action)
27

28 Dr. Park made a motion to approve the agenda as written. Dr. York seconded the motion. All were in favor.
29 Motion passed.
30

31 ***4. Formal Hearing: Nevada State Board of Dental Examiners v. Antonina Capurro, DMD** (For Possible Action)
32

33 The purpose of this hearing is to consider the allegations regarding/related to the investigative
34 complaint(s)and/or formal complaint(s) filed with the Nevada State Board of Dental Examiners for
35 alleged violations of NRS 631 and NAC 631. The Board may take such action as they deem
36 appropriate pursuant to NRS 631.350.(Pursuant to NRS 241.030(1)(a), the board may, by motion, enter closed session
37 to consider the character, alleged misconduct, professional competence or physical or mental health of a person.)
38

39 Anyone desiring supporting material for the hearing is invited to email nsbde@dental.nv.gov.
40 Supporting material will also be available for review at the Board's office at 6010 S. Rainbow Blvd.,
41 Ste. A-1, Las Vegas,Nevada, 89118, and will be posted to the Board's website, <https://dental.nv.gov>,
42 not later than 24 hours afterthe conclusion of the meeting. (AB 253 (2021)).
43

44 Dr. Moore made a statement regarding the admission of exhibits pursuant to discussion in prior sessions of the
45 hearing. There was discussion among Ms. Brown, Mr. Barney, and Dr. Moore regarding the admission of
46 exhibits. Exhibits 109, 110, 113, and 122 were stipulated to and subsequently admitted. Additional discussion
47 took place among Ms. Brown, Mr. Barney, and Dr. Moore regarding objections by Ms. Brown to the admission
48 of additional exhibits and the status of previously admitted exhibits.

49 Recess taken from 6:37pm to 6:48pm.

50 Exhibit 119 was admitted. Dr. Moore made a brief statement requesting that the examination of the witness

1 be kept pertinent to the matter of the hearing.
2 Ms. Brown expanded upon the objections to additional exhibits offered for admission by Mr. Barney and
3 discussion among Ms. Brown, Mr. Barney, and Dr. Moore continued regarding the admission of exhibits.
4 Witness Debra Shaffer-Kugel was called and underwent continued direct examination by Mr. Barney.
5 Recess taken from 7:01pm to 7:07pm.
6 Exhibit 121 was admitted.
7 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.
8 Recess taken from 7:27pm to 7:30pm.
9 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.
10 Exhibit 111 was admitted.
11 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.
12 Recess taken from 7:58pm to 8:12pm.
13 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.
14 Exhibit 112 was admitted. Ms. Bordelove made a statement as a reminder to Board members regarding the
15 scope of witness testimony, briefly explained the difference between a fact witness as an expert witness, and
16 noted that Ms. Shaffer-Kugel had not been called to testify as an expert witness. Ms. Bordelove also made a
17 statement addressing the question of what constitutes the record of the case, and noted that the record is
18 determined by the applicable court upon appeal, if any.
19 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.
20 Recess taken from 8:23pm to 8:32pm.
21 Dr. Moore made a statement regarding the focus of testimony and requested that the questioning of the
22 witness be focused upon Dr. Capurro.
23 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.
24 Recess taken from 8:45 to 8:47pm.
25 Dr. Moore made a statement requesting that the examination of the witness be limited to questions
26 regarding Dr. Capurro and the formal hearing before the board.
27 Witness Debra Shaffer-Kugel underwent continued direct examination by Mr. Barney.
28 Discussion among Ms. Brown, Mr. Barney, and Dr. Moore regarding the potential admission of Exhibit 116.
29

30 **5. Public Comment (Live public comment by teleconference):** (Public Comment is limited to three (3) minutes
31 for each individual)
32

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.

33 There was no public comment.
34
35

36 **6. Announcements**
37

38 There was a brief discussion regarding the expectation of counsel for the respective parties as to how
39 many additional sessions may be necessary. Dr. Moore noted that one additional date will be
40 scheduled at present.
41

42 ***7. Adjournment** (For Possible Action)
43

44 Ms. Cioffi made a motion to adjourn. Dr. West seconded the motion. All were in favor. Motion passed.
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46 **PUBLIC NOTICE POSTING LOCATIONS**

47 Nevada State Board of Dental Examiners., 6010 S Rainbow Boulevard, #A-1, Las Vegas, Nevada 89118

48 Nevada State Board of Dental Examiners website: www.dental.nv.gov

49 Nevada Public Posting Website: www.notice.nv.gov

X 

Phil Su
General Counsel/Interim Executive Director