

Governor Steve Sisolak
Chairman

Susan Brown
Clerk of the Board



Attorney General Aaron D. Ford
Member

Secretary of State Barbara K. Cegavske
Member

STATE OF NEVADA BOARD OF EXAMINERS

209 E. Musser Street, Room 200 / Carson City, NV 89701-4298
Phone: (775) 684-0222 / Fax: (775) 684-0260
<http://budget.nv.gov/Meetings>

MEETING MINUTES

Date and Time: February 12, 2019, 10:00 AM

Location: Old Assembly Chambers of the Capitol Building
101 N. Carson Street
Carson City, Nevada 89701

Video Conference Location: Grant Sawyer Building
555 E. Washington Avenue, Ste. 5100
Las Vegas, Nevada 89101

MEMBERS PRESENT:

Governor Steve Sisolak
Attorney General Aaron Ford
Secretary of State Barbara Cegavske

STAFF PRESENT:

Susan Brown, Clerk of the Board
Greg Ott, Board Counsel, Deputy Attorney General
Dale Ann Luzzi, Board Secretary

OTHERS PRESENT:

Julie Funai, Member of Public
Melanie Chapman, Member of Public
Dennis Gallagher, Chief Deputy Attorney General
James Dzurenda, Director, Department of Corrections

1. Call to Order / Roll Call

Governor: Good morning. I would like to call to order today's meeting of the State of Nevada, Nevada Board of Examiners to order.

Secretary: Let the record reflect, we do have a quorum and this meeting was posted in compliance with Nevada's Open Meeting Laws.

Governor: Thank you.

2. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes).

Governor: This is the first time set aside for public comment. Anyone wishing to address the Board, on any item on today's agenda, items on the agenda, please step forward, identify yourself for the record. Comments will be limited to three minutes.

Julie Funai: Good morning. My name is Julie Funai. I'm with the Law Office of Lipson Neilson. Governor Sisolak, Attorney General Ford and Madam Secretary, we are attorneys from Lipson Neilson who represent the Las Vegas Dental Association, also known as LVDA. The scathing 2016 Legislative Audit showed a long history of conflicts of interest with all the Dental Board Members, who also belong to the Nevada Dental Association, also known as NDA.

As a result of the audit and unethical conduct, only four new neutral Members have been appointed to the Dental Board. In quoting an Assemblywoman's own words of frustration, "I've been battling this Dental Board for over 20 years," which is an arm of the Nevada Dental Association.

We believe that Governor Sisolak has made it clear that he would be in favor of greater access to dental healthcare for all Nevadans and to stop any Dental Board Members who improperly discipline dentists who provide dental care at a lower cost to compete with NDA dentists for patients.

Governor Sisolak's investigators met with LVDA on January 11th about Dental Board Members Pisani and Champagne for their misappropriation of \$70,000 of Board donations to his own non-profit organization and to his mother's organization, respectively. Most of the licensees who were allowed to donate \$70,000 to Pisani and Champagne's non-profit organization, in lieu of discipline or charges, belonged to the NDA. The Ethics Commission's letters confirmed that Dr. Pisani and Dr. Champagne engaged in, "prohibited conduct associated with the use of their official positions to secure an unwarranted advantage for themselves or any person to whom they have a commitment in a private capacity, including a non-profit organization." This is dishonorable conduct at the very least.

During the audit period, not one licensee belonging to the NDA was ever disciplined. Based on the audit, 100% of all disciplinary actions were taken against non-NDA dentists. Dr. Sanders, Vice President of the NDA and a handful of non-Dental Board Members who belong to the NDA, have been given the ability to dismiss Dental Board complaints against any NDA dentists without any oversight. The NDA has the ability to block patient complaints from being filed at the Dental Board.

Dr. Thiriot from the NDA, who is not a Dental Board Member, requires that all Nevada citizens initially send him a draft of their complaint so that he can decide whether or not they will be allowed to receive the Board's verification form. Without the Board's verification form, the complaint shall not be investigated. If Dr. Thiriot allows a complaint to be verified, he then sends the complaint to another non-Dental Board NDA dentist. This NDA investigator also has the power to dismiss any patient complaints without any Dental Board oversight. If they control the complaints they control who gets disciplined. A benefit of NDA membership is that they can avert patient complaints away from the Board's disciplinary process. A review panel consisting of Dr. Thiriot, who initially approves the complaint and the NDA Vice-President, Dr. Sanders, reviews each investigation.

Dr. Sanders has received hundreds of thousands of dollars from NDA licensees. Dr. Sanders could not have been impartial to evaluate NDA licensees who give him money and LVDA licensees who are a threat to the NDA's existence.

We will just submit for the record, a copy of the 2016 Legislative Audit of the Dental Board, the Ethics Commissions Orders and the statement read on to the record, including a copy of our statement. (Attachment A)

Governor: Thank you very much for your comments. I appreciate them, thank you. If you could submit them, we'd appreciate it.

Julie Funai: Thank you, Governor Sisolak.

Governor: Thank you. Is there anyone else in Las Vegas wishing to speak during public comment?

Melanie Chapman: Good morning, Governor Sisolak, Attorney General Ford and Madam Secretary. My name is Melanie Chapman and I'm the current General Counsel for the Nevada State Board of Dental Examiners. As you have just heard, there are a lot of statements being made about the Board, its Members, its staff, former General Counsel and although not today, myself.

I have been with the Board for about 15 months and much of what is being said predates my involvement. However, to the extent that there were recommendations made by the Legislative Counsel Bureau (LCB) Audit, these recommendations have been fully implemented and this has been confirmed by both the LCB Auditors and the Governor's Finance Office.

Despite this, this campaign of misinformation has continued and has required an inordinate amount of my short time with the Board, almost since the day I began. While public comment would normally not be the subject of response, the number of misstatements, misrepresentations, factual omissions and outright falsities that permeate these statements can no longer go unanswered. I'm not attempting to argue in a public forum, in fact, I find that exceedingly distasteful and harmful to the public for which the Dental Board exists to protect. However, I feel it's necessary and appropriate to publicly advise that the statements being made are largely unsupported, erroneous or simply false and the Board's Executive Director, Ms. Shaffer-Kugel and I will make ourselves available at any time, at your convenience, to discuss these issues and to answer or address any questions that you may have based upon the misstatements being made. Thank you.

Governor: Thank you for your comments. Is there anyone else? Seeing no one, I'm going to close the first session of the public comment.

3. Approval of the January 15, 2019 and the January 22, 2019 Minutes (For possible action)

Governor: Item number 3, *Approval of the January 15, 2019 and January 22, 2019 Minutes*. Do we have a motion?

Secretary of State: Yes, Governor. Move for approval of the Minutes of January 15 and January 22 of 2019.

Attorney General: I second the motion.

Governor: We have a motion on the floor from Secretary Cegavske and seconded. Is there any discussion on that motion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? The motion passes.

4. State Vehicle Purchases (For possible action)

Pursuant to Nevada Revised Statute (NRS) 334.010, no automobile may be purchased by any department, office, bureau, officer or employee of the state without prior written consent of the State Board of Examiners.

AGENCY NAME	# OF VEHICLES	NOT TO EXCEED:
Department of Corrections – Warm Springs Correctional Center	1	\$1,000
Department of Public Safety- Nevada Highway Patrol	5	\$204,922
Department of Wildlife – Habitat Division	3	\$113,126
Total	9	\$319,048

Governor: Next item – item number 4, *State Vehicle Purchases*.

Clerk: Good Morning, Governor, Members of the Board. Item 4 is *State Vehicle Purchases*. There are three requests today for a total of nine vehicles on this agenda item.

The first request is from the Department of Corrections, Warm Springs Correctional Center to purchase one replacement vehicle for \$1,000 from State Purchasing surplus vehicle inventory. The vehicle being replaced was totaled in an automobile accident. The replacement vehicle will be funded from insurance recovery funds. The balance of those funds will be placed in reserve for reversion.

The second request is from the Department of Public Safety, Nevada Highway Patrol for the purchase of five replacement vehicles for \$204,922. The vehicles being replaced were totaled in automobile accidents. These vehicles will be funded using insurance recovery funds.

The third request is from the Department of Wildlife, Habitat Division to purchase three replacement vehicles for \$113,126. The vehicles being replaced have met the age and/or mileage requirements in SAM and were included in the agency's legislatively approved budget.

Representatives from the departments are available to answer any questions the Board may have.

Governor: Thank you. Do we have any questions, regarding any of the purchases of the vehicles? Do I have a motion on item number 4?

Attorney General: Mr. Chair, I move approval of the request.

Secretary of State: Governor, I'll second the State Vehicle Purchases.

Governor: We have a motion on the floor from General Ford and seconded by Secretary Cegavske. Is there any discussion on that motion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? The motion passes.

5. Request for Approval to Pay a Claim from the State Claims Account (For possible action)

A. Department of Education

Pursuant to NRS 353.097, subsection 4, the Department requests approval to pay \$284,287.90 from the General Fund, State Claims Account for a Fiscal Year 2018 request for funds for the Account for Instruction in Financial Literacy from Clark County School District.

B. Department of Health and Human Services – Division of Child and Family Services – Rural Child Welfare

Pursuant to NRS 353.097, subsection 4, the Division requests approval to pay \$245,445 from the General Fund, State Claims Account, for a Fiscal Year 2018 invoice from Interactive Voice Applications dba IVA, Inc. for work related to securing additional federal and other non-state revenues.

Governor: Next item, number 5, *Request for Approval to Pay a Claim from the State Claims Account.*

Clerk: Item 5 includes two requests to pay late invoices pursuant to NRS 353.097 from the State Claims Account.

The first request is from the Department of Education to pay \$284,287.90 to the Clark County School District from the Account for Instruction in Financial Literacy. The request was received by the Department after the cutoff for processing Fiscal Year 2018 transactions. Funds in this program did not balance forward and the Department did revert sufficient funds to cover the costs of this claim. This claim will be paid from the General Fund State Claims Account.

The second request is from the Department of Health and Human Services, Division of Child and Family Services, Rural Child Welfare to pay \$245,445 to Interactive Voice Applications, doing business as, IVA, Inc. for work related to securing additional federal and other non-state funds. The request was received by the Department prior to the cutoff for processing Fiscal Year 2018 transactions, but the calculation for reimbursement was still being developed. Future state claims are not anticipated for this vendor. The Department did revert sufficient funds to cover the costs of this claim. The claim will be paid from the General Fund State Claims Account.

Representatives from the departments are available to answer any questions the Board may have.

Governor: Thank you. So, I've just had a question on the second request. I see the invoice date was June of 2018. Is there something these departments can do to become timelier so that these don't become stale?

Clerk: In this case, they were working out how the payment was going to be made with what the calculation for that payment would be and that took a little bit of time and the attorneys were involved in that discussion. This was the amount that was finally decided.

Governor: So, is eight months reasonable?

Clerk: Yes.

Governor: Any questions on item number 5? Do we have a motion on item number 5?

Attorney General: Move approval.

Governor: General Ford moves approval.

Secretary of State: I'll second it.

Governor: Secretary Cegavske has seconded the motion. Is there any discussion? All in favor signify by saying aye. Any opposed? The motion passes.

6. Request for Approval to Join or Use Other Government's Contract (For possible action)

Department of Motor Vehicles – Motor Carrier Division \$383,550.88

Pursuant to Nevada Administrative Code (NAC) 333.175, the Division requests approval to participate in an amended Kentucky Transportation Cabinet/Division of Motor Carriers contract with Explore Information Services, LLC to provide access to an existing and fully operational International Fuel Tax Agreement system. The contract that the Division currently participates in has been amended by the other parties. This amendment would increase the maximum amount from \$283,913.64 to \$667,464.52 through December 26, 2020.

Governor: Item number 6, *Request for Approval to Join or Use other Government's Contracts*.

Clerk: Item 6 is a request to join or use another government's contracts. NAC 333.175 allows the State to participate in a multi-state contract as long as the contract is awarded by competitive selection in a manner that substantially complies with NRS Chapter 332 or 333.

This request from the Department of Motor Vehicles seeks approval to participate in an amended multi-state award under the State of Kentucky, Division of Motor Carriers to provide access to an existing, fully operational International Fuel Tax Agreement System. The amount for this service has increased from \$283,913.64 to \$667,464.52 and the termination date has been extended through December 26, 2020. The original approval to join a multi-state award was obtained at the May 8, 2018 Board of Examiner's meeting.

Representatives from the Department are available to answer any questions you may have.

Governor: Thank you. Do we have any questions? Do we have a motion on item number 6?

Secretary of State: Move for approval.

Attorney General: Second.

Governor: Secretary Cegavske moves approval. General Ford seconds it. Is there any discussion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? The motion passes.

7. Requesting Approval to Accept a Settlement – Department of Transportation – Administration – \$950,000 (For possible action)

Pursuant to Article 5, Section 21 of the Nevada Constitution, the State Board of Examiners may approve, settle or deny any claim or action against the State, any of its agencies or any of its present or former officers, employees, immune contractors or State Legislators.

Clerk: Item 7 includes a request for approval to fully and finally resolve a matter related to the Blue Diamond/I-15 Project that has been litigated since 2012 in the District Court and currently on appeal at the Nevada Supreme Court.

Under the terms of the agreement, NDOT will receive a total of \$950,000. The judgment currently held in NDOT's favor is for \$1,056,575.82. If approved, NDOT will accept a partial cash payment of \$600,000 and accept a promissory note for the remaining \$350,000. The promissory note will bear interest at the rate of 5% per year and will be due on December 31, 2019. Acceptance of this settlement will release the current judgment and both parties will release their respective appellate issues currently pending before the Nevada Supreme Court.

Representatives from the Department of Transportation are available to answer any questions you may have.

Governor: Thank you. I've just got one. Is the promissory note collateralized?

Dennis Gallagher: Yes, Governor, the remaining balance is collateralized with various filings and securities on other properties owned by the debtor.

Governor: Is this recorded as a lien against the subject property?

Dennis Gallagher: The lien will be released initially, on that property, which was the source of the \$600,000 payment. It will not be released on the other properties until it's paid in full.

Governor: So, it's not recorded against the property in question?

Dennis Gallagher: No.

Governor: Is there a reason for that, because he intended to sell the property, that's why he's doing this?

Dennis Gallagher: Yes, sir, that's where the proceeds came from.

Governor: Okay. Any questions? I'm fine with it.

Attorney General: Move approval.

Secretary of State: I'll second.

Governor: We have a motion to approve on the floor from General Ford, seconded by Secretary Cegavske. Is there any discussion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? There are none. Motion passes. Thank you, I appreciate the explanation.

8. Approval of Proposed Leases (For possible action)

Governor: Item number 8, *Approval of Proposed Leases*.

Clerk: There are seven leases in agenda item number 8 for approval by the Board this morning. No additional information has been requested by Members.

Governor: Thank you. Do we have any questions from the Board? Do we have a motion?

Secretary of State: Move approval of the proposed leases in number 8.

Attorney General: Second.

Governor: We have a motion on the floor from Secretary Cegavske, seconded by General Ford. Is there any discussion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? The motion passes.

9. Approval of Proposed Contracts (For possible action)

Governor: Item number 9, *Approval of Proposed Contracts*.

Clerk: Item number 9 – there are 36 contracts in agenda item 9 for approval by the Board this morning. Members have requested additional information on the following: Contract number 20, which is between the Department of Corrections, Correctional Programs and Clark County School District; Contract number 21, which is between the Department of Corrections, Correctional Programs and Pershing County School District.

Governor: Do we have questions on item number 9? General Ford.

Attorney General: Thank you, Mr. Chair. Fewer questions and more comments. I'm quite interested in the programs that you have set up here, Mr. Dzurenda. You and I have a history of setting up programs comparable to this and I just wanted to hear a little bit of feedback on the success of the program at this point.

James Dzurenda: Good morning, first of all, when you look nationally, evidence-based data shows that when you provide, in prison systems, special education or a way of receiving high-school equivalency diplomas or continued education and vocational training, it will reduce recidivism. It's proven that it will. What reducing recidivism means to everyone is we reduce victims in our community. So, that has to be our number one goal in our agency for those that are in the youth population or those that are under even 26 years of age.

In our prison system, we do work collaboratively with agencies, such as the Clark County School District and the different school districts in the state to provide educational services. We do provide high school credit, through equivalency diplomas, but also through high school diplomas and vocational certificates and skills. Those skills will allow an offender, when they're released, to have more opportunities for careers in the community that are actually higher wage employment, for self-sustaining employment, they will actually be able to live off of.

Our goal is not just to get offenders jobs when they get out but to get them the jobs that will pay higher wages so that they can afford to live and be able to sustain a family while they're living in the community with means to be more successful.

In our training for the inmates, we also offer many certificates, even after high school diploma equivalent diplomas, such as OSHA Certificates, Automotive Services Excellence Certificates, Environmental Protection Agency Certificates; and also Apprenticeship. Our apprenticeship programs, especially the one that we have at our High Desert State Prison, our largest state prison, allows the offenders to get an apprenticeship to teach them positions in the community that are the higher paying jobs; such as bulldozer operators, the crane operators, the forklift operators. These jobs are in demand and actually get them higher wages.

We need the County School Districts to be able to help us with the educational pieces of this. So, that is really our biggest push in the prison system, is providing for the educational pieces.

What I also briefly mentioned on special education is a huge piece in our prison system. For those offenders that continue our special education, it teaches them not only about their disabilities but about, with disabilities, how they can be able to provide in the community to be able to be more successful. We do exactly the same as they do in high school. We have an Individualized Education Plan (IEP) for the inmates. We do Planned Parent-Teacher meetings and we do encourage the parents of these offenders to come in and be part of those plans and to meet with their children when they're incarcerated to get the best out of the IEPs that we can. We also allow and encourage the parents to come in to be able to be there during graduation ceremonies and certificate receipt when they

receive certificates or apprenticeship because we know, by evidence-based again, that the continuation with the family and the connections with the family is one of the biggest supporters in the community to be able to get these offenders to be more successful.

So, providing more services of this can only help our communities. When we expand our services in this, it can only help our communities. That's really what we're trying to push. Especially in the next couple of years is pushing to increase our services for special education, high school equivalency diplomas, certificates and be able to get an apprenticeship, more apprenticeship in our prison system so that we can get fewer offenders to return into our systems in the future.

Governor: Thank you. General Ford.

Attorney General: Yes, thank you very much. This was very informative. I've always have been an admirer of you and your work. I follow what you have done and different jurisdictions. I'm glad that you're staying with us and good work on this program. I appreciate the contract.

Governor: Secretary Cegavske.

Secretary of State: Thank you, Governor. I just wanted to thank you. One of the things that got me involved in politics was special needs students. I really firmly believe that IEPs, is good for every student, that every student should have it. I'm so happy to hear that you're doing this for inmates and that it's working. I hope that those that are involved in the special needs classes are listening because I think every student in every class should have one of these. I just think it's very beneficial.

I also want to compliment you on what you're doing for the State and working with you has really, truly been a pleasure. So, thank you for this information today. This is very helpful, thank you.

James Dzurenda: Thank you very much.

Governor: Not to be piling on but I have to echo those compliments. The First Lady and I had an opportunity to stop at High Desert on the way up here and I tell you what – if you haven't seen it, it's a remarkable program, what they're doing there with the simulators of the heavy-equipment and how those individuals that are doing what they're doing, it's absolutely incredible. I had the opportunity to speak to some individuals and they really are looking forward to being able to provide for themselves and their families with the skills that you've afforded them. So, it's something to be very, very proud of and we're certainly proud of you for how you're handling it. So, thank you.

Are there any further questions on the approval of contracts? Secretary Cegavske.

Secretary of State: Thank you, Mr. Chair. I just have one for the Attorney General. On Contract 35, there's an \$80,000 increase in the contract for outside legal counsel. I just wondered if the Attorney General is still providing services on top of that if that's just strictly from outside, but we're still getting the Counsel from the AG?

Governor: Contract 35, *Licensing Boards and Commissions*.

Secretary of State: If you need to get back to me, that's okay.

Attorney General: Yes, please allow me to get back to you on that, Madam Secretary.

Secretary of State: Thank you very much.

Governor: I assume that's for one case that's on appeal with the Supreme Court?

Secretary of State: Yes, correct.

Governor: That you need special assistance?

Secretary of State: Right, I'm in favor of it. I was just curious if we were still doing it.

Governor: Do I have a motion on item number 9?

Secretary of State: Move for approval on the proposed contracts in section 9.

Governor: We have a motion from Secretary Cegavske, seconded by General Ford. Is there any discussion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? The motion passes.

10. Approval of Proposed Master Service Agreements (For possible action)

Governor: Item number 10, *Approval of Proposed Master Service Agreements*.

Clerk: There are 26 master service agreements in agenda item 10 for approval by the Board this morning. No additional information has been requested by Members.

Governor: Do we have any questions as it relates to master service agreements? Seeing none, do I have a motion?

Attorney General: Move for approval.

Secretary of State: Second.

Governor: We have a motion on the floor from General Ford, seconded by Secretary Cegavske. Is there any discussion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? The motion passes.

11. Information Item – Clerk of the Board Contracts

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than \$50,000. Per direction from the August 13, 2013 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$49,999). Attached is a list of all applicable approvals for contracts and amendments approved from December 18, 2018 through January 18, 2019.

Governor: Item number 11, this is an information item, *Clerk of the Board Contracts*.

Clerk: There were 38 contracts under the \$50,000 threshold approved by the Clerk between December 18, 2018 and January 18, 2019. This item is informational only. No additional information has been requested by the Members.

Governor: I just have one brief question. Who set the threshold at \$50,000? Is that legislatively?

Clerk: I'll have to verify but I think it's statutory.

Greg Ott: My understanding is it exists in the State Administrative Manual (SAM).

Governor: Well, then my question would be, can we raise this threshold? I don't know, how long has it been at \$50,000? Because I don't want to delay this, can we do some more of this administratively, Counsel? Can you look into that?

Greg Ott: Absolutely, I'll look into providing you some options.

Governor: Thank you. Would any of the Board Members object to looking into increasing? To giving the staff more flexibility to approve some of these things and get them out there?

Attorney General: I'm fine with it.

Secretary of State: Yes, fine.

Governor: Thank you. If you could come back with that, I think it would be helpful to keep it moving, not get it bogged down here, waiting for a meeting to be called. We've done that with other agencies in terms of increasing thresholds.

Greg Ott: The \$50,000 limit is statutory, it's found in NRS 333.700, so it would take an act of the Legislature to increase that ability, it was last raised in 2013 from \$25,000. So, I do apologize for the incorrect information earlier.

Governor: That's okay. We'll have to look at that next time around, or if we can amend something, let me know.

12. Information Item – Reports

A. Department of Motor Vehicles – Complete Streets Program

Pursuant to NRS 482.1825, Subsection 2, the Department of Motor Vehicles shall certify to the State Board of Examiners the amount of the voluntary contributions collected for each county by the department and its agents, and that the money has been distributed as provided in statute. This report is for the period beginning October 1, 2018 and ending December 31, 2018.

B. Department of Conservation and Natural Resources – Division of State Lands

Pursuant to NRS 321.5954, the Division is required to provide the Board of Examiners quarterly reports regarding lands or interests in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program. Pursuant to Chapter 355, Statutes of Nevada, 1993, at page 1153, the agency is to report quarterly on the status of real property or interests in real property transferred under the Lake Tahoe Mitigation Program. This submittal reports on program activities for the 2nd quarter of Fiscal Year 2019.

C. Governor’s Finance Office – Budget Division

Pursuant to NRS Chapter 353, the Governor’s Finance Office, Budget Division presents a reconciled fund balance report for the TORT Claim Fund, Statutory Contingency Account, State Claims Account, Emergency Account, Disaster Relief Account, Interim Finance Committee (IFC) Unrestricted Contingency Funds and IFC Restricted Contingency Funds as of January 14, 2019.

TORT Claim Fund	\$ 7,838,574.59
Statutory Contingency Account	\$ 2,487,846.93
State Claims Account	\$ 871,658.51
Emergency Account	\$ 279,841.00
Disaster Relief Account	\$10,607,612.13
IFC Unrestricted Contingency Fund General Fund	\$ 746,091.66
IFC Unrestricted Contingency Highway Fund	\$ 1,614,754.35
IFC Restricted Contingency Fund General Fund	\$14,144,627.00
IFC Restricted Contingency Highway Fund	\$ 2,220,935.00

Governor: Item number 12, an information item, *Reports*.

Clerk: There are three information reports under item number 12.

The first report is a report from the Department of Motor Vehicles on the voluntary contributions collected by County pursuant to NRS 482.480, the Complete Streets Program, for the period from October 1, 2018 to December 31, 2018.

During the quarter ending December 31, the Department collected \$79,236 compared to \$73,112 in the same period last year and \$89,902 collected last quarter. Year-to-date, the Department collected \$169,138, a 6.6% increase from the same period in the prior year. Of the amount collected, approximately 77.74% was from Clark County, 16.23% was from Washoe County, just over 3% was from Carson City, just under 3% was from Douglas County. After deducting 1% to administer the collection and distribution of contributions, the Department distributed \$167,446.62 to the four counties year-to-date for Fiscal Year 2019 compared to \$157,085.28 for the same period in fiscal year 2018.

Approximately 13.98% of those registering a vehicle during the fiscal year contributed to the Complete Streets Program ranging from 10.45% in Douglas County to 15.06% in Clark County. This is an increase from 13.63% who contributed during the same period in Fiscal Year 2018.

The second item is an informational report regarding lands or interests in lands transferred, sold, exchanged or leased under the Tahoe Basin Act Program, as well as a quarterly report on the status of real property or interests in real property transferred under the Lake Tahoe Mitigation Program which are required pursuant to NRS 321.5954 and Chapter 355, Statutes of Nevada, respectively. This report is for the quarter ending December 31, 2018. There were no transactions under the Tahoe Basin Act. There were three transactions under the Lake Tahoe Mitigation Program resulting in a sale of 2069 square feet of restored soft land coverage resulting in proceeds of \$39,312.50 for the Nevada Land Bank.

The third item is a report on the available balances in the various contingency accounts managed by the Board of Examiners or the Interim Finance Committee as of the January 2019 IFC. These accounts will cover contingencies through the 2017-2019 biennium.

Representatives from the agencies are available to answer any questions on the first two reports and I am available to answer questions on the third.

Governor: Thank you. Do we have questions? I have one on the third report. The Tort Claim Fund – what is normally in that account, just shy of \$8 million, is there a percentage usually that we're looking for?

Clerk: The Tort Claim Fund is funded based on an actuarial study that we get every two years and it's built into the budget based on prior claims and projected claims from the actuaries.

Governor: Does it take into account pending litigation and analysis of those potential claims?

Clerk: To the extent that accounts for what is known at the time that the reports are created.

Governor: Okay. The Disaster Relief Account, does that include wildfires?

Clerk: It does, yes.

Governor: So, are all the bills paid or is there a lot we're outstanding on?

Clerk: The Agency has a request for a supplemental to the Legislature to pay outstanding claims.

Governor: Supplement to this \$10 million?

Clerk: They have not come forward with their request for this \$10.6 million. They have gone to the IFC Contingency Fund this year to receive funds to pay outstanding bills. Then they will ask again for the \$9.6 million in supplemental funding for the current year to pay outstanding bills.

Governor: Okay and I'm not disputing what you're doing, certainly, because you know this a lot better than I do but why wouldn't they just take the bills out of this money instead of going to IFC?

Clerk: They don't currently need this funding. So, as they need the funds and the bills are due, then they would come forward and ask for these funds and pay those bills.

Governor: Okay, they go to IFC to escrow these funds, got it.

Clerk: The Disaster Relief, they would come to the Board for.

Governor: So, some they could come to us and some they could go to IFC, depending on what they want it coming out of.

Clerk: That is correct.

Governor: Thank you. Are there any further questions? That's an information report, okay.

13. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes).

Governor: *Public Comment*, item number 13. This is the second time set aside for public comment.

This is the second time set aside for public comment. Anyone wishing to address the Board on any item, please step forward and identify yourself for the record. Comments will be limited to three minutes.

Speaker: No public comment in Las Vegas.

14. Adjournment (For possible action)

Governor: Okay, do I have a motion to adjourn?

Attorney General: So moved.

Secretary of State: Second.

Governor: We have a motion on the floor from General Ford, seconded by Secretary Cegavske. Is there any discussion? Hearing and seeing none, all in favor of adjourning, signify by saying aye. Are there any opposed? We are adjourned, thank you.

Attachment “A”

Governor Sisolak, Attorney General Ford and Madam Secretary. Good morning. My name is Julie Funai and this is my associate Karen Kao. We are attorneys from Lipson Neilson who represent the Las Vegas Dental Association also known as (LVDA).

The scathing 2016 Legislative Audit showed a long history of conflicts of interest with all of the Dental Board members who also belonged to the Nevada Dental Association also known as (NDA). As a result of the Audit and unethical conduct only four new neutral members have been appointed to the Dental Board. In quoting an Assemblywoman's own words of frustration "I have been battling this Dental Board for over twenty years which is an arm of the Nevada Dental Association". We believe that Governor Sisolak has made it clear that he would be in favor of greater access to dental health care for all Nevadans and to stop any Dental Board members who improperly discipline dentists who provide dental care at a lower cost and compete with NDA dentists for patients.

Governor Sisolak's investigators met with LVDA on January 11th about Dental Board members Pisani and Champagne for their misappropriation of \$70,000 of Board donations to his own non-profit organization and to his mother's organization respectively. Most of the licensees who were allowed to donate \$70,000 to Pisani and Champagne's non-profit organization in lieu of discipline or charges belonged to the NDA. The Ethics Commission's letters confirmed that Dr. Pisani and Dr. Champagne engaged in: quote "prohibited conduct associated with the use of their official positions to secure an unwarranted advantage for themselves or any person to whom they have a commitment in a private capacity, including a non-profit organization".

This is dishonorable conduct at the very least.

During the Audit period not one licensee belonging to the NDA was ever disciplined. Based on the Audit 100% of all disciplinary actions were taken against non-NDA dentists. Dr. Sanders, Vice President of the NDA and a handful of non-Dental Board members, who belong to the NDA, have been given the ability to dismiss Dental Board complaints against any NDA dentists without any oversight. The NDA has the ability to block patient complaints from being filed at the Dental Board. Dr. Thiriot from the NDA, who is not a Dental Board member, requires that all Nevada citizens initially send him a draft of their complaint so that he can decide whether or not they will be allowed to receive the Board's verification form. Without the Board's verification form the complaint shall not be investigated. If Dr. Thiriot allows a complaint to be verified, he then sends the complaint to another non-Dental Board NDA dentist. This NDA investigator also has the power to dismiss any patient complaints without any Dental Board oversight. If they control the complaints they control who gets disciplined. A benefit of NDA membership is that they can avert patient complaints away from the Board's disciplinary process. A review panel consisting of Dr. Thiriot, who initially approves the complaint and the NDA vice-president, Dr. Sanders reviews each investigation.

3:00 MINUTES KAREN TAKE OVER

Dr. Sanders has received hundreds of thousands of dollars from NDA licensees. Dr. Sanders could not have been impartial to evaluate NDA licensees who give him money and LVDA licensees who are a threat to the NDA's existence. Dr. Sanders has had inherent conflict of interest acting as a state Dental Board member and at the same time acting as the Vice President of the NDA. He has had a direct influence over the lobbyist for the NDA and at same time he has had a direct influence over the lobbyist

for the Dental Board. The NDA's objectives are to promote the interests of the dentists of Nevada which should not be mixed in with the interests of the State in protecting the public. This is a continued neglect of duty to the public by Dr. Sanders, Blasco, Champagne, Pinther and Pisani.

The dental Board president (Blasco) voted to send \$70,000 of Board donations to Dr. Glover's non-profit organization. Dr. Glover is the vice-president of this organization. The dental Board received a verified complaint against Dr. Blasco. We believe that Dr. Blasco had a conflict of interest when he voted to send out his own patient complaint which ended up being investigated by Dr. Glover. Dr. Blasco voted on his own complaint. Dr. Blasco was made well aware that his complaint was assigned to Dr. Glover to whom he had previously sent \$70,000 and he never disclosed the conflict to the AG. It has been confirmed by multiple licensees that the patient records showed that Dr. Blasco practiced well below the standard of care on this patient. As suspected, Dr. Glover dismissed the complaint against Dr. Blasco.

Based on the foregoing grounds pursuant to NRS 631.150 we are here to request that Governor Sisolak remove four dental Board members Pisani, Champagne, Sanders, and Blasco.

We are submitting for the record a copy of the 2016 Legislative Audit of the Dental Board, the Ethics Commission's Orders and the statements read onto the record at the Board of Examiners meetings in Oct and November of last year.

Please contact Lisa Zastrow Esq. from Lipson Neilson at 702-382-1500 for any further information or questions.

Thank you for your attention to this matter.