



# Arizona State Board of Dental Examiners

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

1740 West Adams Street, Suite 2470  
Phoenix, Arizona 85007  
P: 602.242.1492

E: [info@dentalboard.az.gov](mailto:info@dentalboard.az.gov)  
W: [www.dentalboard.az.gov](http://www.dentalboard.az.gov)


## OPEN SESSION MINUTES

**January 9, 2024**

### **Investigative Committee Meeting**

On the aforementioned date, members of the Arizona State Board of Dental Examiners’ (“Board”) Investigative Committee (“Committee”) held a virtual/telephonic meeting. The Committee did not meet in executive session.

#### **COMMITTEE MEMBERS**

	Anthony Caputo, DDS	Chairperson
X	Brown “Skip” Harris, DDS	Vice-Chairperson
	Mahshid “Mia” Asrari, DDS, MS	Committee Member
	Karren Lea Berrigan, DMD, MS	Committee Member
	David Dodell, DMD	Committee Member
	Mari Fukami, DMD, MS	Committee Member
X	Umar Imtiaz, DDS, MS	Committee Member
X	Sabah Kalamchi, DDS, FFDSRS	Committee Member
	Deborah Kappes, RDH	Committee Member
X	Katie Lee Martin, DMD, MPH, MS	Committee Member
	Mindy Motahari, DMD, MA Edu	Committee Member
	Joined/deperted as denoted in the body of the minutes	
X	Absent	

#### **STAFF PRESENT**

Ryan P. Edmonson	Executive Director
Kristina C. Gomez	Deputy Director
Seamus Monaghan, Esq.	Assistant Attorney General
April Romero	Chief Compliance Officer
Jessica Solis	Compliance Officer
Mary Ford	Compliance Officer
Tracie Hester	Compliance Officer
Yazmin Bustamante	Executive Assistant

#### **GUESTS PARTICIPATING**

Luz Tobias	Respondent
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#### **I. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 1:01 p.m. by Dr. Caputo. Roll call of the committee members was taken and a quorum was established.

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

Dr. Dodell made a disclosure for agenda item no. IV.C.37; however, declared that it does not prevent him from making an unbiased decision.

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

A. Discussion and approval of the Open Session Minutes from the December 5, 2023 committee meeting.

**Motion:** Ms. Kappes moved to accept the minutes from the December 5, 2023 committee meeting.

**Second:** Dr. Motahari

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

*Dr. Dodell abstained*

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

A. Investigative Interview(s)

1. 202300142

**Audio Start Time:** 0:10:23

**Motion:** Dr. Caputo moved to identify violations of A.R.S. § 32-1201.01(12), (14), (15) and (24).

**Second:** Dr. Fukami

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics, 4 hours in risk management with record keeping and 3 months of chart auditing; specifically, in the areas in which patient signature is required such as treatment plans, consents and other aspects of approving treatment.

**Second:** Dr. Dodell

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

C. Review of Investigation(s)

2. 202300188, 3. 202300189, 4. 202300190, 5. 202300191, 6. 202300192, 7. 202300193, 8. 202300194, 9. 202300195, 10. 202300196 and 11. 202300197

**Audio Start Time:** 0:52:10

**Motion:** Dr. Caputo moved to recommend that the Board dismiss cases for agenda items IV.C.2-11.

**Second:** Dr. Berrigan

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

C. Review of Investigation(s)

12.202300198, 13.202300199, 15.202300201, 16.202300202, 17.202300203,  
18.202300204, 19.202300205, 20.202300206 and 21.202300207

**Audio Start Time:** 0:55:00

**Motion:** Dr. Caputo moved to identify violation of A.R.S. § 32-1263(D)(7).

**Second:** Ms. Kappes

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

**Motion:** Dr. Caputo moved to recommend that the Board impose a \$2,000 fine for each case.

**Second:** Dr. Berrigan

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

14. 202300200

**Audio Start Time:** 1:00:00

**Motion:** Dr. Caputo moved to identify violation of A.R.S. § 32-1263(D)(7), (15) and (16).

**Second:** Dr. Berrigan

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

**Motion:** Dr. Caputo moved to recommend that the Board impose a \$6,000 fine.

**Second:** Dr. Berrigan

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

The Committee proceeded to discuss which cases would be appropriate for dismissal.

**Audio Start Time:** 1:04:00

**Motion:** Dr. Caputo moved to recommend that the Board dismiss cases IV.B.1.202300319, IV.C.28.202300259, IV.C.32.202300294 and IV.C.37.202300408.

**Second:** Dr. Dodell

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

The Committee proceeded to discuss which cases warrant a letter of concern.

**Audio Start Time:** 1:08:00

**Motion:** Dr. Caputo moved to recommend issuing a letter of concern for agenda items IV.B.2.202300344, IV.C.24.202300237 and IV.C.36.202300361.

**Second:** Dr. Dodell

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

B. Open Investigation Case(s)

2. 202300344

**Audio Start Time:** 1:10:30

The Committee recommended that the Board issue a letter of concern emphasizing the importance of thorough hard and soft tissue examination with detailed and complete documentation.

C. Review of Investigation(s)

24. 202300237

**Audio Start Time:** 1:11:30

The Committee recommended that the Board issue a letter of concern emphasizing the importance of thorough hard and soft tissue examination with detailed and complete documentation.

36. 202300361

**Audio Start Time:** 1:12:30

The Committee recommended that the Board issue a letter of concern emphasizing the importance of ensuring thorough communication about treatment plan and rationale. In addition, to ensure that all consents are signed by patients.

1. 202300096

**Audio Start Time:** 1:14:15

**Motion:** Dr. Caputo moved to recommend dismissal of the case against the respondent.

**Second:** Dr. Asrari

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

**Motion:** Dr. Caputo moved to recommend that the Board issue a letter of concern to Dr. Conderado, as identified in the consultant's report. The letter of concern should emphasize the importance of identifying the need for referral or no treatment when limited by either lack of equipment, supplies or capacity to perform an identified procedure.

**Second:** Ms. Kappes

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

22. 202300210

**Audio Start Time:** 1:17:30

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1201.01(14) and (17); based on the consultant report and the clinical note dated 2.14.2023.

**Second:** Dr. Dodell

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

**Motion:** Dr. Dodell moved to recommend that the Board offer disciplinary action, requiring the completion of 6 hours of CE in diagnosis and treatment planning in implant retained dentures and 3 hours in ethics.

**Second:** Dr. Caputo

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

**Motion:** Dr. Fukami moved to also recommend \$3,700 in restitution for dentures that are not functional.

**Second:** Dr. Berrigan

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

23. 202300235

**Audio Start Time:** 1:30:30

**Motion:** Dr. Caputo identified violations of A.R.S. § 32-1201.01(14) and (24) as it relates to 32-1264(D).

**Second:** Dr. Dodell

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

**Motion:** Dr. Caputo moved to recommend disciplinary action, requiring the completion of 6 hours of CE in implant treatment planning and placement, 4 hours in risk management to include record keeping, 3 hours in ethics and 3 hours in diagnosis and treatment planning. In addition, to impose a \$500 fine.

**Second:** Dr. Dodell

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

25. 202300247

**Audio Start Time:** 1:45:00

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1201.01(14).

**Second:** Dr. Fukami

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics and 6 hours in management of implant complications. In addition, to impose a \$2,000 civil penalty for sedating a patient without the appropriate permit.

**Second:** Dr. Dodell

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

26. 202300250

**Audio Start Time:** 2:11:30

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1201.01(14).

**Second:** Dr. Fukami

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics and 6 hours in management of implant complications. In addition, to impose a \$2,000 civil penalty for treating a patient with sedation without the appropriate permit.

**Second:** Dr. Dodell

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

29. 202300260

**Audio Start Time:** 2:16:00

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1201.01(14) and (24).

**Second:** Dr. Motahari

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

**Motion:** Dr. Caputo moved to recommend that the Board offer a consent agreement for voluntary surrender of licensure, based on the substantiated statutory violations, the factual allegations in the consultant's report and the consultant's supplemental report for case no. 202300258. If the agreement is not accepted, proceed with the Board's procedures for revocation.

**Second:** Dr. Berrigan

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

27. 202300258

**Audio Start Time:** 2:29:50

**Motion:** Dr. Caputo moved to recommend that the Board consider this case with case no. 202300260.

**Second:** Dr. Berrigan

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

30. 202300291

**Audio Start Time:** 2:31:00

**Motion:** Dr. Caputo moved to identify violation of A.R.S. § 32-1201.01(23) for failure to respond to a subpoena.

**Second:** Dr. Asrari

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

**Motion:** Dr. Caputo moved to recommend that the Board impose a \$500 non-disciplinary civil penalty for failure to respond to the subpoena.

**Second:** Dr. Berrigan

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

31. 202300293-AO

**Audio Start Time:** 2:40:50

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1201.01(14) and (24).

**Second:** Dr. Dodell

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 4 hours of CE in risk management and recordkeeping, 3 hours in ethics and 4 hours in patient evaluation and assessment. In addition, to impose a \$2,000 civil penalty for the administration of sedation in an office without a permit.

**Second:** Ms. Kappes

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

33. 202300301-AO

**Audio Start Time:** 2:48:30

**Motion:** Dr. Caputo identified violation of A.R.S. § 32-1201.01(14) and (24).

**Second:** Dr. Berrigan

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics and 4 hours in patient evaluation and assessment. In addition, to impose a \$2,000 civil penalty for treating a patient with sedation without the appropriate permit.

**Second:** Dr. Dodell

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

34. 202300302

**Audio Start Time:** 3:00:30

**Motion:** Dr. Caputo identified violations of A.R.S. §§ 32-1201.01(14) and 32-1263(A)(4) as it relates to 32-1213(E), 32-1294(A), (B) and (G).

**Second:** Dr. Dodell

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

**Motion:** Dr. Caputo moved to recommend that the Board offer disciplinary action, requiring the completion of 3 hours of CE in ethics. In addition, to impose a \$2,000 civil penalty.

**Second:** Dr. Berrigan

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

**Motion:** Dr. Caputo moved to open a case against the identified supervising dentist for failure to provide adequate general supervision for the denturist.

**Second:** Dr. Dodell

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

35. 202300356

**Audio Start Time:** 3:31:30

**Motion:** Dr. Dodell moved to table the matter until the clinical evaluation can be completed.

**Second:** Dr. Caputo

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

**V. COMPLAINT LOG**

The Committee reviewed the Board's open complaints.

**VI. SUMMARY OF CURRENT EVENTS**

None were discussed.

**VII. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS**

None.

**VIII. NEXT COMMITTEE MEETING DATE**

A. February 27, 2024

**IX. ADJOURNMENT**

Dr. Caputo adjourned the meeting at 4:37 p.m.