



Douglas A. Ducey,  
Governor

# Arizona State Board of Dental Examiners

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

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## OPEN SESSION MINUTES

### August 6, 2021 Board Meeting

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) held a board meeting at the Board’s office, in Boardroom C, 1740 West Adams Street, Phoenix, Arizona 85007. The meeting was also held virtually and telephonically due to the COVID-19 pandemic. The Board met in executive session during its consideration of agenda items V.C.5, V.E.4, and V.I.2 as stated herein.

#### BOARD MEMBERS

	<i>Anthony Herro, DDS</i>	President and Licensed Dentist Member
🕒	<i>Lisa B. Bienstock, DMD</i>	Vice-President and Licensed Dentist Member
X	Morgan B. Burg	Business Entity Member
	<i>Edward H. Christensen, DDS</i>	Licensed Dentist Member
🕒*	Aditya Dynar	Public Member
	Tamer El-Gendy	Licensed Dentist Member
🕒	<i>Nick Goodman</i>	Public Member
	<i>Marilyn J. McClain, RDH</i>	Licensed Hygienist Member
	<i>Russell Jeffrey Morrow, DDS</i>	Licensed Dentist Member
	<i>Vicki B. Penna, RDH</i>	Licensed Hygienist Member
X	Leslie D. Seaman, DDS	Licensed Dentist Member
🕒	Left early as denoted in the body of the minutes	
🕒*	Temporarily left the meeting as denoted in the body of the minutes	
X	Absent	
	<i>Board members in italics participated in-person</i>	

#### STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT

	<i>Ryan P. Edmonson</i>	Executive Director
	<i>Kristina C. Gomez</i>	Deputy Director
	Seth T. Hargraves, Esq	Assistant Attorney General
	<i>Carrie Smith, Esq</i>	Assistant Attorney General
	<i>John W. Dovgan, DDS</i>	Chief Investigator
	<i>Julie Cutler, DMD</i>	Deputy Chief Investigator
	<i>Lisa Schmelling</i>	Chief Compliance Officer
	<i>Selena Acuna</i>	Compliance Officer
	<i>Yazmin Bustamante</i>	Executive Assistant
	Jessica Thomas	Rules Administrator

*Staff members in italics participated in-person*

**GUESTS PARTICIPATING AND/OR PRESENT**

Michael H. Wasson	Applicant
Peter Dang	Applicant
Brian "Aaron" Holtan	Applicant
<i>Jeffery J. Tonner, Esq.</i>	Attorney for Applicant and Respondents
<i>Susan McLellan, Esq.</i>	Attorney for Respondents
Ehsan Pourshirazi	Respondent
David Perkins	CDCA-WREB Representative
Kimber Cobb	Director, Dental Hygiene Examinations, CDCA-WREB
Amir Sobhi	Respondent
Cody Hall, Esq.	Attorney for Respondents
Jason J. Yole	Respondent
Joseph D'Aniello	Respondent Complainant
Michele Thompson, Esq.	Attorney for Respondent
<i>Stephen Brown</i>	Respondent
Hannah Price	Complainant's Mother
<i>Frederick Cummings, Esq.</i>	Attorney for Respondent
Complainant	Case No. 202000111
<i>Dina Anagnopoulos, Esq.</i>	Attorney for Respondent
<i>Ronald Walker</i>	Respondent
Erik Unger	Respondent
<i>Dylan Patrick Thomas</i>	Respondent
<i>Gina Elrod</i>	Business Entity Respondent
<i>Complainant</i>	Case No. 202000081
<i>Complainant</i>	Case No. 202000104
<i>Leon Reed</i>	Respondent
John Truman Seiler, IV	Respondent
Complainant	Case No. 202000053
Robert Janisse	Respondent
<i>Mandi Karvis, Esq.</i>	Attorney for Respondent
Tony Kaocharoen	Respondent
Leah Schachar, Esq.	Attorney for Respondent
Kristen Boilini	Guest

*Guests in italics participated in-person*

**I. CALL TO ORDER AND ROLL CALL**

Dr. Herro called the Board's meeting to order at 8:01 a.m. Roll call of the Board members was taken and a quorum was established.

**II. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503**

Dr. Morrow declared conflicts of interest with agenda item nos. V.D.3. and V.F.4.

Dr. El-Gendy declared a conflict of interest with agenda item no. V.D.3.

Dr. Christensen declared a conflict of interest with agenda item no. V.C.1.

Mr. Goodman declared a conflict of interest with agenda item no. V.C.1.

Dr. Bienstock declared a conflict of interest with agenda item no. V.E.4.

**III. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

- A. Discussion and approval of the Open Session Minutes from the April 2, 2021 board meeting.
- B. Discussion and approval of the Executive Session Minutes from the April 2, 2021 board meeting.
- C. Discussion and approval of the Open Session Minutes from the May 7, 2021 board meeting.
- D. Discussion and approval of the Executive Session Minutes from the May 7, 2021 board meeting.

**Motion:** Dr. Herro moved to table the consideration of minutes in items A-D.

**Second:** Dr. Bienstock

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

**IV. CALL TO THE PUBLIC**

No individuals addressed the Board.

**V. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

A. Application(s) for Licensing of Dentist(s) or Hygienist(s) – A.R.S. § 32-1231 et seq. and 32-1281 et. seq. respectively

- 3. Wasson, Michael H., DDS

Dr. Wasson was available during the Board's consideration of this matter. The Board did not have any questions for the applicant.

**Motion:** Dr. Herro moved to grant licensure.

**Second:** Mr. Goodman

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

- 1. Dang, Peter H.

Mr. Dang was available during the Board's consideration of this matter. The Board expressed their concern that Mr. Dang appeared to be misrepresented as a licensed hygienist. Dr. Morrow, stated that the applicant passed the requirements for licensure.

**Motion:** Dr. Morrow moved to grant licensure.

**Second:** Dr. Bienstock

**Vote:** 6-aye, 3-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

*Mr. Goodman, Ms. McClain, and Ms. Penna voted against the motion.*

- 2. Holtan, Brian Aaron, DMD

Dr. Holtan and Mr. Tonner participated in the meeting during the Board's consideration of this matter and answered the Board's questions.

**Motion:** Ms. McClain moved to grant licensure without restrictions.

**Second:** Ms. Penna

Dr. Morrow suggested that the Board follow the recommendation from the applicant's psychologist.

*Ms. McClain amended her motion.*

**Motion:** Ms. McClain moved to grant licensure with 1 year confidentiality monitoring.

**Second:** Ms. Penna

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

C. Review of Investigation(s) – Case(s) Recommended for Dismissal

1. 202000211-AO; Ray, Andrew William

**Motion:** Ms. Penna moved to dismiss the case.

**Second:** Ms. McClain

**Vote:** 7-aye, 0-nay, 0-abstain, 2-recuse, 2-absent. Motion passed.

*Mr. Goodman and Dr. Christensen were recused and did not participate in this matter.*

2. 202000293-AO; White, Bryan A.

**Motion:** Ms. Penna moved to dismiss the case.

**Second:** Dr. Herro

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

3. 202000318-AO; Kalika, Jonathan I

Dr. Kalika made a statement to request dismissal of her case during the Board's consideration of this matter.

**Motion:** Ms. McClain moved to dismiss the case.

**Second:** Dr. Bienstock

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

4. 202000361-AO; Barget, David Z.

**Motion:** Dr. Bienstock moved to dismiss the case.

**Second:** Dr. Herro

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

5. 202000314; Cognito, Randy

Dr. Dovgan reported that the owner of the two dental practices is not a licensed individual and that the Board does not have jurisdiction. Board staff informed the Board that the business owner did not provide any information or documentation that board staff

requested. Mr. Goodman asked what the Board can do for a business license type and if there was a precedent case.

**Motion:** Dr. Herro moved for the Board to enter into executive session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

**Second:** Dr. Bienstock

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

*The Board entered into executive session at 8:33 a.m.*

*The Board returned to open session at 8:49 a.m.*

*No legal action was taken by the Board during executive session.*

*After the vote to go into executive session, Mr. Dynar temporarily left the meeting.*

**Motion:** Dr. Morrow moved to table the docket for further investigation.

**Second:** Ms. McClain

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

**Motion:** Dr. Morrow further directed Board staff to open an investigation against All Quality Dentures pertaining to the functions of employees associated with the business entity.

**Second:** Ms. McClain

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

B. Motion for Rehearing/Review – A.A.C. R4-11-1701

1. 201900282-AO; Pourshirazi, Ehsan

Dr. Pourshirazi was available during the Board's consideration of the matter. Mr. Tonner spoke on behalf of Dr. Pourshirazi and made a case comparison. Mr. Tonner further recommended that the Board grant the petition and ultimately remove the 6 month suspension, remove the probation and reduce the restriction to not apply for another type of sedation permit to 12 months. Mr. Hargraves stated that the case Mr. Tonner referenced was not similarly situated because Dr. Pourshirazi performed a procedure that he did not have the proper permit to do so which resulted in an individual's death. Mr. Hargreaves further indicated that there are no grounds for a rehearing or review and recommended that the Board consider a limited review regarding the clarifying justification.

**Motion:** Mr. Goodman moved to deny the request to rehear or review the case.

**Second:** Dr. Herro

Dr. Herro questioned if the Board had heard enough to warrant a rehearing.

*After further discussion Mr. Goodman rescinded his motion.*

**Motion:** Dr. Morrow moved to deny the respondent's request to rehear or review the case.

**Second:** Dr. Bienstock

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

**Motion:** Dr. Bienstock moved to grant a limited review as requested by the State to accommodate recommendation from the State in accordance with A.A.C. R4-11 1701(C)(7).

**Second:** Dr. Morrow

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 3-absent. Motion passed.

*Mr. Goodman abstained.*

**Motion:** Dr. Morrow moved to amend the Decision and Order to clarify the bases for language struck in footnote 31 and Conclusion of Law 19 to indicate that the two sentences of Conclusion of Law 19 were contraindicated by the facts of the case and that footnote 31 conflicts with Conclusion of Law 18.

**Second:** Ms. McClain

**Vote:** 7-aye, 0-nay, 1-abstain, 0-recuse, 3-absent. Motion passed.

*Mr. Goodman abstained.*

J. Voluntary Surrender(s)

1. 202000185; Maslak, John E.

**Motion:** Dr. Bienstock moved to accept Mr. Maslak's voluntary surrender of licensure and vacate the hearing.

**Second:** Dr. Morrow

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

C. Review of Investigation(s) – Case(s) Recommended for Dismissal

6. 202100074; Elam, Tom

Dr. Dovgan reported that Mr. Elam is not a licensed individual or business owner and advised that the case is outside of the Board's jurisdiction. Dr. Dovgan further indicated that there was not enough evidence to support the allegations.

**Motion:** Dr. Morrow moved to dismiss the case due to lack of jurisdiction and lack of further evidence that dentistry was being performed.

**Second:** Dr. Bienstock

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

*The Board took a break from 9:18 a.m. to 9:32 a.m.*

*Roll call of the Board members was taken and a quorum was established.*

**VII. NOTICES OF PROPOSED RULEMAKING (“NPR”)**

Ms. Thomas informed the Board that they may make further revisions prior to submitting the NPR to the Secretary of State.

**Motion:** Dr. Morrow motioned to approve both notices of proposed rulemaking as presented and allow staff to proceed with the rule making process.

**Second:** Dr. Herro

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

**VIII. PROPOSED LEGISLATION**

- A. Board’s definitions;
- B. Add a requirement that business entities and licensee owned dental practices have at least one automated external defibrillator;
- C. The repeal of the jurisprudence examination for each dental profession;
- D. Amendments to the Board’s exam requirements for each dental profession;
- E. An amendment to the production of records to the Board; and
- F. An amendment to collected fees.

Mr. Edmondson informed the Board of the proposed legislation changes.

Ms. Cobb and Dr. Perkins were available to answer the Board’s questions. Dr. Perkins presented a slideshow presentation to the Board on ADEX dental examinations.

Mr. Edmondson informed the current Board members that the Board had previously voted to change their exam requirements in statute. Because of the way the statute is currently written it indicates the acceptance of the Western Regional Examining Board (WREB) and what other regional testing agencies provide. Mr. Edmondson further directed the Board’s attention to pg. 8240 for the new language and deferred to Ms. Thomas for further discussion.

Ms. Thomas clarified that current rules and statutes reference WREB language instead of referring to a clinical examination administered by a state or regional testing agency. Ms. Thomas also informed the Board that if they would like, they may make additional statutory and/or rule changes to clarify language to require in person examination in preparation for legislation.

Dr. Perkins addressed the Board and stated that it is in the candidates best interest to choose the least invasive option and pointed out that if a patient’s calculus is not at the necessary level the hygienist would not be able to take the exam.

**Motion:** Dr. Morrow moved to accept the change of language in statute and direct staff to open a bill for the 2022 session.

**Second:** Dr. Herro

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

**Motion:** Dr. Herro moved to approve items A, B,C, E, F, to accept amended statutory changes proposed by the anesthesia committee and rule committee and direct staff to seek changes in the

2022 legislative session.

**Second:** Dr. Morrow

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

D. Review of Investigation(s) – Case(s) Recommended for a Letter of Concern

1. 202000076; Bhalla, Annu Monu

**Motion:** Dr. Morrow moved to issue a letter of concern for lack of documentation due to not having a consent form for an extraction.

**Second:** Dr. Herro

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

2. 202000105; Novelly, Arthur S.

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Christensen

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

3. 202000065-MP; Sobhi, Amir

Mr. Hall made a statement on behalf of Dr. Sobhi and requested that the Board dismiss the case. Dr. Sobhi was present and answered the Board's questions on documentation practices.

**Motion:** Dr. Bienstock moved to table the case and have an orthodontist's opinion to review the case.

**Second:** Dr. Herro

**Vote:** 3-aye, 5-nay, 0-abstain, 0-recuse, 3-absent. Motion failed.

*Drs. Herro, Christensen, Mr. Goodman, Ms. McClain and Ms. Penna voted against the motion.*

**Motion:** Ms. McClain moved to dismiss the case.

**Second:** Ms. Penna

**Vote:** 4-aye, 1-nay, 1-abstain, 2-recuse, 3-absent. Motion passed.

*Dr. Bienstock voted against the motion.*

*Mr. Goodman abstained.*

*Drs. Morrow and El-Gendy were recused and did not participate in this case.*

E. Review of Investigation(s) – Case(s) Recommended for Issuance of a Non Disciplinary Order for Continuing Education – A.R.S. § 32-1263.02(F)(3)

1. 202000063; Yole, Jason J.



Dr. Yole was available to answer the Board's questions. Dr. Dovgan addressed the Board and indicated that it is necessary to have some type of monitoring and blood pressure readings when administering any type of minimal sedation to prevent deep sedation. Dr. Herro pointed out what the community does for standard of care. Ms. Penna clarified that taking vitals is considered standard care.

**Motion:** Dr. Herro moved to issue a non-disciplinary order for CE, requiring the completion of 3 hours of CE in crowning bridge with online courses acceptable due to COVID-19 restrictions. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months.

**Second:** Dr. Morrow

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

2. 202000069; D'Aniello, Joseph

Dr. D'Aniello and Ms. Thompson were available to answer the Board's questions regarding this case.

**Motion:** Dr. Christensen moved to dismiss the case due to not noticing any complications.

**Second:** Dr. Morrow

Dr. El-Gendy asked additional questions and discussed the procedure.

*Dr. Christensen rescinded his motion.*

Dr. Dovgan addressed the Board and clarified the technicalities of the procedure.

**Motion:** Dr. Herro moved to dismiss the case.

**Second:** Dr. Morrow

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

3. 202000097; Brown, Stephen D.

Dr. Brown was available during the consideration of this matter. Mr. Cummings informed the Board that Dr. Brown has documentation practice and answered the Board's questions.

**Motion:** Dr. Morrow moved to issue a non-disciplinary order, requiring the completion of 4 hours of CE in risk management and 3 hours in endodontics.

**Second:** Dr. Herro

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

**Motion:** Mr. Goodman moved for the Board to take a break.

**Second:** Dr. Herro

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

*The Board took a break from 11:31a.m. to 11:52 a.m.*

*Roll call of the Board members was taken and a quorum was established.*

*Mr. Dynar returned to the meeting during break, at 11:50 a.m.*

4. 202000111; Choi, Cheol Myeong

Ms. McLellan represented Dr. Choi and informed the Board that Dr. Choi's license expired; that he does not intend to renew and has since moved out of state and requested that the Board dismiss the case. Dr. Herro stated that the x-rays may not support the treatment done and recommended auditing charts for past history from other patients of Mr. Choi.

**Motion:** Dr. Herro moved to go into executive session for legal advice.

**Second:** Mr. Goodman

**Vote:** 8-aye, 0-nay, 0-abstain, 1-recuse, 3-absent. Motion passed.

*Dr. Biestock was recused and did not participate in the case.*

*The Board entered into executive session at 12:06 p.m.*

*The Board returned to open session at 12:19 p.m.*

*No legal action was taken by the Board during executive session.*

Dr. Morrow stated that Dr. Choi displayed unprofessional conduct, over treatment, gross malpractice, and irregular billing.

**Motion:** Dr. Morrow moved for the Board to offer a consent agreement for CE, requiring the completion of 4 hours of CE in risk management, 3 hours in pediatric dentistry and 3 hours in ethics. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. Online courses are acceptable due to COVID-19 restrictions. The consent agreement shall also be in the National Practitioners Database. If the agreement is declined, move to a formal interview.

**Second:** Dr. Herro

**Vote:** 7-aye, 2-nay, 0-abstain, 0-recuse, 2-absent. Motion passed.

*Mr. Goodman and Mr. Dynar voted against the motion.*

*Mr. Goodman departed the meeting at 12:28 p.m.*

5. 202000102-MP; Goodman, Caleb Grant

Ms. Anagnopoulos represented Mr. Goodman. Ms. Anagnopoulos stated that it is standard practice for Mr. Goodman to document and requested that the Board dismiss the case. Dr. Christensen stated the oral surgery was appropriate.

**Motion:** Dr. Morrow moved to issue a letter of concern for lack of record keeping and for

not taking vital signs.

**Second:** Dr. Herro

**Vote:** 7-aye, 1-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

*Mr. Dynar voted against the motion.*

F. Review of Investigation(s) – Case(s) Recommended for an Offer of a Disciplinary Consent Agreement

1. 202000006; Beautiful Smiles Dental Spa

Mr. Tonner represented the owners of Beautiful Smiles Dental Spa and informed the Board that the owners had discovered fraudulent activity and subsequently requested to be audited by the insurance company.

**Motion:** Dr. Morrow moved to dismiss the case because the owner had done what they could to rectify the matter.

Ms. McClain commented that although the business is currently going through an audit the owner should have a check system to ensure that it doesn't happen again or ensure that it has stopped.

**Second:** Dr. Herro

**Vote:** 6-aye, 2-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

*Ms. McClain and Ms. Penna voted against the motion.*

2. 202000045-MP; Walker, Ronald D.

Ms. McLellan and Dr. Walker were available to answer the Board's questions regarding the case. Ms. McLellan requested that the Board take into consideration the standards of the time of treatment from 2015. Dr. Walker answered the Boards questions regarding the treatment.

**Motion:** Dr. Herro moved for the board to offer a letter of concern for lack of record keeping.

**Second:** Dr. Bienstock

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

3. 202000058; Unger, Erik

Dr. Unger was available during the consideration of this case. Mr. Tonner spoke to the Board about the treatment done on the patient and requested dismissal of the case. Dr. Unger answered the Board's questions on the procedure.

**Motion:** Dr. Herro moved to issue a non-disciplinary consent agreement, requiring the completion of 3 hours of CE in prosthodontics and 4 hours in risk management. The CE hours shall be in addition to the hours required for license renewal and shall be completed

within six months. Online courses are acceptable due to COVID-19 restrictions.

**Second:** Dr. Morrow

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

7. 202000147; Walker, Ronald D.

Dr. Walker and Ms. McLellan were available to answer the Board's questions pertaining to the case. Ms. McLellan provided the Board with a handout and made a statement on the allegations made. Ms. McLellan asked that the Board take into consideration that the patient failed to disclose the history of medications being taken and that the patient was issued a refund for the procedure. Dr. Dovgan spoke to the Board about the technicalities on implants.

**Motion:** Dr. Herro moved to issue a non-disciplinary consent agreement for CE, requiring the completion of 4 hours of CE in risk management and 4 hours in implants. The CE hours shall be in addition to the hours required for license renewal and shall be completed within six months. Online courses are acceptable due to COVID-19 restrictions.

**Second:** Dr. Morrow

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

4. 202000066-MP; Thomas, Dylan Patrick

Dr. Thomas and Mr. Hall were available to answer the Board's questions pertaining to the case. Mr. Hall informed the Board that the patient signed the informed consent which indicated that an injury to the lingual nerve is a known risk and a potential complication.

**Motion:** Ms. McClain moved to dismiss the case.

**Second:** Dr. Herro

*Ms. McClain rescinded her motion.*

Dr. Thomas answered the Board's questions on the procedure and technique he used.

**Motion:** Ms. McClain moved to dismiss the case.

**Second:** Dr. Herro

**Vote:** 6-aye, 1-nay, 0-abstain, 1-recuse, 3-absent. Motion passed.

*Dr. Bienstock voted against the motion.*

*Dr. Morrow was recused and did not participate in this case.*

5. 202000081-AO; Williams, Jared B.

Complainant T.B. addressed the Board to give testimony. T.B. stated she was left paralyzed for hours and that Dr. Williams failed to recognize a potential medical emergency. Dr. Williams and legal counsel were not present to answer any questions for

the case. Complainant T.B. requested that Dr. Williams refund her for the medical expenses incurred due to the incident and offer an apology.

**Motion:** Dr. Herro moved to issue a letter of concern for failure to notify the Board of an adverse occurrence.

**Second:** Dr. Bienstock

**Vote:** 5-aye, 2-nay, 0-abstain, 1-recuse, 3-absent. Motion passed.

*Mr. Dynar and Ms. Penna voted against the motion.*

*Dr. Christensen was recused and did not participate in this case.*

6. 202000093; Paradise Valley Family Dental, LLC

The owner of Paradise Valley Family Dental, LLC was present without legal representation and was informed that legal representation is required to address the Board.

**Motion:** Dr. Morrow moved to table the matter until the owner obtains a legal representative.

**Second:** Dr. Bienstock

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

8. 202100044; Reed, Leon B.

Dr. Reed and Mr. Tonner were available during the Board's consideration of this matter. Mr. Tonner stated that the x-rays were not ordered by Dr. Reed; that it was part of a fraudulent scheme. Mr. Tonner subsequently requested that the Board dismiss the case.

**Motion:** Dr. Morrow moved to dismiss the case.

**Second:** Dr. Christensen

**Vote:** 8-aye, 0-nay, 0-abstain, 0-recuse, 3-absent. Motion passed.

*The Board took a break from 2:03 p.m. to 2:18 p.m.*

*Roll call of the Board members was taken and a quorum was established.*

*Dr. Bienstock left the meeting at 2:15 p.m.*

H. Review of Executive Director Complaint Terminations and Subsequent Complainant Appeals – A.R.S. § 32-1263.03

2. 202000104; Seiler IV, Truman John

Complainant S.S. addressed the Board to give testimony. Dr. Seiler was available to answer the Board's questions pertaining to the case. Mr. Tonner spoke on behalf of Dr. Seiler and invoked the statute of limitations of four years. Mr. Tonner also pointed out that the patient was compensated with additional treatment to equate the money that she had paid for the bridge.

**Motion:** Dr. Morrow moved to have the Board uphold the Executive Directors Termination based on the statute of limitations.

**Second:** Mr. Dynar

**Vote:** 6-aye, 1-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

*Ms. Penna voted against the motion.*

I. Response/Non-response to Offered/Issued Consent Agreement(s)/Board Order

2. 202000053; Janisse, Robert

Dr. Janisee was available to answer the Board's questions. Ms. Karvis spoke on behalf of Dr. Janisee and asked that the Board reconsider the penalty fees to something more consistent with the Boards' previous orders.

**Motion:** Ms. Penna moved to go into executive session for legal advice.

**Second:** Dr. Herro

**Vote:** 7-aye, 0-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

*The Board entered into executive session at 2:41 p.m.*

*The Board returned to open session at 2:47 p.m.*

*No legal action was taken by the Board during executive session.*

**Motion:** Ms. McClain moved to reject the counter offer and uphold the consent agreement offer and if rejected request to move to a formal interview.

**Second:** Ms. Penna

**Vote:** 3-aye, 4-nay, 0-abstain, 0-recuse, 4-absent. Motion failed.

*Drs. Herro, Christensen nay, El Gendy and Mr. Dynar voted against the motion.*

**Motion:** Dr. Christensen moved to accept the counter offer of \$2,000 and reoffer a consent agreement.

**Second:** Dr. Herro

**Vote:** 3-aye, 4-nay, 0-abstain, 0-recuse, 4-absent. Motion failed.

*Ms. McClain, Ms. Penna, Drs. Morrow, El-Gendy voted against the motion.*

**Motion:** Dr. Morrow moved to issue a fee of \$30,560 to account for the time frame and reduce the penalty from \$100 to \$50 a day, including only business days and offer to come in for a formal interview if the consent agreement is rejected.

**Second:** Dr. Herro

**Vote:** 6-aye, 1-nay, 0-abstain, 0-recuse, 4-absent. Motion passed.

*Dr. Christensen voted against the motion.*

*Mr. Dynar left the meeting at 3:00 p.m.*

## VI. CONSENT AGENDA

### A. Board Dental/Hygiene Consultant(s) and Anesthesia and Sedation Evaluator(s)

1. Gassman, Carl J. (Anesthesia and Sedation Evaluator)
2. Hammi Blue, Ann (Dental Consultant)
3. Cohn, Marc P. (Dental Consultant)

### B. Executive Director Complaint Terminations – A.R.S. § 32-1263.03

1. 201900118;
2. 202000002;
3. 202000016;
4. 202000019;
5. 202000021;
6. 202000022;
7. 202000037;
8. 202000038;
9. 202000046;
10. 202000047;
11. 202000049;
12. 202000051;
13. 202000054;
14. 202000055;
15. 202000057;
16. 202000061;
17. 202000067;
18. 202000101;
19. 202000116;
20. 202000160;
21. 202000204;
22. 202100040;
23. 202100041;
24. 202100045; and
25. 202100046.

### C. Termination of Board Orders(s)/Consent Agreements(s)

1. 201900159; Chang, Doug
2. 201900259; Ilic, Zoran D.
3. 201900281; Samina, Omaima
4. 201900306; Rice, Jason

**Motion:** Dr. Morrow motioned to accept the Consent Agenda, items A, B and C.

**Second:** Dr. Herro

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

### I. Response/Non-response to Offered/Issued Consent Agreement(s)/Board Order

1. 201900278; Kaocharoen, Tony

Ms. Schachar spoke on behalf of Dr. Kaocharoen and requested that the Board offer a non-disciplinary order.

**Motion:** Dr. Herro moved to accept the modifications as proposed and amend the original order and issue a non-disciplinary order with the requested modifications.

**Second:** Dr. Morrow

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

G. Reconsideration of Prior Board Action

1. Mehlem, John

**Motion:** Dr. Herro moved to rescind the June 11, 2021 vote to open a complaint file, and take action to dismiss the matter due to lack of jurisdiction.

**Second:** Dr. Morrow

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

H. Review of Executive Director Complaint Terminations and Subsequent Complainant Appeals – A.R.S. § 32-1263.03

1. 202000217; Honigman, Allen S.

**Motion:** Dr. Morrow moved to dismiss the case.

**Second:** Dr. Herro

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

IX. **AMERICAN ASSOCIATION OF DENTAL BOARDS (“AADB”) AND DENTAL ADMINISTRATORS (“AADA”)**

Mr. Edmondson requested that at least one board member attend the 2021 AADB and AADA annual meetings held in San Antonio, Texas from Thursday, October 28, 2021 to Sunday, October 31, 2021. The Board was informed that Ms. Gomez will attend in representation of Board staff. Ms. Penna agreed to attend in representation of the Board.

**Motion:** Dr. Herro moved to approve that the designated staff members and board members attend the AADB and AADA annual meetings.

**Second:** Dr. Christensen

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

X. **EXECUTIVE DIRECTOR’S REPORT**

A. Budget Update

Mr. Edmonson updated the Board of the current budget and informed the Board that the pay rate pursuant to A.R.S. § 32-1206 will be reflected in the Board’s pay starting September 6th. In addition, Ms. Gomez informed the Board that they are moving forward to hire additional staff.

B. Agency Operations

Mr. Edmonson provided the Board an update on agency operations.

C. 2022 Board Meeting Dates

1. January 28, 2022
2. March 4, 2022
3. April 1, 2022
4. May 6, 2022
5. June 24, 2022



6. August 5, 2022
7. September 9, 2022
8. October 7, 2022
9. November 4, 2022
10. December 2, 2022

**Motion:** Dr. Herro moved to approve the meeting dates for 2022.

**Second:** Dr. Morrow

Dr. Christensen proposed alternating meetings.

*After further discussion, Dr. Herro rescinded his motion.*

**Motion:** Dr. Herro moved for the Board to table the 2022 board meeting dates.

**Second:** Dr. Morrow

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.

#### **XI. SUMMARY OF CURRENT EVENTS**

None were discussed.

#### **XII. DISCUSSION REGARDING FUTURE MEETINGS AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS**

Dr. Morrow stated that it would be nice to have an orthodontist consultant give a presentation to the Board.

#### **XIII. NEXT BOARD MEETING DATE**

A. September 10, 2021

#### **XIV. ADJOURNMENT**

**Motion:** Dr. Herro moved to adjourn at 3:52 p.m.

**Second:** Dr. Christensen

**Vote:** 6-aye, 0-nay, 0-abstain, 0-recuse, 5-absent. Motion passed.