

Nevada State Board of Dental Examiners



2651 N. Green Valley Pkwy, Ste. 104 • Henderson, NV 89014 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

PUBLIC MEETING NOTICE & BOARD MEETING AGENDA

Meeting Date & Time

Wednesday, October 26, 2022
6:00 P.M.

**** This meeting will be held via remote technology system and **
**** will be accessible to the public via ZOOM VIDEO WEBINAR/TELECONFERENCE ONLY ****
**** There will be no physical location for the meeting ****
**** 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#: **856 3294 9953**

Zoom Webinar/Meeting Passcode: **352095**

MINUTES

PUBLIC NOTICE:

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

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, 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014; FAX number (702) 486-7046; e-mail address nsbde@dental.nv.gov**. Written submissions received by the Board on or before **Tuesday, October 25, 2022 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.

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 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014.

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 **1. Call to Order**

2 - Roll call/Quorum

3
4 Dr. Lee called the meeting to order at approximately 6:05 p.m. Mr. Dworin conducted roll call.
5 Quorum was met.

6
7 Dr. Tejpaul John (Dr. Johl) – Present
8 Dr. Ronald West (Dr. West) – Present
9 Dr. Adam York (Dr. York) – Excused
10 Mr. Michael Pontoni (Mr. Pontoni) – Present
11 Dr. David Lee (Dr. Lee) – Present
12 Ms. Jana McIntyre (Ms. McIntyre) – Present

Dr. Todd Thompson (Dr. Thompson) – Present
Dr. Elizabeth Park (Dr. Park) – Present
Ms. Yamilka Arias (Ms. Arias) – Present
Dr. Ronald Lemon (Dr. Lemon) – Present
Ms. Kimberly Petrilla (Ms. Petrilla) – Present

13
14 **Others Present:** Jason Dworin, Interim Executive Director; Rosalie Bordelove, Deputy Attorney General.

15
16 **Public Attendees:** Matthew Dushoff, Eva Romero, Fernando Romero, Annette Lincicome, Caryn Solie, Clara
17 Thomas, Daniel Marks, David Barney, Mary Bobbett, Sheronda Strider-Barraza, Steve Rusk, Kelly Taylor,
18 Danna Lovell,

19
20 **2. Public Comment (By pre-submitted email/written form only):** The public comment period is limited to matters
21 specifically noticed on the agenda. No action may be taken upon the matter raised during public comment unless the matter itself
22 has been specifically included on the agenda as an action item. Comments by the public may be limited to three (3) minutes as a
23 reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow
24 additional time at his/her discretion.

25
26 Members of the public may submit public comment via email to nsbde@dental.nv.gov, or by mailing/faxing messages to the Board
27 office. Written submissions received by the Board on or before **Tuesday, October 25, 2022, by 4:00 p.m.** may be entered into the
28 record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be
29 included in the permanent record.

30
31 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the
32 Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the Nevada
33 State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous,
34 offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

35
36 There was no written public comment. Ms. Bordelove requested that public comment be opened up prior
37 to action items.

38
39 Public comment from Eva Romero. She objected to the meeting going forward due to lack of notice in
40 violation of NRS 241.033 and NRS 241.040. The waiver of notice agreed to by her counsel, Daniel Marks, was
41 with respect to service of the notice and agenda through counsel. She stated that her understanding
42 regarding the purpose of the continuation of the last Board meeting of October 11, was for settlement
43 purposes which she claims did not occur.

44
45 Public comment from Matthew Dushoff, representing Hardeep Sull. Mr. Dushoff stated that waiver of notice
46 was agreed to regarding the date of the meeting (October 26), but not in regards to the subject matter.
47 He will reserve further comments until agenda item 5(b) is discussed.

48
49 There was no further public comment.

50
51 Ms. Bordelove requested clarification from Ms. Hostetler regarding what was voiced by counsel regarding
52 waiver of notice. Ms. Hostetler stated that she spoke with both counsel for Ms. Romero and counsel for Ms.
53 Sull and discussed an interest in entertaining settlement discussions. It was agreed to enter into settlement
54 discussion and continue the meeting to October 26 as long as they waived notice of the meeting. She
55 offered to provide the email correspondence regarding the agreement to waive notice. Ms. Bordelove
56 confirmed that notice was adequately sent for the October 11, 2022 meeting, and asked whether it was
57 understood by counsel that they were waiving the Open Meeting Law (OML) notice for the October 26
58 meeting because it was a continuation of the October 11 meeting. Ms. Hostetler provided a copy of the
59 agenda as required by NRS 541.020(4) not later than the third working day before the meeting was
60 scheduled to be held. A copy of the agenda was emailed to counsel for Ms. Romero and to counsel for
61 Ms. Sull three working days prior to the meeting. Ms. Bordelove offered to provide legal advice on potential
62 litigation either on the record or privately if the Board wanted to recess the meeting to discuss the matter.
63

1 Dr. Lee made a motion to go into closed session. Dr. West seconded the motion. All were in favor. No
2 discussion. Motion passed.

3
4 Mr. Dworin conducted roll call. Quorum was met.

5
6 Dr. Tejpaul John (Dr. Johl) – Present Dr. Todd Thompson (Dr. Thompson) – Present
7 Dr. Ronald West (Dr. West) – Excused Dr. Elizabeth Park (Dr. Park) – Present
8 Dr. Adam York (Dr. York) – Excused Ms. Yamilka Arias (Ms. Arias) – Present
9 Mr. Michael Pontoni (Mr. Pontoni) – Present Dr. Ronald Lemon (Dr. Lemon) – Present
10 Dr. David Lee (Dr. Lee) – Present Ms. Kimberly Petrilla (Ms. Petrilla) – Present
11 Ms. Jana McIntyre (Ms. McIntyre) – Present
12

13 Dr. Johl made a motion to return to open session. Ms. McIntyre seconded the motion. All were in favor.
14 Motion passed.

15
16 ***3. President's Report:** (For Possible Action)

17
18 ***a. Request to remove agenda item(s)** (For Possible Action)

19
20 Dr. Lee introduced the above agenda item and requested to correct the numbering. The second agenda
21 item 5(b) should be a 5(c). He requested that the items be taken in the following order: 5(b), 5(c), and 5(a).
22

23 On returning from closed session, Dr. Lee recused himself for agenda items 5(b) and 5(c). Jana McIntyre
24 recused herself from items 5(b) and 5(c). Mr. Dworin called for nominations for a Board Member to stand in
25 as presiding officer for agenda items 5(b) and 5(c). Mr. Thompson nominated Dr. Johl. Ms. Arias seconded
26 the motion. All were in favor. Motion passed.
27

28 Ms. Bordelove requested clarification regarding recusals. Dr. Lee and Ms. McIntyre confirmed that the
29 recusals are pursuant to NRS 281A.420 and are being made due to the allegations made against the Board
30 members.
31

32 ***b. Approve Agenda** (For Possible Action)

33
34 Ms. Arias made a motion to approve the agenda. Dr. West seconded the motion. All were in favor. Motion
35 passed.
36

37 ***4. General Counsel's Report:** (For Possible Action)

38
39 **a. Legal Actions/Litigation Update** (For Informational Purposes Only)

40
41 Mr. Dworin requested that this agenda item be discussed in closed session with agenda item 5.

42
43 **b. Regulatory Update** (For Informational Purposes Only)

44
45 ***5. New Business:** (For Possible Action)

46
47 ***a. Discussion of request by Jacqueline Nichols, Marquis Aurbach, to settle the NDA writ of mandamus.**
48 **The Board may go into closed session to discuss litigation strategy.** (For Possible Action)
49

50 Dr. Johl returned the meeting to replace Dr. Lee as presiding officer. Dr. Lee entertained a motion to go into
51 closed session. Dr. Thompson made a motion to go into closed session. Ms. Arias seconded the motion. All
52 were in favor. Motion passed.
53

54 Dr. Lee entertained a motion to return to open session. Dr. Thompson made a motion to return to open
55 session. Dr. Arias seconded the motion. All were in favor. Motion passed.
56

57 Upon return from closed session, roll call was taken by Mr. Dworin. Quorum was met.

58
59 Dr. Tejpaul John (Dr. Johl) – Present Dr. Todd Thompson (Dr. Thompson) – Present
60 Dr. Ronald West (Dr. West) – Excused Dr. Elizabeth Park (Dr. Park) – Present
61 Dr. Adam York (Dr. York) – Excused Ms. Yamilka Arias (Ms. Arias) – Present

1 Mr. Michael Pontoni (Mr. Pontoni) – Present
2 Dr. David Lee (Dr. Lee) – Present
3 Ms. Jana McIntyre (Ms. McIntyre) – Present
4

Dr. Ronald Lemon (Dr. Lemon) – Present
Ms. Kimberly Petrilla (Ms. Petrilla) – Present

5 Dr. Lee introduced the agenda item. Dr. Lee entertained a motion to delegate authority to Mr. Dworin or
6 Dr. Lee to negotiate a settlement agreement with the NDA. Dr. Johl made a motion to delegate authority
7 to Dr. Lee or Mr. Dworin to negotiate a settlement agreement with the NDA. Ms. Arias seconded the
8 motion. Final settlement will be brought before the full Board for approval. All were in favor. Motion passed.
9

10 ***b. Discussion of recent events, evaluation and potential employment action regarding Hardeep Sull,**
11 **Executive Director – NRS 631.190; NRS 241.031(1)** (For Possible Action)
12

13 Dr. Johl introduced the agenda item. Dr. Johl entertained a motion to proceed with agenda item 5(b). Dr.
14 Thompson made a motion to proceed with the agenda item. Dr. Johl seconded the motion. There was no
15 further discussion. Dr. Johl made a motion for termination with cause of Executive Director, Hardeep Sull,
16 based on findings of the investigation and her actions according to multiple witnesses. Mr. Pontoni seconded
17 the motion. All were in favor. None were opposed. Motion passed.
18

19 ***c. Discussion of recent events, evaluation and potential employment action regarding Eva Romero,**
20 **General Counsel – NRS 631.190; NRS 241.033(4)** (For Possible Action)
21

22 Dr. Johl introduced the agenda item. Dr. Johl entertained a motion to proceed with agenda item 5(c). Dr.
23 Thompson made a motion to proceed with the agenda item. Ms. Petrilla seconded the motion. All were in
24 favor. Motion passed. A summary of the investigation was provided for review in the Board book. There was
25 no further discussion. Dr. Johl made a motion to terminate General Counsel, Eva Romero, for cause. Dr.
26 Thompson seconded the motion. All were in favor. None were opposed. Motion passed.
27

- 28 **6. Public Comment (Live public comment by teleconference):** This public comment period is for any matter that is
29 within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless the matter
30 itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three (3) minutes as a
31 reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional
32 time at his/her discretion.
33 Members of the public may submit public comment via email to nsbde@dental.nv.gov, or by mailing/faxing messages to the Board
34 office. Written submissions received by the Board on or before **Tuesday, October 25, 2022 by 4:00 p.m.** may be entered into the record
35 during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in
36 the permanent record.
37 In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the Chair
38 may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the Nevada State
39 Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive,
40 inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.
41

42 Public comment from Eva Romero. Ms. Romero claimed that she had been wrongfully terminated. She read
43 portions of her statement that was published in the Public Book.
44

45 Public comment from Matthew Dushoff. Mr. Dushoff claimed the premise of the waiver of notice for
46 continuation of the meeting to October 26 was for the purpose of settlement negotiations. He claimed the
47 negotiations never happened. Mr. Dushoff read into the record portions of Ms. Sull and Ms. Romero's
48 statement, which were published in the Public Book.
49

50 Ms. Romero was allowed an additional minute for public comment. She continued with portions of her
51 statement which was published in full and is available to view in the Public Book.
52

53 There was no further public comment.
54

55 **8. Announcements**
56

57 Dr. Lemon announced that tonight is his final Board meeting, as his term has ended. He shared his thoughts
58 with the Board: "I want to thank the members of the Board, present members and past members, who I
59 have had the pleasure of knowing and with whom I have worked during my term. There is a common
60 thread that runs through this group, one of service and giving for the benefit of the citizens of Nevada and

1 the general good for dentistry in this state. I have not witnessed anyone with a personal agenda or is in the
2 service of the Board for personal gain – not one instance during my three years here. The Board is important
3 for maintaining the noble profession of dentistry as we know it. Except for the public member of the Board,
4 all others are working members of the profession. Therefore, actions of the Board govern the members of
5 the Board also. I speak to you now, not as a Board member, but as a licensed dentist in Nevada. Now is the
6 time for all dental personnel in Nevada to work together. We have all witnessed what is happening in our
7 country today. As a country, we are divided into groups and are blaming other groups for our problems.
8 This cannot happen in dentistry. Otherwise, dentistry will not be the same practice and profession as we
9 know it today. The threat is to our independence, survival, and maintenance of our self-regulation. We must
10 work together. I say this again – we **must** work together if we value the profession of dentistry as we currently
11 know it. To do otherwise will further erode our noble profession, and I advise that any of our internal
12 problems can be solved within our dental family of professionals. The health of our profession depends on
13 our willingness to communicate among ourselves to solve problems and not rely on the legal establishment
14 for resolution. Planned turnover keeps an organization healthy, and tonight Dr. Elizabeth Park and I will offer
15 our seats to new Board members. I am honored to have served. Thank you very much.”

16
17 The Board members thanked Drs. Lemon and Park for their service.

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

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21 Dr. Johl made a motion to adjourn. Ms. McIntyre seconded the motion. All were in favor. Motion passed.

22
23 **PUBLIC NOTICE POSTING LOCATIONS**

24 Office of the N.S.B.D.E., 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014

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

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



Jason Dworin
Interim Executive Director