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Governor

Arizona State Board of Dental Examiners

“Caring for the Public’s Dental
Health and Professional Standards”

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OPEN SESSION MINUTES

January 18, 2022

Investigative Committee Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) Investigative Committee (“Committee”) held a meeting at the Board’s office, in Boardroom A, 1740 West Adams Street, Phoenix, Arizona 85007. The meeting was also held virtually and telephonically due to the COVID-19 pandemic. The Committee did not meet in executive session.

COMMITTEE MEMBERS

	<i>Louis Sommerhalter, DDS</i>	Chairperson
	Anthony Caputo, DDS	Committee Member
	Timothy, Cross, DDS	Committee Member
	David Dodell, DMD	Committee Member
X	Michael Domingo, DDS	Committee Member
⌚	<i>Mari Fukami, DMD, MS</i>	Committee Member
X	Brown “Skip” Harris, DDS	Committee Member
	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	<i>Deborah Kappes, RDH</i>	Committee Member
	Rebecca Lavene, DMD	Committee Member
	Mindy Motahari, DMD, MA Edu	Committee Member
⌚	Joined/deperted as denoted in the body of the minutes	
X	Absent	
	<i>Committee members in italics participated in-person</i>	

STAFF PRESENT

	<i>Ryan P. Edmonson</i>	Executive Director
	<i>Kristina C. Gomez</i>	Deputy Director
	<i>Mary D. Williams, Esq.</i>	Assistant Attorney General
	<i>Scott Donald, Esq.</i>	Assistant Attorney General
	John W. Dovgan, DDS	Chief Investigator
	<i>Julie Cutler, DMD</i>	Deputy Chief Investigator
	<i>Benjamin Berschler, DMD</i>	Investigator
	<i>Terry Bialostosky</i>	Compliance Consultant
	<i>Selena Acuna</i>	Compliance Officer
	<i>Mary Ford</i>	Compliance Officer
	<i>April Romero</i>	Compliance Officer
	<i>Yazmin Bustamante</i>	Executive Assistant
	<i>Staff members in italics participated in-person</i>	

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 2:00 p.m. by Dr. Sommerhalter. Roll call of the committee members was taken and a quorum was established.

II. WELCOME AND INTRODUCTIONS

The Committee members introduced themselves.

Dr. Fukami joined the meeting at 2:05 p.m.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMMITTEE MEETING MINUTES

A. Discussion and approval of the Open Session Minutes from the January 18, 2022 committee meeting.

Motion: Dr. Kalamchi moved to approve the Open Session Minutes from the January 18, 2022 committee meeting.

Second: Dr. Caputo

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

IV. SCOPE OF WORK

Mr. Edmonson stated that the committee has been established by the Board.

V. COMMITTEE TRAINING ON OPEN MEETING LAW, THE ROLE AND FUNCTIONING OF THE COMMITTEE, AND THE INVESTIGATION PROCESS

Assistant Attorneys General Mary Williams and Scott Donald provided training to the Committee regarding its role and functioning, the investigation process and members roles within the process. The Committee members were encouraged to participate based on their area of expertise. The Committee was also educated on Arizona's Open Meeting Law. During the training, the Committee was informed to avoid discussion outside of open session such as breaks to avoid violation of open meeting law or unintended disclosure of confidential information. Committee members were also advised to not conduct internet research during a meeting because all Committee members should have access to the same information. Ms. Williams proceeded to discuss best practice and indicated that the chairperson should not make motions or second them. Motions should be clearly articulated to make recommendations to the Board. Ms. Williams further indicated that voting by proxy is not permitted. However, Mr. Edmonson commented that a member's written statement can be read if not attending the meeting. Mr. Donald subsequently addressed recusals, conflicts of interest and appearance of impropriety. Ms. Williams then proceeded to discuss confidentiality of investigations and indicated that the existence of a confidential complaint is confidential until it is placed on a public meeting agenda.

VI. ITEMS FOR REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD RECOMMENDATIONS

A. Review of Investigation(s)

1. 202000264; Zahiri, Sheyda

Dr. Cutler provided the Committee with an overview of the complaint and explained the circumstances surrounding the allegation of patient abandonment. Dr. Cutler indicated that there were no deviations found during the investigation.

Motion: Dr. Cross moved to recommend that the Board dismiss the case.

Second: Dr. Kalamchi

Mr. Edmonson clarified the difference between the dismissal of a case and an Executive Director Termination.

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

V. COMMITTEE TRAINING ON OPEN MEETING LAW, THE ROLE AND FUNCTIONING OF THE COMMITTEE, AND THE INVESTIGATION PROCESS

Mr. Edmonson directed the Committee's attention to the packet and provided an overview of the investigator and consultant's roles. Mr. Edmonson clarified that a consultant can sit on the Committee and is able to present cases and answer questions; however, should not vote.

VII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Dr. Sommerhalter requested that the selection of a vice chairperson be placed on a future meeting agenda and commented that it is important for the vice chairperson to appear in person.

VII. NEXT COMMITTEE MEETING DATE(S)

1. April 5, 2022
2. May 10, 2022
3. June 28, 2022
4. August 9, 2022
5. September 13, 2022
6. October 11, 2022
7. November 8, 2022
8. December 6, 2022

Motion: Ms. Kappes moved to accept the dates as proposed on the agenda.

Second: Dr. Cross

Vote: 9-aye, 0-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Motion: Ms. Kappes moved to start future meetings at 1:00 p.m.

Second: Dr. Dodell

Vote: 8-aye, 1-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

Dr. Lavene voted against the motion.

IX. ADJOURNMENT

Dr. Sommerhalter adjourned the meeting at 4:12 p.m.