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Attorney for
Plaintiff Licensee

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES,
DECLARATORY RELIEF, AND
INJUNCTIVE RELIEF**

1. **42 U.S.C. § 1983 – First Amendment Retaliation (Targeted, Non-Disciplinary CE Audit & Renewal Hold)**
2. **42 U.S.C. § 1983 – First Amendment Retaliation (Bad-Faith Retaliatory Disciplinary Prosecution)**
3. **42 U.S.C. § 1983 – Fourteenth Amendment Equal Protection ("Class of One")**
4. **42 U.S.C. § 1983 – Fourteenth Amendment Procedural Due Process**
5. **42 U.S.C. § 1983 & State Law – Civil Conspiracy**
6. **State Administrative Law – Ultra Vires Action / N.R.S. 233B Violations**
7. **Declaratory & Injunctive Relief (Expungement, Permanent Injunction)**

DEMAND FOR JURY TRIAL

1 Plaintiff, PLAINTIFF LICENSEE ("Plaintiff" and/or "Plaintiff Licensee"), by and through her
2 attorney of record, GARRY B. TRINH, ESQ. of TRINH LEGAL GROUP, brings this civil rights
3 action pursuant to 42 U.S.C. § 1983 against Defendants ADAM HIGGINBOTHAM, ANDREA
4 BARRACLOUGH, ARIELLE CYMERMAN, and DOES I through X (collectively, "Defendants"),
5 alleging as follows:

6 **I.**

7 **JURISDICTION AND VENUE**

8 1. This Court has original subject matter jurisdiction over the federal Constitutional
9 violations alleged in this Complaint pursuant to 42 U.S.C. § 1983 and 28 U.S.C. §§ 1331 & 1343, and
10 supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367. This Court has
11 jurisdiction to issue injunctive and declaratory relief pursuant to 28 U.S.C. §§ 2201 & 2202 and 42
12 U.S.C. § 1983.

13 2. Venue is proper in the District of Nevada pursuant to 28 U.S.C. § 1391. Defendants
14 reside in Nevada, and all actions pertinent to this Complaint occurred in Clark County, Nevada.

15 **II.**

16 **PARTIES**

17 3. Plaintiff Licensee is a licensed dental professional in the State of Nevada, residing and
18 practicing in Clark County, Nevada.

19 4. Defendant Adam Higginbotham ("Executive Director Higginbotham" and/or
20 "Defendant Higginbotham") is, and at all relevant times was, the Executive Director of the Nevada
21 State Board of Dental Examiners ("NSBDE" and/or the "Board"). Defendant Higginbotham is sued in
22 his individual and official capacities.

23 5. Defendant Andrea Barraclough ("General Counsel Barraclough" and/or "Defendant
24 Barraclough") is, and at all relevant times was, General Counsel for the Board. Defendant Barraclough
25 is sued in her individual and official capacities.
26
27
28

6. Defendant Arielle Cymerman ("Administrative Manager Cymerman" and/or "Defendant Cymerman") is, and at all relevant times was, Administrative Manager for the Board. Defendant Cymerman is sued in her individual and official capacities.

7. At all relevant times, Defendants Higginbotham, Barraclough, and Cymerman acted in their official capacities as executive, legal, and administrative officers for the Board, an administrative agency of the State of Nevada created under N.R.S. Chapter 631 tasked with regulatory oversight of dental licensing.

8. Defendants DOES I through X are individuals whose identities are currently unknown to Plaintiff, who actively participated in, directed, authorized, or ratified the unconstitutional acts described herein.

III.

OFFICIAL CAPACITY LIABILITY AND FINAL POLICYMAKING AUTHORITY

9. At all relevant times, Defendant Higginbotham, as Executive Director, and Defendant Barraclough, as General Counsel, acted as final policymakers and official decision-makers for the Board, with Defendant Cymerman acting as primary administrative manager executing official licensing enforcement workflows, continuing education (“CE”) audits, and regulatory compliance interpretations under N.R.S. Chapter 631 and N.R.S. Chapter 622A.

10. The unconstitutional policies, ad-hoc retaliatory procedures, and selective enforcement mechanisms directed against Plaintiff—including the execution of non-random CE audits to hold license renewals hostage, the intentional suppression of exculpatory evidence from Review Panels, and the coercive threat of publishing unvoted draft complaints—were directly authorized, ratified, and executed by Defendants Higginbotham, Barraclough, and Cymerman pursuant to their official supervisory, policymaking, and administrative authority.

11. Furthermore, these actions directly implemented official institutional practices, customs, and targeted retaliatory strategies ratified and executed by Defendants in their official

capacities, entitling Plaintiff to prospective declaratory and injunctive relief under 42 U.S.C. § 1983 to abate ongoing institutional deprivations of Plaintiff's First and Fourteenth Amendment rights.

IV.

FACTUAL BACKGROUND

A. Plaintiff's Unblemished Licensure and the Underlying Zero-Harm Dispute

12. Plaintiff Licensee has been a continuously licensed dentist in Nevada since [licensure date], maintaining an unblemished professional record free of any prior disciplinary findings, public sanctions, or regulatory holds.

13. On October 2, 2024, Plaintiff Licensee performed routine extraction and bone grafting procedures for a patient. During a post-operative outreach call on October 3, 2024, the patient confirmed proper healing. However, on October 7, 2024, the patient abruptly canceled her pre-scheduled follow-up evaluation and voluntarily terminated the doctor-patient relationship, stating she was "never coming back" (as set forth in certified telephone audio transcripts; *see also Exhibit F at pp. 1–2*, attached hereto and incorporated herein by reference).

14. Despite Plaintiff Licensee personally reaching out to offer open clinical care, the patient's husband systematically obstructed all further post-operative evaluation and imaging. The husband explicitly stated he was only interested in the "financial impact...not the healthcare aspect," demanded a \$2,700 cash payout, and ordered Plaintiff Licensee's office to cease all direct contact with the patient (as set forth in certified telephone audio transcripts; *see also Exhibit F at pp. 1–2*).

15. On October 29, 2024, precisely 7 days after Plaintiff Licensee declined to acquiesce to the \$2,700 monetary demand, the patient filed an administrative complaint with the Board—initiating an administrative file [Administrative Case No. Redacted] rooted entirely in a rejected cash demand following voluntary patient abandonment.

B. The Board's 14-Month Administrative Dormancy and Procedural Delay

16. On November 15, 2024, Plaintiff Licensee timely served her Written Response to the Notice of Complaint and Request for Records pursuant to N.A.C. 631.240(2), detailing the patient's

1 voluntary abandonment of care, the husband's \$2,700 extortion demand, and complete clinical
2 documentation confirming proper pre- and post-operative care.

3 17. Following receipt of Plaintiff Licensee's written response on November 15, 2024, the
4 Board allowed [Administrative Case No. Redacted] to remain completely dormant for nearly 14
5 months, taking no formal investigative steps or administrative action throughout the remainder of 2024
6 and the entire 2025 calendar year.

7 18. A Preliminary Screening Consultant ("PSC") was subsequently assigned to review the
8 file, and on January 8, 2026—nearly 14 months after Plaintiff Licensee submitted her full evidentiary
9 response—the patient complaint, PSC Report, and underlying response records were submitted to a
10 Review Panel pursuant to N.R.S. 631.3635.

11 19. By allowing [Administrative Case No. Redacted] to remain dormant for approximately
12 14 months without investigative action, Defendants' own administrative record reflects that the matter
13 involved no immediate threat to public health or patient safety. The file was maintained in
14 administrative inactivity until Plaintiff's exercise of protected First Amendment rights triggered a
15 coordinated retaliatory response.

16 **C. Defendants' Mutating Disciplinary Theories: Abrupt Abandonment of Clinical**
17 **Malpractice Charges, Misuse of N.R.S. 631.3635 to Manufacture Violations, and Coercive**
18 **"No Contest" Mandates**

19 20. On April 10, 2026, the Board issued an initial proposed Stipulation Agreement charging
20 Plaintiff Licensee under N.R.S. 631.3475 with professional incompetence, alleging that "Respondent
21 engaged in professional incompetence per N.R.S. 631.3475 due to a poorly performed extraction"
(Exhibit A at p. 3, ¶ 7(a), attached hereto and incorporated herein by reference).

22 21. On April 23, 2026, Plaintiff Licensee rejected the initial stipulation and submitted
23 certified transcripts and an administrative defense memorandum demonstrating that the patient had
24 voluntarily abandoned care, that her husband had systematically blocked clinical follow-up, and that
25 the administrative complaint was initiated only after Plaintiff Licensee refused a \$2,700 extortion
26 demand. Based on this uncontradicted record, the matter was submitted for Review Panel
27 reconsideration at its May 2026 meeting.

22. On May 27, 2026, General Counsel Barraclough conceded the evidentiary weakness of the file, informing Plaintiff's counsel in writing that the Review Panel was willing to strike the statutory allegation of "professional incompetence per N.R.S. 631.3475" and alter the finding to a non-statutory assertion that the "bone graft was not correctly performed." General Counsel Barraclough further offered to "beef up section 10 to include a denial of any wrongdoing by your client, making it more 'no contest' type language" (**Exhibit B at p. 1**, attached hereto and incorporated herein by reference).

23. On May 28, 2026, General Counsel Barraclough transmitted a revised draft Stipulation Agreement and admitted in writing that the Board was willing to alter the core factual theory yet again, floating a third theory that "respondent did not take a post-extraction radiograph to confirm complete removal of all root structure prior to graft placement" (**Exhibit B at p. 3**).

24. The revised Stipulation Agreement charged Plaintiff Licensee with violating N.R.S. 631.3635—the statute governing the Review Panel—and included Section 10, which permitted Plaintiff Licensee to maintain a full denial of liability, stating she was "actively denying any wrongdoing or professional incompetence" (**Exhibit C at pp. 2-3, ¶¶ 7(a) and 10**, attached hereto and incorporated herein by reference).

25. Defendants' actions on May 27 and May 28, 2026—specifically abandoning the statutory malpractice charge under N.R.S. 631.3475, continually mutating the underlying clinical theories, re-charging Plaintiff Licensee under N.R.S. 631.3635, and offering a "no contest" stipulation allowing Plaintiff Licensee to actively maintain a full denial of liability—constitute party admissions that Defendants lacked a bona fide clinical basis or sufficient evidence to sustain a statutory violation at a contested hearing.

26. Under settled Ninth Circuit precedent, a state administrative prosecution is maintained in bad faith when brought or maintained "*without a reasonable expectation of obtaining a valid conviction.*" *Yelp Inc. v. Paxton*, 137 F.4th 944, 951 (9th Cir. 2025) (quoting *Kugler v. Helfant*, 421 U.S. 117, 126 (1975)). Defendants' written willingness to abandon core statutory charges under N.R.S. 631.3475, continued prosecution under the Review Panel statute N.R.S. 631.3635, and permitting a

1 complete denial of liability establishes that [Administrative Case No. Redacted] was maintained in bad
2 faith and without any reasonable expectation of securing a valid finding of liability.

3 **D. Defendants' Pre-Retaliation Posture: Initial Position of Cooperation, Accommodating**
4 **Procedure, and Minimization of Administrative Severity**

5 27. On July 14, 2026, Plaintiff Licensee formally exercised her First Amendment rights—
6 specifically her rights to freedom of speech and to petition the government for a redress of
7 grievances—by rejecting Defendants' proposed revised Stipulation Agreement, submitting a
8 comprehensive 210-page administrative defense packet ("Plaintiff's July 14th Disclosures"), and
9 petitioning the Board for full administrative dismissal. (*See Exhibit B at p. 6*).

10 28. Given the Board's nearly two-year delay on a zero-harm patient abandonment and
11 financial extortion case, shifting clinical theories, prosecution under the statute governing the Review
12 Panel, and statutory violations under N.R.S. Chapter 622A that infringed upon Plaintiff Licensee's
13 constitutional due process rights, Plaintiff Licensee urged the Board to dismiss the matter entirely prior
14 to the July 29, 2026 meeting. In doing so, Plaintiff Licensee informed Defendants that a dismissal at
15 this juncture would obviate the need to submit formal administrative oversight disclosures to state
16 legislative entities regarding the Board's regulatory practices. (*See Exhibit B at p. 6*).

17 29. Plaintiff's July 14th Disclosures provided exhaustive evidentiary support for dismissal,
18 including signed expert affirmations from clinical academic leaders Drs. Steven Call and Richard
19 Stevens both stating under penalty of perjury that Plaintiff Licensee's treatment was fully within the
20 standard of care, certified audio transcripts exposing patient abandonment and prior financial extortion
21 attempts, empirical 61-case twin audits demonstrating arbitrary fee scaling under N.R.S. 622.400 and
22 metric falsification under N.R.S. 622.100, and a formal petition under the Nevada Public Records Act
23 (N.R.S. 239.010) for the Board's time and billing records (set forth in Plaintiff's July 14th Disclosures).

24 30. On July 14, 2026, at 4:20 PM, General Counsel Barraclough responded via email,
25 adopting an accommodating posture and confirming that no formal administrative complaint had been
26 drafted or authorized against Plaintiff Licensee. General Counsel Barraclough clarified that the vote
27 scheduled for the July 29, 2026 meeting was *"just whether or not to have an administrative hearing"*
28

1 and admitted that Board members *"have to approve having a hearing first before I can even draft an*
2 *administrative complaint and start the process of noticing you and your client"* (**Exhibit B at p. 7**).

3 31. Demonstrating a baseline of cooperation prior to Defendants' subsequent retaliation,
4 General Counsel Barracrough actively facilitated informal defense presentations, noting that Plaintiff's
5 counsel could present oral arguments during public comment to *"override the Review Panel's*
6 *recommendation"* and ask the full Board to dismiss the matter prior to formal charges. General
7 Counsel Barracrough stated that *"[t]he Board will/can then vote to dismiss"* and offered expanded
8 speaking privileges, writing: *"[p]ublic comments are limited to 3 minutes, but since you are counsel, I*
9 *will have them give you 6-10 minutes if you need it"* (**Exhibit B at p. 7**).

10 32. Further downplaying the formality and legal severity of the July 29, 2026 meeting,
11 General Counsel Barracrough sought to reassure Plaintiff's counsel, writing: *"I just wanted to make*
12 *sure we are [on] the same page so you know you don't have to do anything formal yet or have*
13 *witnesses, or a court reporter, or your client available[.]"* General Counsel Barracrough added that an
14 independent court reporter was not necessary as the Board would provide free recordings, concluding:
15 *"I hope this is helpful in clarifying where this case is at in terms of the actual disciplinary process"*
16 (**Exhibit B at p. 7**).

17 33. Prior to Plaintiff's exercise of protected First Amendment petitioning activity,
18 Defendants maintained an accommodating posture, explicitly treating [Administrative Case No.
19 Redacted] as an informal, pre-complaint matter. As General Counsel Barracrough confirmed on July
20 14, 2026, no formal administrative complaint had been drafted or authorized, procedural requirements
21 were minimized, and no adverse determination had been finalized.

22 **E. Systemic and Pecuniary Bias: Weaponization of Disciplinary Fee Assessments to Fund**
23 **Board Operations, Backfill Historical Deficits, and Underwrite Legal Liabilities**

24 34. In Plaintiff's July 14th Disclosures, Plaintiff alleged that the Board utilized its
25 disciplinary cost-assessment authority under N.R.S. 622.400 as a revenue-generating mechanism to
26 offset institutional overhead, backfill historical budget deficits, fund software modernization, and
27 subsidize non-disciplinary legal settlements.
28

35. During the Board’s public workshop on March 17, 2026, General Counsel Barraclough explicitly linked the Board’s fee assessments to unrecovered financial losses dating back over two decades, stating on the public record:

“[General Counsel Barraclough] added further context to justify the fee increases by referencing a significant historical event in 2002, when approximately \$700,000 was embezzled from the Board, effectively depleting its reserves. She explained that...the organization has never been able to fully rebuild those reserves, largely due to outdated fee structures. As a result, the Board operates with minimal financial cushion, likening its situation to living 'year to year' on licensure fees.” (NSBDE Workshop to Solicit Comments on Several Proposed New Regulations Transcript, March 17, 2026).

36. During that same March 17, 2026 public workshop, Executive Director Higginbotham confirmed on the record that aggressive fee recovery and capital generation were necessary to sustain the Board’s operations, stating significant capital was:

“...necessary to support the Board's efforts to modernize its operations... [and that] implementing full digital licensing and administrative processes requires new software, which comes with significant costs... Regulatory changes—such as...implementing required redaction of patient and provider information in complaint processes—have increased workload and expenses...[These] factors have made it necessary to update the fee schedule to fund improved services and sustain the Board's operations.” (NSBDE Workshop to Solicit Comments on Several Proposed New Regulations Transcript, March 17, 2026).

37. Upon information and belief, when [Administrative Case No. Redacted] was submitted to a Review Panel on January 8, 2026, the Board’s financial pressures were exacerbated by unbudgeted liabilities. This included approval by the Board on August 13, 2025 of a \$40,000 employment settlement resolving an employment discrimination claim regarding an affair involving the Board’s former executive director and staff member (NSBDE Closed Session Meeting Minutes, August 13, 2025).

38. While pursuing regulatory increases to statutory licensing fees under LCB File No. R050-26 to amend N.A.C. 631.029, Defendants simultaneously deployed ad-hoc disciplinary cost assessments under N.R.S. 622.400 as an unbacked, sliding-scale revenue mechanism to bypass statutory limits and fund general agency operations.

1 39. Defendants intentionally singled out Plaintiff for arbitrary and disparate financial
2 assessments. Specifically, comparative empirical analysis of the Board’s official disciplinary records—
3 as detailed in Plaintiff’s 61-Case Empirical Audit (summarized in Plaintiff’s July 14th Disclosures)—
4 revealed that Defendants sought investigative and administrative cost assessments against Plaintiff
5 Licensee in [Administrative Case No. Redacted] that were:

- 6 • Over 200% higher than cost assessments levied in Board disciplinary matters involving
7 life-threatening medical emergencies and permanent patient injuries;
- 8 • Approximately 1,400% higher than cost assessments imposed in matters involving
9 documented actual patient harm; and
- 10 • More than 100% higher than the combined cost assessments levied against multi-time
11 repeat disciplinary offenders.

12 40. At the time of Plaintiff’s July 14th Disclosures, the Board’s official database confirmed
13 that Defendants had never assessed investigative or administrative costs in any matter—including
14 cases involving life-threatening and permanent patient injuries—that approached or exceeded the
15 disproportionate fees assessed against Plaintiff Licensee.

16 **F. Plaintiff’s Protected First Amendment Transmission of Legislative Oversight Disclosures**

17 41. On July 15, 2026, Plaintiff’s counsel advised General Counsel Barraclough that because
18 Defendants intended to proceed with a Board vote regarding an administrative hearing despite the
19 demonstrably flawed allegations, Plaintiff Licensee would exercise her First Amendment right to
20 petition the government for a redress of grievances by transmitting formal oversight disclosures to state
21 authorities on July 16, 2026 (the “July 16th Oversight Disclosures”).

22 42. Defendants failed to respond to Plaintiff’s counsel’s July 15, 2026 correspondence.
23 Accordingly, on July 16, 2026, Plaintiff Licensee formally exercised her rights under the Petition
24 Clause of the First Amendment by submitting comprehensive administrative oversight disclosures to
25 key state regulatory, legislative, and law enforcement oversight entities, including:

- 26 • The Legal Division of the Legislative Counsel Bureau (“LCB Legal”);
 - 27 • The Audit Division of the Legislative Counsel Bureau (“LCB Audit”);
- 28

- The Sunset Committee;
- The Nevada Department of Administration;
- The Office of the Nevada Attorney General;
- The Governor's Finance Office; and
- The Nevada Legislative Commission Leadership.

43. The July 16th Oversight Disclosures documented structural statutory non-compliance, arbitrary fee-scaling practices under N.R.S. 622.400, metric falsification under N.R.S. 622.100, and procedural irregularities within the Board's disciplinary operations.

44. Within hours of Plaintiff Licensee's First Amendment transmission on July 16, 2026, Legislative Auditor Daniel Crossman directly contacted Plaintiff's counsel, confirming receipt of the July 16th Oversight Disclosures and formally stating that the LCB Audit Division would *"review the information [Plaintiff's counsel] provided and assess the associated risks"* (**Exhibit D at pp. 4-5**, attached hereto and incorporated herein by reference).

45. Plaintiff's July 14th Disclosures included formal discovery demands and public records requests (**Exhibit D at pp. 1-3**). On July 16, 2026, at 3:07 PM, General Counsel Barraclough forwarded Plaintiff's Request for Production No. 6—demanding disclosure of the Board's public entity liability/E&O insurance policy—to Executive Director Higginbotham, instructing: *"As to #6, Adam, you may need to help us with this one. Do you have a copy of this, or know where we can get a copy of this?"* (**Exhibit D at pp. 6-7**).

46. On July 17, 2026, Executive Director Higginbotham responded to General Counsel Barraclough, confirming he had contacted the Nevada Attorney General's Office to locate general liability policies, writing: *"I copied you to an email to the AG's Office for any copy of general liability insurance. We pay into the state's fund annually with their office and I don't have a copy."* (**Exhibit D at p. 6**).

47. Unprompted by General Counsel Barraclough's narrow inquiry regarding document locations, Executive Director Higginbotham volunteered an internal legal analysis regarding Board liability and statutory immunity, quoting N.R.S. 631.378 and asserting: *"As for E&O insurance, it may*

1 *be included under the AG's Office general liability insurance, but the Board Members and Board*
2 *Agents are granted immunity from civil liability in NRS 631.378." (Exhibit D at p. 6).*

3 48. Executive Director Higginbotham's unprompted citation of N.R.S. 631.378
4 demonstrates that Defendants were actively researching statutory legal shields to insulate their
5 conduct. However, N.R.S. 631.378(2)(a) explicitly restricts state statutory immunity exclusively to
6 decisions or actions taken "*in good faith and without malicious intent.*" As detailed herein, Defendants'
7 subsequent administrative actions—including launching an ad-hoc, non-random CE audit 11 days later
8 and executing bad-faith prosecutions—were taken with express retaliatory animus, intentional bad
9 faith, and actual malice, thereby stripping Defendants of any statutory immunity defense under N.R.S.
10 631.378.

11 49. In any event, as a matter federal constitutional law, state statutory immunity
12 provisions—including N.R.S. 631.378—are entirely legally inoperative against claims brought under
13 42 U.S.C. § 1983. Under the Supremacy Clause of the United States Constitution, a state legislature
14 cannot enact statutes that shield state officials from liability for violations of federal constitutional
15 rights. *See Martinez v. California*, 444 U.S. 277, 284 n.8 (1980) ("Conduct by persons acting under
16 color of state law which is wrongful under 42 U.S.C. 1983 or 1985(3) cannot be immunized by state
17 law").

18 **G. Plaintiff's Whistleblowing Exposes Systemic Data Falsification (N.R.S. 622.100),**
19 **Triggering General Counsel Barraclough's Admissions of Statutory Non-Compliance and**
20 **Retaliatory Animus**

21 50. Plaintiff's July 14th Disclosures included an exhaustive, empirical 61-case audit
22 analyzing the Board's complete historical record of active disciplinary cases.

23 51. Pursuant to N.R.S. 622.100, the Board was statutorily required to submit its quarterly
24 report of disciplinary actions to the LCB by July 20, 2026, incorporating statutory "commencement"
25 and "final action" dates.

26 52. Plaintiff's July 14th Disclosures uncovered that Defendants were calculating and
27 reporting these statutory dates incorrectly—manipulating entry metrics to manufacture artificial 6-
28 month case lifecycles across all 61 cases to conceal a nearly 3-year backlog, with several cases

1 extending well beyond 6 years from the statutory definitions of “commencement date” to “final action
2 date.”

3 53. Defendants were placed on direct notice of their ongoing statutory violations under
4 N.R.S. 622.100 upon receiving Plaintiff’s July 14th Disclosures. On July 14, 2026, General Counsel
5 Barraclough acknowledged receipt in writing, confirming: *"I read through the documents you*
6 *submitted"* (**Exhibit B at p. 7**).

7 54. Despite being alerted to these structural errors, Defendants knowingly submitted non-
8 compliant metric reports to the LCB on July 20, 2026, in violation of N.R.S. 622.100—submitting
9 disciplinary case metrics to the LCB that reflected manufactured 6-month case lifecycles rather than
10 the true multi-year case lifecycles

11 55. On July 20, 2026, General Counsel Barraclough formally responded to Plaintiff
12 Licensee’s Public Records Request (N.R.S. 239.010). In her written transmission, General Counsel
13 Barraclough made explicit party admissions confirming the Board’s structural failure to track
14 investigative costs and its unbacked, flat-fee assessment practices, admitting:

- 15 • That prior to August 2024, *"there appears to have been no official recordkeeping*
16 *related to costs and fees"* and that current officials *"have no independent knowledge of*
17 *why fees were charged as they were or who made any decisions about any flat fees to be*
18 *charged"*;
- 19 • That disciplinary costs were routinely charged as arbitrary flat fees (e.g., \$350, \$1,500,
20 or \$2,500) rather than itemized actual expenses;
- 21 • That a *"lone paralegal process[ed] disciplinary cases during [a] period of time with no*
22 *General Counsel"*;
- 23 • That the Board does not maintain contemporaneous investigator timecards, instead
24 relying on estimated, averaged "base rates" of paralegal and attorney time across
25 disciplinary matters; and
- 26 • That Board employees *"have no access to then-General Counsel emails"* from prior to
27 July 2025. (**Exhibit D at pp. 8-11**).

1 56. General Counsel Barraclough’s July 20, 2026 response provided direct written evidence
2 confirming the systemic statutory non-compliance and metric falsification under N.R.S. Chapter 622A
3 and N.R.S. 622.400 alleged in Plaintiff’s July 14th Disclosures.

4 57. On July 21, 2026, at 8:39 AM, exercising Plaintiff’s First Amendment right to petition
5 government authorities, Plaintiff’s counsel transmitted General Counsel Barraclough’s written
6 admissions regarding unbacked flat-fee assessments under N.R.S. 622.400 directly to Legislative
7 Auditor Crossman for incorporation into the LCB’s active risk assessment of the Board (**Exhibit D at**
8 **p. 12**). Just 13 minutes later, at 8:52 AM, Legislative Auditor Crossman formally confirmed receipt,
9 stating: *"Thank you, [Plaintiff’s counsel]. I am acknowledging receipt."* (**Exhibit D at p. 13**). This
10 direct transmission of internal Board admissions to state auditors served as the immediate catalyst for
11 Defendants’ subsequent retaliatory attacks.

12 58. On July 21, 2026, Plaintiff’s counsel explicitly notified General Counsel Barraclough
13 that Legislative Auditor Crossman had initiated direct contact with Plaintiff regarding the July 16th
14 Oversight Disclosures, and that Plaintiff had forwarded General Counsel Barraclough’s July 20th
15 written party admissions directly to Legislative Auditor Crossman for incorporation into the LCB
16 Audit Division’s active organizational risk assessment. (**Exhibit D at p. 14**).

17 59. Exercising her First Amendment right to petition, Plaintiff Licensee again urged
18 Defendants to exercise their statutory authority under N.R.S. 631.3635 to recommend an immediate
19 administrative dismissal with prejudice—given Plaintiff’s signed expert affirmations and severe due
20 process violations—informing Defendants that a dismissal would resolve the matter prior to further
21 escalation, including planned disclosures to the Legislative Commission leadership. (**Exhibit D at p.**
22 **14**).

23 60. Specifically, Plaintiff’s July 21st transmission set a firm execution deadline of
24 Thursday, July 23, 2026, at 5:00 PM for the delivery of an executed Review Panel finding of dismissal
25 and a written undertaking to calendar the dismissal for the July 29, 2026 Board meeting, notifying
26 Defendants that failure to deliver these resolution materials would result in direct submission of the
27
28

1 full administrative disclosure packet to Legislative Commission leadership ahead of the Board's
2 scheduled meeting. (**Exhibit D at p. 14**).

3 61. As confirmed by General Counsel Barraclough's explicit written party admissions on
4 July 22, 2026—wherein she acknowledged that Plaintiff's disclosures exposed that the Board had been
5 calculating dates incorrectly for LCB reporting—being confronted with official legislative audit
6 scrutiny directly triggered Defendants' retaliatory panic and subsequent animus-filled transmission (*see*
7 **Exhibit E at pp. 1-2**, attached hereto and incorporated herein by reference).

8 **H. General Counsel Barraclough's July 22, 2026 Email Demonstrating Direct Retaliatory**
9 **Animus Against Protected Petitioning Activity and Weaponization of Administrative**
10 **Process**

11 62. On July 22, 2026, at 10:49 AM, General Counsel Barraclough issued an animus-filled
12 email response directly addressing Plaintiff Licensee's First Amendment petitioning activity and
13 administrative oversight disclosures (*see* **Exhibit E at pp. 1-2**).

14 63. Demonstrating explicit retaliatory intent, General Counsel Barraclough published her
15 transmission to state oversight officials—copying Legislative Auditor Crossman and Deputy Director
16 Nikki Haag of the Governor's Office—in a deliberate attempt to disparage Plaintiff Licensee and brand
17 her constitutionally protected petitioning activity as criminal coercion and extortion, writing:

18 *"Giving you the benefit of zealous advocacy on behalf of your client and*
19 *presuming you lack the intent to **coerce a government agency** into*
20 *violating the law...Your demand also carries with it the **appearance of***
21 ***being extortive, threatening the Board with an audit** if we do not*
22 *dismiss the case against your client[.]"(Exhibit E at p. 1).*

23 64. Confirming actual publication and receipt of General Counsel Barraclough's
24 disparaging transmission by state oversight officials, Legislative Auditor Crossman issued a formal
25 response at 11:26 AM on July 22, 2026—just 37 minutes later—stating: *"Thank you. I am*
26 *acknowledging receipt of your email."* (**Exhibit E at p. 3**). General Counsel Barraclough's deliberate
27 publication of unvoted, baseless accusations to Legislative Auditor Crossman was executed with
28 express malice to poison Plaintiff Licensee's standing before state legislative auditors and chill
Plaintiff Licensee's exercise of protected First Amendment petitioning rights.

1 65. General Counsel Barraclough's email established direct causation and retaliatory
2 motivation under 42 U.S.C. § 1983 by explicitly admitting that Defendants' refusal to consider
3 Plaintiff Licensee's administrative defense or dismiss the matter was triggered by Plaintiff Licensee's
4 exercise of First Amendment rights:

5 *"Nonetheless, even not considering the legal reasons the Board could*
6 *never enter into such an agreement, to give in to threats of tattling on us*
7 *to the LCB in exchange for favorable and potentially un-deserved*
8 *leniency would make this current version of the Board no better than*
versions of the Board in the past that were accused of favoritism[.]"
(Exhibit E at p. 1).

9 66. General Counsel Barraclough further admitted that Defendants refused to grant an
10 administrative dismissal because they sought to prevent Plaintiff Licensee from informing legislative
11 oversight bodies that a resolution had been reached:

12 *"The insinuation of 'resolution' is that, if we dismiss the case against*
13 *your client, you will somehow un-ring the bell already rung by sending*
14 *the legislative transmission, or you will not escalate further up the*
legislative chain of command to a specific Senator." (Exhibit E at p.
15 *2).*

16 67. In a direct effort to chill Plaintiff Licensee's exercise of constitutional rights and
17 damage her professional standing before executive and legislative auditors, General Counsel
18 Barraclough cast baseless public aspersions against Plaintiff Licensee's character, insinuating
19 uncharged and non-existent misconduct:

20 *"[This] has raised some serious concerns as to why Plaintiff Licensee is*
21 *being so hostile when she only had to take 12 hours of continuing*
22 *education per the proposed stipulation, which is actually far less than*
many other licensees; this is another reason we cannot agree, since a
responsive posture of this magnitude makes us wonder if more
disciplinary allegations are coming that Plaintiff Licensee knows about
but we do not." (Exhibit E at p. 1).

23 68. General Counsel Barraclough continued her public smear campaign in the same
24 transmission to Legislative Auditor Crossman and the Governor's Office, falsely portraying Plaintiff
25 Licensee's defense as an attempt to improperly purchase administrative leniency:

26 *"Not that we are inclined to accept your offer of exchanging a dismissal*
27 *for your retraction, but if we did, surely you can see that would send a*
28 *message to LCB Auditor Crossman and Senator Ira Hansen that a*
disciplinary case dismissal could be bought with retracting the

1 *complaint you sent to them...This current version of the Board and its*
2 *executive staff do not sell or trade disciplinary findings or dismissals*
3 *for any favor, good, or service." (Exhibit E at p. 2).*

4 69. Concurrently, General Counsel Barraclough's July 22, 2026 email contained explicit
5 written party admissions confirming that Plaintiff Licensee's defense filings constituted legitimate
6 whistleblowing that caught the Board violating statutory reporting requirements—including N.R.S.
7 622.100—and failing to maintain public cost records:

8 *"[I]t was not until you yourself in the Request for Production you*
9 *submitted in this case pointed out to new staff that prior staff had been*
10 *calculating the Final End Date for LCB reporting purposes incorrectly*
11 *that we realized an issue existed. We are now revisiting and correcting*
12 *Final End Dates consistent with the definitions your provided to ensure*
13 *accurate reporting and transparency." (Exhibit E at p. 1).*

14 70. General Counsel Barraclough further admitted that Plaintiff Licensee's public records
15 demands forced the Board to publish administrative fee schedules that had previously been withheld
16 from the public:

17 *"Similarly, it was your Request for Records that inspired us to actually*
18 *publish the current version of administrative fees and costs to licensees*
19 *and the public...instead of Board staff and the complaint management*
20 *software being the only entities possessing the costs information...[T]he*
21 *current Board is clawing its way out of a troubled past where audit*
22 *findings were specific to unfair and unearned discipline being imposed*
23 *or not imposed[.]" (Exhibit E at pp. 1-2).*

24 71. Reversing Defendants' prior accommodating posture (set forth in Paragraphs 30–33)
25 and weaponizing the administrative machinery to compel settlement, General Counsel Barraclough
26 issued a same-day coercion ultimatum, threatening to publish unvoted, unverified case documents in
27 the public Board book unless Plaintiff Licensee waived her right to a Board vote:

28 *"Please let me know by COB today if you want the second opinion*
Review Panel or the Board vote so we know how/whether to amend the
meeting agenda...*If the second opinion is the route you wish to go, then*
we will not put this matter on the July 29th Board meeting agenda nor
publish the corresponding documents this round in our Board book.
Alternatively, we can also still go the administrative hearing vote route
on July 29, 2026, and we will put the vote and the accompanying
documents onto the July 29th agenda." (Exhibit E at p. 2).

72. General Counsel Barraclough openly berated Plaintiff's counsel for insisting on formal administrative procedures rather than quietly accepting proposed discipline, stating:

"[T]he Board feels compelled and coerced into a point-by-point analysis to counter the threats made...we won't necessarily fault you for your aggressive tactics and not knowing that it would have been far less confrontational for you to just appear at the July 29th meeting and make your case[.]" (Exhibit E at p. 2).

73. General Counsel Barraclough's July 22, 2026 transmission demonstrates direct retaliatory animus. Defendants executed adverse, punitive administrative actions against Plaintiff in direct response to Plaintiff's constitutionally protected First Amendment petitioning activity and legitimate whistleblowing that caught the Board violating statutory reporting requirements.

I. Defendants' Bad-Faith Manipulation of the "Second Opinion" Review Panel: Directives to Scrub Case Records, Demands for Non-Existent Imaging, and Written Admissions of Concealing Exculpatory Audio Transcripts

74. After Plaintiff Licensee agreed to submit the matter for a second Review Panel opinion, General Counsel Barraclough quietly removed Legislative Auditor Crossman and Deputy Director Haag from the email thread, severing state oversight visibility over Defendants' ongoing administrative actions.

75. On July 22, 2026, General Counsel Barraclough emailed Plaintiff's counsel directly (copying Executive Director Higginbotham and Board Paralegal Shane Barjon), confirming that the matter would be re-submitted to either Review Panel #1 or Review Panel #2 on August 4 or August 5, 2026 (Exhibit E at pp. 4-5).

76. In that same communication, General Counsel Barraclough issued a written instruction to Board Paralegal Barjon directing him to scrub the administrative file and conceal the Board's prior proceedings and evidentiary history, writing:

"Shane, please place this matter onto the agenda for whichever of the two Review Panels (1 or 2) has the least cases on next month's meeting agenda. Prep the case as though it has not already been reviewed, ensure all patient and provider identifier redactions, and make sure the template where I take notes of the review panel meeting is blank for case 2471 so it does not contain any clue that the case was considered previously." (Exhibit E at p. 5).

1 77. Following the August 4–5 Review Panel meetings, Plaintiff’s counsel repeatedly
2 requested an update regarding the Review Panel's determination. Defendants stonewalled and refused
3 to respond to counsel’s communications throughout August 6 and August 7, 2026, breaking their
4 silence only after Plaintiff’s counsel issued a formal demand for an update by 5:00 PM on August 7,
5 2026. (*see Exhibit F at pp. 3-4*).

6 78. On August 7, 2026, General Counsel Barraclough responded by manufacturing further
7 administrative delay, claiming that the Review Panel was tabling the matter until September 2026 to
8 demand post-operative imaging from Plaintiff Licensee (*see Exhibit F at p. 5*).

9 79. Defendants’ demand for post-operative imaging was made in bad faith to delay
10 resolution and prolong administrative leverage, as Defendants knew that post-operative imaging was
11 non-existent due to the patient’s explicit refusal of care and sudden abandonment of treatment.

12 80. Crucially, Defendants had been in continuous physical possession of certified audio
13 transcripts proving patient abandonment and the patient's refusal to undergo post-operative imaging for
14 nearly two years—having received these certified records on November 15, 2024, April 23, 2026,
15 April 28, 2026, and July 14, 2026. (**Exhibit F at p. 1-2**).

16 81. Indeed, on April 27, 2026, General Counsel Barraclough explicitly acknowledged
17 receipt of these exculpatory audio recordings and transcripts, writing to Board Paralegal Barjon:

18 *“Shane, can you add a note other May Review Panel Agenda Notes that*
19 *full transcripts and recordings as referenced in the supplemental*
20 *response are not included in the current records, but are available upon*
 request. [Plaintiff’s counsel], I will let you know if the Review Panel
 wants these items.” (**Exhibit F at pp. 1-2**).

21 82. On May 28, 2026, Plaintiff’s counsel responded to confirm delivery: *“Not a problem.*
22 *I’ll go ahead and provide them so that we are being as thorough as possible and so that the Review*
23 *Panel has everything needed for their reconsideration of this case.”* (**Exhibit F at pp. 1-2**).

24 83. On August 10, 2026, when confronted with Defendants’ multi-year possession of the
25 certified patient abandonment transcripts, General Counsel Barraclough emailed Plaintiff’s counsel,
26 acknowledging that she would only now be providing this evidence to the Review Panel for the
27 upcoming September meeting, stating:
28

1 *"I am going to attach the below email, along with all attachments, to the*
2 *RP 1 agenda for next month, and clarify that the reason there are no*
3 *post-appointment images is because the patient refused same."* (**Exhibit**
4 **F at pp. 6-7**).

5 84. General Counsel Barraclough's August 10, 2026 admission establishes that Defendants
6 maintained an arbitrary prosecution, engineered artificial administrative delays, and selectively
7 suppressed exculpatory evidence from Review Panels to prolong disciplinary exposure in
8 [Administrative Case No. Redacted] and retaliate against Plaintiff for exercising her First Amendment
9 rights.

10 **J. Defendants' Coordinated Retaliatory Conspiracy: Executing an Ad-Hoc, "Non-**
11 **Disciplinary" CE Audit and Historical Records Demand Just 17 Minutes After**
12 **Disseminating Animus-Filled Smears to Cabinet Officials to Block License Renewal**

13 85. Following the collapse of the Board's underlying clinical claims and Plaintiff Licensee's
14 First Amendment transmission of oversight disclosures to state agencies on July 16, 2026, General
15 Counsel Barraclough, Executive Director Higginbotham, and Administrative Manager Cymerman
16 conspired to launch an ad-hoc, non-disciplinary, retaliatory 3-year CE audit and 2018 records demand
17 against Plaintiff Licensee.

18 86. On July 22, 2026, at 6:11 PM—the exact same day General Counsel Barraclough issued
19 her hostility-filled email attacking Plaintiff's oversight disclosures—General Counsel Barraclough
20 explicitly admitted that the Board was seeking to leverage non-disciplinary licensing mechanics
21 against Plaintiff Licensee, writing:

22 *"[W]e need to reach out to Plaintiff Licensee on a non-disciplinary*
23 *related matter...she does not have an active license [and] cannot validly*
24 *see patients until she renews[.]"*

25 *(Exhibit G at p. 1, attached hereto and incorporated herein by*
26 *reference).*

27 87. The minute-by-minute internal communications produced by the Board establish that
28 Defendants manufactured this non-random audit for the specific purpose of creating an administrative
hurdle to hold Plaintiff Licensee's pending license renewal hostage in retaliation for her exercise of
constitutional rights.

1 88. **July 24, 2026, at 12:11 PM:** Executive Director Higginbotham initiated an internal
2 email thread to Licensing Coordinator Marissa Kelley and Administrative Manager Cymerman
3 (copying General Counsel Barraclough) titled *"Dentist License with Incorrect Expiration Date."* In his
4 email, Executive Director Higginbotham acknowledged a known software error that assigned Plaintiff
5 Licensee a hygienist expiration date:

6 *"Please see the pending renewal of a dentist that has a dental hygienist*
7 *expiration date somehow. Are we able to figure out what the Board's*
8 *staff may have done in 2022 or 2023 that would have generated her a*
9 *license expiration date to dental hygienists? I think we have encountered*
10 *this issue before...I am curious as to these records that are like this*
11 *an[d] whether their CE credits align with the regulations." (Exhibit G*
12 *at pp. 2-4).*

13 89. **July 24, 2026, at 2:05 PM:** Licensing Coordinator Marissa Kelley responded to
14 Defendants Higginbotham, Cymerman, and Barraclough, confirming that the expiration date
15 discrepancy was caused entirely by inLumon vendor software errors during the 2023 renewal cycle
16 rather than any licensee error:

17 *"This issue continues to occur as inLumon occasionally provides the*
18 *incorrect pocket license dates...During the 2023 renewal inLumon*
19 *issued a pocket license dated 7/1/2023 to 6/30/2024. This is what*
20 *initially caused the license to be out of cycle. From there, the dates were*
21 *incorrect and the system even allowed Plaintiff Licensee to submit a*
22 *renewal online in 2024." (Exhibit G at p. 5).*

23 90. Rather than correcting the known database error, Defendants Higginbotham,
24 Barraclough, and Cymerman weaponized the vendor software glitch to pivot directly into a targeted
25 audit of Plaintiff Licensee's historical records.

26 91. **July 27, 2026, at 2:35 PM:** The Department of Administration Director's Office
27 forwarded Plaintiff Licensee's July 16th risk management oversight submission directly to the Board's
28 general email inbox (nsbde@dental.nv.gov) (Exhibit G at pp. 11-12).

 92. **July 28, 2026, at 10:33 AM:** Exactly 17 minutes prior to drafting the audit notice,
Executive Director Higginbotham emailed the Department of Administration—copying Defendants
Barraclough and Cymerman—confirming Defendants' active awareness of Plaintiff Licensee's
petitioning across state agencies:

1 *"Thank you for forwarding [Plaintiff's counsel's] email. We are aware*
2 *of his communications with the Department of Administration, the*
3 *Office of the Attorney General, and the Legislative Counsel Bureau."*
4 *(Exhibit G at pp. 6-12).*

5 93. In that same July 28, 2026 transmission, Executive Director Higginbotham attached and
6 republished General Counsel Barraclough's animus-filled July 22, 2026 email to executive cabinet
7 officials across state government. This email disparaged Plaintiff Licensee's First Amendment
8 petitioning activity as criminal "extortion" and "threats of tattling on us to the LCB," further
9 amplifying the retaliatory narrative to multiple cabinet-level executive agencies. Demonstrating
10 deliberate, unprompted dissemination, Executive Director Higginbotham explicitly admitted:

11 *"In the interest of transparency and ensuring all relevant parties had*
12 *accurate context, we also took the initiative to inform the Office of*
13 *Boards and Commissions regarding the matter." (Exhibit G at pp. 6-*
14 *12).*

15 94. **July 28, 2026, at 10:50 AM:** Exactly 17 minutes after acknowledging Plaintiff
16 Licensee's state oversight communications, Administrative Manager Cymerman emailed Defendants
17 Higginbotham and Barraclough a draft notice titled "23-26 Audit Notice" (*Exhibit G at p. 13*).

18 95. **July 28, 2026, at 11:11 AM:** General Counsel Barraclough emailed proposed edits
19 back to Defendants Cymerman and Higginbotham, explicitly modifying the draft to tie the audit
20 directly to blocking Plaintiff Licensee's pending license renewal:

21 *"Here are my proposed edits; just a few changes to account for the*
22 *facts this is different [than] a typical audit and is tied to the license*
23 *renewal. " (Exhibit G at pp. 14-15).*

24 96. **July 28, 2026, at 12:09 PM:** Executive Director Higginbotham transmitted the final
25 QR code graphic to be inserted into the targeted audit notice (*Exhibit G at p. 14*).

26 97. **July 28, 2026, at 12:17 PM:** Administrative Manager Cymerman confirmed the final
27 retaliatory revision to the audit notice:

28 *"Modified: You will be notified in writing of the results of the audit and*
the status of your renewal application as soon as practicable after the
required documentation has been received and reviewed." (Exhibit G at
p. 14).

1 98. **July 28, 2026, at 2:03 PM:** Administrative Manager Cymerman formally transmitted
2 the "*23-26 Audit Notice*" to Plaintiff Licensee, demanding historical CE documentation dating back to
3 2018 under threat of withholding her license renewal, falsely claiming that the audit was required
4 because "*your license renewal was submitted late for three (3) consecutive renewal periods.*"
5 Moreover, the audit notice explicitly threatened further disciplinary action (*see Exhibit G at pp. 16-*
6 *19*).

7 99. In orchestrating this targeted audit, Defendants blatantly violated the Board's own
8 written policy (*Continuing Education Audit Process | Licensing Management*, effective September 9,
9 2024), which mandates that all CE audits must be conducted as an "*annual randomized audit*" selected
10 via unbiased methods (such as zip code or last name) and "*must be random to ensure fairness and*
11 *avoid bias*" (*see Exhibit G at p. 26*).

12 100. **July 28, 2026, from 4:36 PM to 7:45 PM:** Defendants engaged in intensive micro-
13 management of Plaintiff Licensee's submitted records:

- 14 • **At 4:36 PM:** Already suffering under severe professional distress and duress from the
15 Board's bad-faith prosecution that had dragged on for nearly two years, and facing the
16 immediate, unlawful threat of having her professional license renewal held hostage,
17 Plaintiff Licensee hastily compiled and submitted 80 pages of historical CE records
18 dating back to 2018 on the exact same day she received Defendants' ad-hoc audit
19 demand.
- 20 • **At 4:39 PM:** *Exactly 3 minutes later*, Executive Director Higginbotham shared
21 Plaintiff Licensee's submitted Airtable CE records with Administrative Manager
22 Cymerman.
- 23 • **At 5:31 PM:** Administrative Manager Cymerman completed a manual, line-by-line
24 spreadsheet audit of all 80 pages of submitted CE records dating back to 2018.
- 25 • **At 7:45 PM:** Executive Director Higginbotham instructed Administrative Manager
26 Cymerman—copying Defendant Barraclough—to demand even further documentation:
27
28

- 1 ○ *"Can we please reach out to Plaintiff Licensee to ensure these are all her CE*
2 *Hours and that she does not have any hours in the renew periods that are*
3 *currently not within the hour requirements?" (see Exhibit G at pp. 20-23).*

4 101. **July 29, 2026:** Continuing to act under extreme duress, compounded by two years of
5 relentless administrative prosecution and the active threat to her livelihood, Plaintiff Licensee
6 immediately and hurriedly complied with Defendants' further expanded CE documentation demands
7 on the very next day.

8 102. **August 3, 2026 at 8:02 PM:** On the eve of the August 4–5 Review Panel meeting,
9 Administrative Manager Cymerman sent an after-hours email acknowledging that Plaintiff Licensee
10 had fully complied with all of Defendants' CE documentation demands, including the retroactive 2018
11 records demand. This after-hours acknowledgment confirmed that no licensing or CE deficiencies
12 existed prior to the Review Panel's August 4–5 review. Despite receiving full compliance on the eve of
13 the meeting, Defendants nevertheless weaponized the panel review to manufacture further delays and
14 withhold administrative resolution in continued retaliation against Plaintiff Licensee (*see Exhibit G at*
15 **p. 24**).

16 103. **August 4, 2026, at 6:47 PM:** Following the extensive manual review, on the day of the
17 August 4-5 Review Panel meeting, the Board issued an automated notification via Airtable confirming
18 that the audit was complete and that Plaintiff Licensee's CE credits were 100% compliant with N.A.C.
19 631.173 (*see Exhibit G at p. 25*).

20 104. **September 01, 2026:** In response to Plaintiff's August 26, 2026 public records request
21 under N.R.S. 239.010 regarding random-selection criteria, General Counsel Barraclough made a
22 written party admission confirming that the audit bypassed the Board's mandatory randomized policy
23 and was launched specifically because of Plaintiff's public records demands and legal advocacy:

24 *"[T]he CE audit requirement for Plaintiff Licensee was not part of the*
25 *Board's annual randomized audit. Rather, the audit occurred because,*
26 *in order to respond to Plaintiff Licensee's attorney's first set of Public*
 Records Requests and initial demand letter, the Board had to review
 Plaintiff Licensee's file[.]"

27 **(Exhibit H at p. 4, under Request for Production No. 5, attached**
28 **hereto and incorporated herein by reference).**

1 105. Demonstrating intentional bad faith and pretext, Defendant Barraclough's September 1,
2 2026 assertion that Plaintiff Licensee was "late three times" and "a year late on one occasion" (**Exhibit**
3 **H at p. 4, under Request for Production No. 5**) was a complete fabrication designed to cover up the
4 retaliatory nature of the audit. Internal Board records establish that five weeks earlier, on July 24,
5 2026, Licensing Coordinator Marissa Kelley explicitly informed Defendants Barraclough,
6 Higginbotham, and Cymerman in writing that the license date discrepancy "*did not occur by staff [or*
7 *licensee] because the dates listed within the license history were updated based on renewal*
8 *applications being submitted,*" confirming that the error was caused entirely by known vendor software
9 errors – "[t]his issue continues to occur as inLumon occasionally provides the incorrect pocket license
10 dates." (**Exhibit G at p. 5; see also ¶¶ 88-90**). Defendants actively concealed their own vendor's
11 system failure and falsely blamed Plaintiff in formal discovery responses to construct a pretextual
12 justification for their retaliatory audit.

13 106. In response to Plaintiff's public records request regarding the governing legal authority
14 and retention schedules for Continuing Education audits, General Counsel Barraclough admitted in
15 writing that "*[t]he State Records Retention related [to] CE documentation is 6 years.*" Despite this
16 explicit six-year statutory ceiling, Defendants intentionally expanded their retaliatory demand **eight**
17 **years retroactively to 2018**, forcing Plaintiff to produce historical documentation beyond the lawful
18 state retention mandate under threat of withholding her license renewal (*see Exhibit H at p. 6, under*
19 **Request for Production No. 8**).

20 107. Defendants Barraclough, Higginbotham, and Cymerman acted under color of state law
21 to launch an unauthorized, non-random targeted audit and hold Plaintiff's professional license renewal
22 hostage. Defendants executed this non-random audit in direct retaliation for Plaintiff exercising her
23 First Amendment rights to petition legislative oversight bodies and submit public records requests
24 under N.R.S. 239.010.

25 ///

26 ///

1 **K. Plaintiff's Escalated First Amendment Petitioning to the Legislative Commission and**
2 **Defendants' August 11, 2026 Manufacture of a Fourth Allegation—Conceding Clinical**
3 **Exceptions That Excuse Departure From the Standard of Care**

4 108. Between August 10 and August 17, 2026, Plaintiff Licensee engaged in continuous,
5 protected First Amendment petitioning activity by transmitting formal administrative disclosures to
6 Legislative Auditor Crossman on August 10, 11, 13, and 17, 2026.

7 109. On August 10, 2026, Plaintiff Licensee formally escalated her First Amendment
8 petitioning activity by submitting comprehensive oversight disclosures directly to the voting members
9 of the Nevada Legislative Commission regarding the Board's arbitrary enforcement practices and
10 statutory non-compliance. (**Exhibit I at pp. 1-4**, attached hereto and incorporated herein by reference).

11 110. Specifically, Plaintiff Licensee petitioned the Legislative Commission to exercise its
12 statutory authority to object to and freeze the Board's proposed licensee fee schedule increase (LCB
13 File No. R050-26)—which the Board held a Notice of Intent to Act Upon a Regulation pursuant to
14 N.R.S. 233B.0603 on July 29, 2026—at the Legislative Commission's upcoming regulatory review
15 meeting. Additionally, Plaintiff Licensee requested that the Legislative Commission issue an
16 emergency audit directive pursuant to N.R.S. 218G.120. The Legislative Commission's meeting was
17 unscheduled at the time. (**Exhibit I at p. 4**).

18 111. At the time of Plaintiff Licensee's August 10th petition, the Board was actively
19 progressing LCB File No. R050-26 through the mandatory statutory rulemaking workflow (upon
20 information and belief, the Board had submitted adopted text to the Legislative Counsel Bureau for
21 review prior to final submission to the Legislative Commission for binding approval).

22 112. Plaintiff Licensee's direct petition to members of the Legislative Commission
23 requesting a freeze on LCB File No. R050-26 constitutes core constitutionally protected petitioning
24 activity under the First Amendment of the United States Constitution.

25 113. Upon information and belief, Defendants became aware of Plaintiff Licensee's August
26 10, 2026 disclosures to the Legislative Commission through inter-agency administrative channels,
27 legislative liaisons, or ongoing communications with LCB audit personnel.
28

1 114. On August 11, 2026, at 10:00 AM—immediately following Plaintiff Licensee’s direct
2 petition to the Legislative Commission—General Counsel Barraclough emailed Plaintiff’s counsel,
3 confirming that the Review Panel’s determination had been officially tabled to September 2, 2026.
4 **(Exhibit F at p. 8).**

5 115. In her August 11, 2026 transmission, General Counsel Barraclough acknowledged that
6 after reviewing the certified telephone transcripts that had been in the Board's physical possession
7 since November 2024, Defendants were now manufacturing a *fourth* shifting clinical allegation
8 regarding the precise timing of post-operative imaging, stating:

9 *"The Panelists are of the opinion that the standard of practice for*
10 *extractions and root canals...is an immediate post-operative x-ray before*
11 *the patient is discharged, not a post-op x-ray at a later date."* **(Exhibit F**
 at p. 8).

12 116. Exhibiting the continuous instability of Defendants' disciplinary prosecution, General
13 Counsel Barraclough conceded on the record that non-compliance with this newly concocted standard
14 would be excusable if supported by clinical context, writing:

15 *"However, they recognize that if the patient was offered an immediate*
16 *post-op x-ray and refused, or there was some other legitimate medical*
17 *reason for not doing it immediately and prior to discharge, this could*
 be a mitigating factor that might excuse not following the typical
 standard of care." **(Exhibit F at p. 8).**

18 117. General Counsel Barraclough then imposed a series of intrusive interrogatory demands
19 on Plaintiff Licensee, requiring written responses by August 26, 2026 regarding whether an immediate
20 post-op x-ray was offered and refused, whether risks were explained, and the underlying clinical
21 rationale (*see Exhibit F at p. 8*).

22 118. Defendants responded to Plaintiff's August 10, 2026 disclosures to the Legislative
23 Commission within 24 hours by tabling proceedings, altering charging theories, and imposing new
24 administrative demands. Each time Plaintiff exercised her First Amendment right to petition state
25 legislative bodies, Defendants took adverse administrative actions to prolong Plaintiff's disciplinary
26 exposure.

27 ///

1 **L. Defendants' Retreat on Proposed Fee Regulations and Written Admission of Withholding**
2 **Exculpatory Expert Opinions from the Review Panel**

3 119. Following Plaintiff Licensee's August 10, 2026 petition to the Legislative Commission
4 requesting a freeze on LCB File No. R050-26, the Board failed to take the statutorily required next step
5 to adopt its proposed fee increase regulations under Nevada's administrative rulemaking procedures.

6 120. Pursuant to Nevada Open Meeting Law (N.R.S. Chapter 241), the Board published its
7 official public agenda on August 19, 2026, for its scheduled August 26, 2026 Board meeting. Notably,
8 the published agenda completely omitted any action item to formally adopt the proposed regulations
9 under LCB File No. R050-26.

10 121. Upon information and belief, Defendants became aware of Plaintiff Licensee's direct
11 petitioning to the Legislative Commission to freeze LCB File No. R050-26 and either retreated from
12 placing the regulation adoption on the August 26th agenda or were subjected to an administrative hold
13 by legislative oversight authorities.

14 122. On August 26, 2026, Plaintiff Licensee responded to General Counsel Barracrough's
15 August 11th interrogatory demands, setting forth formal legal objections to Defendants' shifting
16 clinical theories, multi-year delays, and continuous due process violations under N.R.S. Chapter 622A
17 (*see Exhibit F at pp. 9-10*).

18 123. In her August 26th submission, Plaintiff Licensee reiterated the unrefuted conclusions
19 of her clinical academic experts, Drs. Steven Call and Richard Stevens, whose signed expert
20 affirmations—confirming Plaintiff Licensee's practice was fully within the standard of care—had been
21 in Defendants' physical possession since July 14, 2026 (*see Exhibit F at pp. 9-10*).

22 124. On July 22, 2026, in General Counsel Barracrough's animus-filled email, she had
23 explicitly promised that the "second opinion" Review Panel (Panel #1 or #2) was being convened for
24 the specific purpose of placing Plaintiff Licensee's expert opinions before the new panelists, writing:

25 *"While you have not argued bias or prejudice on behalf of Review Panel*
26 *#3, to the extent you have argued that they ignored your expert's*
27 *opinions, we will consider that similar grounds for a second opinion*
28 *Review Panel Review."* (Exhibit E at p. 2).

1 125. However, upon receiving Plaintiff Licensee's August 26th response, General Counsel
2 Barraclough emailed Plaintiff's counsel, revealing for the first time that Defendants had actively
3 omitted Drs. Call and Stevens' expert opinions from the Review Panel during its August 4–5 review,
4 writing:

5 *"[T]he email will be...placed into the Review Panel's review file along*
6 *with the opinions of Dr. Call and Dr. Stevens. (Shane, please do so as*
7 *soon as possible and make sure to direct the Review Panel's attention*
8 *to same.)" (Exhibit F at p. 11).*

9 126. General Counsel Barraclough's written instruction to Board Paralegal Barjon on August
10 26, 2026, confirms that despite having possessed Plaintiff Licensee's expert affirmations since July 14,
11 2026, Defendants withheld these exculpatory clinical opinions from the August 4–5 Review Panel (just
12 as they withheld the certified audio transcripts possessed since November 2024).

13 127. Defendants intentionally omitted Plaintiff's exculpatory expert affirmations from the
14 August 4–5 Review Panel file to manipulate the administrative process, engineer artificial panel
15 impasses, and prolong Plaintiff's disciplinary exposure in direct retaliation for Plaintiff's protected First
16 Amendment petitioning activity.

17 **M. Defendants' Retaliatory September 3, 2026 Escalation: Reviving Dropped Malpractice**
18 **Charges, Issuing a "Choose Your Own Violation" Menu, Escalating Sanctions, Steering**
19 **Review Panels, and Threatening Public Exposure**

20 128. Following Plaintiff Licensee's direct First Amendment petitioning to members of the
21 Legislative Commission and ongoing disclosures to LCB Audit, Defendants sought to penalize
22 Plaintiff Licensee for her protected speech and her refusal to enter into a flawed stipulation by
23 dramatically escalating administrative penalties and procedural threats.

24 129. On September 3, 2026, at 2:50 PM, General Counsel Barraclough transmitted an email
25 detailing the results of Review Panel #1's September 2nd meeting, revealing that Defendants had
26 manufactured a *fifth* shifting allegation by abruptly reviving the previously abandoned clinical
27 malpractice statute—N.R.S. 631.3475 (Professional Incompetence)—despite General Counsel
28 Barraclough's explicit August 11, 2026 transmission confirming that the Review Panelists themselves
recognized clinical circumstances "*might excuse not following the typical standard of care.*" (See
Exhibit F at pp. 8 and 12–13).

130. Further demonstrating the completely arbitrary, unanchored, and coercive nature of Defendants' administrative prosecution, General Counsel Barraclough transmitted an email offering Plaintiff a procedural "menu" of competing disciplinary stipulations, instructing that "Plaintiff Licensee can choose to enter a disciplinary stipulation setting forth EITHER" the abandoned April 2026 Review Panel #3 theory ("poorly performed extraction"—which later mutated to "bone graft not correctly performed" to failure to take an x-ray after extraction but before bone grafting, both charged under the Review Panel statute N.R.S. 631.3635)—OR the newly manufactured September 2026 Review Panel #1 theory (failure to take immediate post-op x-ray) (*see Exhibit F at pp. 12–13*).

131. Underscoring the absurd, "choose-your-own-violation" nature of this administrative prosecution, General Counsel Barraclough's September 3, 2026 email included an embedded side-by-side comparison table explicitly pitting "Review Panel 3 Stip Proposal" against "Review Panel 1 Stip Proposal"—forcing Plaintiff Licensee to select which clinical finding, patient refund demand, and CE hour penalty she preferred to impose upon herself (*see Exhibit F at p. 12*).

132. Defendants' presentation of a "choose-your-own-violation" menu demonstrates a total collapse of procedural due process. It constitutes a direct party admission that Defendants were indifferent to actual clinical facts, maintained no objective standard of care, and deployed administrative charging theories purely as negotiable coercive leverage to compel a disciplinary signature and extract financial assessments.

133. Demonstrating a stark retaliatory escalation, Defendants significantly increased the severity of the proposed penalties beyond any previous offer, demanding:

- Mandatory patient fee refunds;
 - An increased 16 total hours of Continuing Education (including 8 hours of live, hands-on oral surgery and 8 hours of live, hands-on extractions); and
 - Uncapped repayment of all administrative and investigative costs accumulated to date.
- (**Exhibit F at pp. 12-13**).

1 134. In that same September 3, 2026 email, General Counsel Barraclough admitted to
2 actively steering the Review Panel's procedural determinations to cut off future panel reviews and
3 force a rapid escalation to a public Board vote, writing:

4 *"Anticipating that Plaintiff Licensee might reject any stipulation, I asked*
5 *Review Panel 1 if they wanted to vote to recommend an administrative*
6 *hearing now should their stipulation be rejected rather than having the*
7 *matter be re-heard by them again at a later date in the event of a*
8 *rejection. They stated that they were in agreement to recommend to the*
 Board an administrative hearing if the Respondent did not want to
 stipulate."
 (Exhibit F at p. 12).

9 135. Underscoring her vexatious misuse of state administrative machinery, General Counsel
10 Barraclough explicitly characterized the Review Panel evaluation process as giving the state repetitive,
11 prosecutorial "bites at the apple"—quoting her own July 22, 2026 animus-filled email to declare that
12 the Board would cut off further panel evaluations because *"we will not send it to the third and final*
13 *review panel for yet another bite at the apple"* **(Exhibit F at p. 12)**. This written admission proves
14 Defendants viewed statutory Review Panels not as neutral due process safeguards, but as iterative
15 prosecutorial tools to repeatedly re-try clinical theories until securing a coercive stipulation.

16 136. To further coerce Plaintiff Licensee into surrendering her First Amendment petitioning
17 rights and signing a stipulation, General Counsel Barraclough threatened to publicly publish an
18 unvoted, unapproved "draft" administrative complaint in the Public Board Book prior to any
19 authorization by the full Board:

20 *"I will draft a proposed, draft only Complaint. This is just the draft of*
21 *what the complaint/ pleading ultimately served under NAC 631.290 will*
22 *look like. I will send you a courtesy copy with the knowledge this is not*
 final, and a copy will go in the Public Board Book and on the agenda
 for the next available Board meeting." **(Exhibit F at p. 12).**

23 137. General Counsel Barraclough's September 3rd threat to publish an unvoted draft
24 complaint directly contradicted her prior written assurances of July 14, 2026 (¶ 30), wherein she
25 acknowledged that Board members *"have to approve having a hearing first before I can even draft an*
26 *administrative complaint and start the process of noticing you and your client."* **(Exhibit B at p. 7).**

1 138. On September 16, 2026, General Counsel Barraclough issued a follow-up transmission
2 re-confirming the coercive, negotiable nature of the Board's prosecution, writing to inquire whether
3 Plaintiff Licensee needed more time:

4 *"[T]o decide which of the two stipulations to accept or needs more time*
5 *to consider whether she wants to go the administrative hearing route...if*
6 *she already knows she would like to proceed to administrative hearing,*
7 *let me know before COB tomorrow and we can get it on this month's*
8 *agenda to get the ball rolling on that process."* (Exhibit F at p. 14).

9 139. In that same September 16, 2026 transmission, General Counsel Barraclough
10 voluntarily offered Plaintiff Licensee an administrative extension to prevent immediate Board action,
11 writing: *"I can certainly push this to the next Board agenda in October."* (Exhibit F at p. 14).

12 140. Defendants issued their September 3, 2026 transmission in direct retaliation for Plaintiff
13 exercising her constitutional right to petition legislative oversight bodies and declining an unbacked
14 stipulation. In response to Plaintiff's protected activity, Defendants revived previously abandoned
15 statutory charges, presented a "choose-your-own-violation" menu of competing disciplinary
16 stipulations, escalated monetary and educational penalties, procedurally steered Review Panel voting,
17 and threatened unauthorized public disclosure of draft pleadings to harm Plaintiff's professional
18 standing.

19 **N. Plaintiff's September 2026 Oversight Disclosures and Public Comment Before the Nevada**
20 **Legislative Commission**

21 141. On September 9, 2026, Plaintiff continued her protected First Amendment petitioning
22 activity by submitting supplemental administrative oversight disclosures directly to the voting
23 members of the Nevada Legislative Commission as well as to Legislative Auditor Crossman. (Exhibit
24 **I at pp. 5-9**).

25 142. In her September 9, 2026 petition, Plaintiff requested that the Legislative Commission
26 place an immediate hold on calendaring, considering, or approving the Board's proposed regulation
27 under LCB File No. R050-26 pending the LCB Audit Division's review of the Board's regulatory
28 practices. (Exhibit I at p. 9).

1 143. Plaintiff further petitioned the Legislative Commission to issue an emergency audit
2 directive regarding the Board's financial and regulatory operations pursuant to N.R.S. 218G.120.
3 (Exhibit I at p. 9).

4 144. On September 24, 2026, Plaintiff, through counsel, exercised her First Amendment
5 rights by delivering public comment before the Legislative Commission detailing Defendants'
6 retaliatory animus and unconstitutional conduct against Plaintiff. (Exhibit I at pp. 10-11).

7 V.

8 CLAIMS FOR RELIEF

9 **FIRST CLAIM FOR RELIEF**

10 **42 U.S.C. § 1983 – First Amendment Retaliation**

11 **(Targeted, Non-Disciplinary CE Audit & Renewal Hold)**

12 *(Against Defendants Higginbotham, Barraclough, Cymerman, and*
13 *DOES I through X, in Their Official and Individual Capacities)*

14 145. Plaintiff realleges and incorporates by reference all preceding paragraphs as though
15 fully set forth herein.

16 146. Transmitting formal public records requests under N.R.S. Chapter 239, submitting
17 administrative demand letters through legal counsel, and transmitting administrative oversight
18 disclosures to state oversight bodies (including LCB Legal, LCB Audit, the Department of
19 Administration, the Nevada Attorney General, and the Legislative Commission) constitute core
20 protected speech and petitioning activity under the First Amendment to the United States Constitution.

21 147. Defendants Higginbotham, Barraclough, and Cymerman, acting under color of state
22 law, took severe, adverse administrative actions against Plaintiff that would deter a person of ordinary
23 firmness from continuing to engage in constitutionally protected petitioning activity.

24 148. Specifically, as admitted in writing by Defendant Barraclough on July 22, 2026,
25 Defendants executed an ad-hoc, targeted 3-year CE audit and retroactive 8-year records demand as an
26 admitted "**non-disciplinary related matter**" for the specific purpose of holding Plaintiff's pending
27 dental license renewal hostage.

28 149. Plaintiff's exercise of protected First Amendment activity was the substantial and
motivating factor behind Defendants' adverse actions. Direct retaliatory motivation and causation are

1 conclusively established by: (a) Defendant Barraclough’s contemporaneous July 22, 2026 written
2 email explicitly branding Plaintiff’s protected petitioning activity to the LCB as “*extortive*,”
3 “*threatening*,” and “*threats of tattling on us to the LCB*”; (b) The **17-minute temporal gap** between
4 Defendant Higginbotham republishing those animus-filled smears to executive cabinet officials (July
5 28, 2026, at 10:33 AM) and Defendant Cymerman drafting the non-standard audit notice (July 28,
6 2026 at 10:50 AM); (c) The **3-minute temporal gap** between Plaintiff—acting under severe
7 apprehension, professional distress, and duress from two years of ongoing prosecution—hastily
8 compiling and submitting 80 pages of historical CE records on the exact same day as Defendants’ ad-
9 hoc demand (July 28, 2026 at 4:36 PM), and Defendant Higginbotham personally intercepting and
10 sharing Plaintiff’s records with Defendant Cymerman for real-time manual auditing (July 28, 2026 at
11 4:39 PM); (d) Defendant Barraclough’s written instruction to modify the audit draft “*to account for the*
12 *facts this is different [than] a typical audit and is tied to the license renewal*”; (e) The Board’s written
13 policy which mandated that CE audits must be conducted as an “*annual randomized audit*” selected via
14 unbiased methods (such as zip code or last name) and “*must be random to ensure fairness and avoid*
15 *bias*”; (f) Defendant Barraclough’s explicit written party admission on September 1, 2026, confirming
16 that the audit bypassed the Board’s mandatory randomized audit policy because Plaintiff submitted
17 public records requests and legal demand letters; and (g) Defendants’ retaliatory escalation on
18 September 3, 2026, abruptly reviving abandoned malpractice allegations under N.R.S. 631.3475 in
19 direct retaliation for Plaintiff’s petitioning to the Legislative Commission, directly overriding the
20 explicit findings of Review Panel #1—relayed by Defendant Barraclough on August 11, 2026—that
21 clinical context provided a legitimate medical reason excusing non-compliance with the standard of
22 care.

23 150. Because this targeted CE audit was an ad-hoc, non-disciplinary administrative barrier
24 executed outside the scope of formal N.R.S. Chapter 631 disciplinary proceedings, it falls completely
25 outside the doctrine of *Younger* abstention pursuant to *Sprint Communications, Inc. v. Jacobs*, 571
26 U.S. 69 (2013).

1 151. At all times relevant to the conduct alleged herein, Plaintiff's rights under the First
2 Amendment were clearly established under binding jurisprudence of the Supreme Court of the United
3 States and the United States Court of Appeals for the Ninth Circuit. It was long settled that government
4 officials may not weaponize administrative audits, fabricate procedural pretexts, or penalize a citizen's
5 right to petition government oversight agencies or submit public records requests. Individual
6 Defendants Higginbotham, Barraclough, and Cymerman possessed clear, contemporaneous notice of
7 these constitutional boundaries—as explicitly demonstrated by their internal research into statutory
8 immunities and their own written admissions. A reasonable state official in Defendants' positions
9 would have known that their retaliatory conduct violated clearly established federal law, thereby
10 stripping Individual Defendants of any qualified immunity defense.

11 152. As a direct and proximate result of Defendants' unconstitutional First Amendment
12 retaliation, Plaintiff suffered severe compensable damages according to proof at trial, including but not
13 limited to operational disruptions to her dental practice, unbacked administrative defense costs, loss of
14 commercial goodwill, extreme duress, severe emotional distress, personal humiliation, and damage to
15 her professional reputation.

16 153. Defendants Higginbotham, Barraclough, and Cymerman committed the aforementioned
17 retaliatory acts intentionally, willfully, maliciously, and with evil motive or reckless indifference to
18 Plaintiff's clearly established First Amendment rights, entitling Plaintiff to an award of punitive
19 damages against each Individual Defendant in their individual capacities pursuant to 42 U.S.C. § 1983
20 in an amount sufficient to punish their bad-faith conduct and deter future unconstitutional abuses of
21 state power.

22 154. Plaintiff has been required to retain legal counsel to prosecute this action and is entitled
23 to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

24 ///

25 ///

26 ///

27 ///

SECOND CLAIM FOR RELIEF
42 U.S.C. § 1983 – First Amendment Retaliation
(Bad-Faith Retaliatory Disciplinary Prosecution)
(Against Defendants Higginbotham, Barraclough, Cymerman, and
DOES I through X, in Their Official and Individual Capacities)

155. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

156. Submitting oversight disclosures regarding administrative misconduct to the Legislative Commission, requesting legislative holds on proposed fee regulations (LCB File No. R050-26), and refusing to sign unbacked administrative stipulations constitute core protected activity under the Petition Clause of the First Amendment.

157. Defendants Higginbotham, Barraclough, and Cymerman, acting under color of state law, took escalating adverse actions against Plaintiff in [Administrative Case No. Redacted] to penalize her protected speech, including: (a) Tabling Review Panel determinations and manufacturing shifting clinical theories immediately following legislative filings; (b) Abruptly reviving previously abandoned statutory charges under N.R.S. 631.3475 (Professional Incompetence) despite the Review Panel's explicit finding, as relayed by General Counsel Barraclough on August 11, 2026, that clinical context provided a legitimate medical reason that excused strict compliance with the standard of care; (c) Presenting a "choose-your-own-violation" menu of competing disciplinary stipulations; (d) Escalating monetary demands and educational penalties beyond all prior iterations; (e) Procedurally steering Review Panel #1 to skip mandatory review steps and recommend an administrative hearing; (f) Coercively threatening to publish an unvoted, draft-only complaint in the Public Board Book prior to Board authorization; and (g) Weaponizing an ad-hoc, non-random CE audit and license renewal hold executed under extreme duress as artificial leverage to coerce Plaintiff into executing an unbacked disciplinary stipulation.

158. Under Ninth Circuit precedent, a state prosecution is maintained in bad faith when brought or maintained "*without a reasonable expectation of obtaining a valid conviction*" or driven by vindictive animus (*Yelp Inc. v. Paxton*, 137 F.4th 944, 951 (9th Cir. 2025)).

1 159. Defendants maintained [Administrative Case No. Redacted] in bad faith and without
2 expectation of a valid finding, as proven by: (a) Defendants' willingness in May 2026 to strike
3 statutory malpractice charges under N.R.S. 631.3475 and draft a "no contest" exit allowing Plaintiff to
4 actively deny all wrongdoing; (b) Defendants' continuing to prosecute Plaintiff under the Review
5 Panel statute N.R.S. 631.3635; (c) Defendant Barraclough's written admission on August 26, 2026,
6 confirming that Defendants intentionally withheld Plaintiff's exculpatory expert affirmations (Drs. Call
7 and Stevens) and certified patient abandonment transcripts from Review Panel #1 during its August 4–
8 5 review; and (d) Defendant Barraclough's explicit August 11, 2026 transmission confirming that
9 Review Panel #1 itself recognized clinical circumstances "*might excuse not following the typical*
10 *standard of care.*"

11 160. Because Defendants' administrative prosecution was maintained in bad faith, for
12 harassment, and in direct retaliation for protected petitioning activity, this claim satisfies the bad-faith
13 exception to *Younger* abstention under *Kugler v. Helfant*, 421 U.S. 117 (1975) and *Yelp Inc. v. Paxton*,
14 137 F.4th 944 (9th Cir. 2025).

15 161. At all times relevant to the conduct alleged herein, Plaintiff's rights under the First
16 Amendment were clearly established under binding jurisprudence of the Supreme Court of the United
17 States and the United States Court of Appeals for the Ninth Circuit. It was long settled that government
18 officials may not weaponize administrative audits, fabricate procedural pretexts, or penalize a citizen's
19 right to petition government oversight agencies or submit public records requests. Individual
20 Defendants Higginbotham, Barraclough, and Cymerman possessed clear, contemporaneous notice of
21 these constitutional boundaries—as explicitly demonstrated by their internal research into statutory
22 immunities and their own written admissions. A reasonable state official in Defendants' positions
23 would have known that their retaliatory conduct violated clearly established federal law, thereby
24 stripping Individual Defendants of any qualified immunity defense.

25 162. As a direct and proximate result of Defendants' retaliatory, bad-faith prosecution,
26 Plaintiff suffered severe compensable damages according to proof at trial, including but not limited to
27 operational disruptions to her practice, unbacked administrative defense costs, loss of commercial
28

1 goodwill, extreme duress, severe emotional distress, personal humiliation, and damage to her
2 professional reputation.

3 163. Defendants Higginbotham, Barraclough, and Cymerman acted with evil motive, intent,
4 and reckless or callous indifference to Plaintiff's constitutionally protected First Amendment rights,
5 entitling Plaintiff to an award of punitive damages against each Individual Defendant in their
6 individual capacities pursuant to 42 U.S.C. § 1983.

7 164. Plaintiff has been required to retain legal counsel to prosecute this action and is entitled
8 to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

9 **THIRD CLAIM FOR RELIEF**
10 **42 U.S.C. § 1983 – Fourteenth Amendment Equal Protection ("Class of One")**
11 *(Against Defendants Higginbotham, Barraclough, Cymerman, and*
12 *DOES I through X, in Their Official and Individual Capacities)*

13 165. Plaintiff realleges and incorporates by reference all preceding paragraphs as though
14 fully set forth herein.

15 166. The Equal Protection Clause of the Fourteenth Amendment prohibits state actors from
16 intentionally treating an individual differently from others similarly situated without a rational basis
17 (*Village of Willowbrook v. Olech*, 528 U.S. 562 (2000)).

18 167. Defendants intentionally singled out Plaintiff for arbitrary, disparate, and discriminatory
19 treatment by: (a) Assessing disciplinary fees against Plaintiff that were 200% higher than cases
20 involving life-threatening and permanent patient injuries, nearly 1400% higher than cases involving
21 actual harm, and 100% higher than the combined cost assessments levied against multi-time repeat
22 disciplinary offenders; (b) Bypassing the Board's written policy (*Continuing Education Audit Process*,
23 Sept. 9, 2024) requiring annual audits to be strictly randomized to avoid bias, and subjecting Plaintiff
24 to an ad-hoc, targeted audit; (c) Imposing an oppressive 8-year retroactive records demand going back
25 to 2018, in direct violation of the State's admitted 6-year CE record retention mandate; (d) Tying an
26 ad-hoc audit directly to the administrative processing of Plaintiff's routine license renewal; (e)
27 Presenting a "choose-your-own-violation" menu of competing disciplinary stipulations; (f)
28 Procedurally steering Review Panel #1 to skip mandatory review steps and recommend an

1 administrative hearing—a coercive procedure not deployed against other dental licensees; (g)
2 Threatening to publicly publish an unvoted, draft-only administrative complaint in the Public Board
3 Book prior to formal Board approval under N.A.C. 631.290—a coercive procedure not deployed
4 against other dental licensees; and (h) Abruptly reviving dropped professional incompetence
5 allegations under N.R.S. 631.3475 despite explicit admissions that Review Panel #1 recognized
6 clinical circumstances excused compliance—a level of arbitrary, shifting prosecution not visited upon
7 other similarly situated dental licensees.

8 168. Defendants had no legitimate, rational administrative basis for treating Plaintiff
9 differently from all other similarly situated Nevada dental licensees. The disparate treatment was
10 arbitrary, irrational, and driven entirely by personal animus, bad faith, and retaliatory intent.

11 169. At all times relevant to the conduct alleged herein, Plaintiff's rights under the Fourteenth
12 Amendment were clearly established under binding jurisprudence of the Supreme Court of the United
13 States and the United States Court of Appeals for the Ninth Circuit. It was long settled that government
14 officials may not weaponize administrative audits, fabricate procedural pretexts, or penalize a citizen's
15 right to petition government oversight agencies or submit public records requests. Individual
16 Defendants Higginbotham, Barraclough, and Cymerman possessed clear, contemporaneous notice of
17 these constitutional boundaries—as explicitly demonstrated by their internal research into statutory
18 immunities and their own written admissions. A reasonable state official in Defendants' positions
19 would have known that their retaliatory conduct violated clearly established federal law, thereby
20 stripping Individual Defendants of any qualified immunity defense.

21 170. As a direct and proximate result of Defendants' unconstitutional equal protection
22 violations, Plaintiff sustained severe compensable damages according to proof at trial, including but
23 not limited to operational disruptions to her dental practice, unbacked administrative defense costs,
24 loss of commercial goodwill, extreme duress, severe emotional distress, personal humiliation, and
25 damage to her professional reputation.

26 171. Defendants Higginbotham, Barraclough, and Cymerman committed the aforementioned
27 acts intentionally, willfully, maliciously, and with evil motive or reckless indifference to Plaintiff's
28

1 clearly established Fourteenth Amendment rights, entitling Plaintiff to an award of punitive damages
2 against each Individual Defendant in their individual capacities pursuant to 42 U.S.C. § 1983 in an
3 amount sufficient to punish their bad-faith conduct and deter future unconstitutional abuses of state
4 power.

5 172. Plaintiff has been required to retain legal counsel to prosecute this action and is entitled
6 to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

7 **FOURTH CLAIM FOR RELIEF**
8 **42 U.S.C. § 1983 – Fourteenth Amendment Procedural Due Process**
9 *(Against Individual Defendants Higginbotham, Barraclough, Cymerman, and*
10 *DOES I–X, in Their Official and Individual Capacities)*

11 173. Plaintiff realleges and incorporates by reference all preceding paragraphs as though
12 fully set forth herein.

13 174. Plaintiff possesses a constitutionally protected property interest in her active Nevada
14 dental license and its timely renewal under N.R.S. Chapter 631.

15 175. Defendants, acting under color of state law, deprived Plaintiff of procedural due process
16 by: (a) Abruptly reviving dropped professional incompetence charges under N.R.S. 631.3475 on
17 September 3, 2026, despite explicit August 11, 2026 admissions that Review Panel #1 itself recognized
18 clinical circumstances *"might excuse not following the typical standard of care,"* and continuing to
19 prosecute Plaintiff under shifting statutory theories without factual support; (b) Manufacturing ultra
20 vires administrative holds to delay routine license renewal and create a temporary hold on
21 unencumbered use and benefit of her professional license; (c) Deploying an ad-hoc CE audit outside
22 statutory authority to obstruct her professional license; (d) Imposing an oppressive 8-year retroactive
23 records demand going back to 2018, in direct violation of the State's admitted 6-year CE record
24 retention mandate; (e) Weaponizing Review Panel procedures by intentionally withholding
25 exculpatory clinical evidence (expert affirmations and audio transcripts) from reviewing panelists; (f)
26 Presenting a "choose-your-own-violation" menu of competing disciplinary stipulations; (g)
27 Threatening unauthorized public publication of draft pleadings to destroy Plaintiff's professional
28 reputation prior to formal Board adjudication, which forced Plaintiff to divert administrative focus, halt

1 routine expansion, spend significant legal capital, and operate under threat of immediate pre-vote
2 public publication of draft pleadings; and (h) Threatening unauthorized public publication of draft
3 pleadings to coerce Plaintiff into waiving her statutory right to a neutral Review Panel evaluation and
4 surrender of statutory procedural protections under N.R.S. Chapter 631 and N.R.S. Chapter 622A.

5 176. At all times relevant to the conduct alleged herein, Plaintiff's rights under the Fourteenth
6 Amendment were clearly established under binding jurisprudence of the Supreme Court of the United
7 States and the United States Court of Appeals for the Ninth Circuit. It was long settled that government
8 officials may not weaponize administrative audits, fabricate procedural pretexts, or penalize a citizen's
9 right to petition government oversight agencies or submit public records requests. Individual
10 Defendants Higginbotham, Barraclough, and Cymerman possessed clear, contemporaneous notice of
11 these constitutional boundaries—as explicitly demonstrated by their internal research into statutory
12 immunities and their own written admissions. A reasonable state official in Defendants' positions
13 would have known that their retaliatory conduct violated clearly established federal law, thereby
14 stripping Individual Defendants of any qualified immunity defense.

15 177. As a direct and proximate result of Defendants' constitutional procedural due process
16 violations, Plaintiff suffered severe compensable damages according to proof at trial, including but not
17 limited to operational disruptions to her dental practice, unbacked administrative defense costs, loss of
18 commercial goodwill, extreme duress, severe emotional distress, personal humiliation, and damage to
19 her professional reputation.

20 178. Defendants Higginbotham, Barraclough, and Cymerman committed the aforementioned
21 acts intentionally, willfully, maliciously, and with evil motive or reckless indifference to Plaintiff's
22 clearly established Fourteenth Amendment procedural due process rights, entitling Plaintiff to an
23 award of punitive damages against each Individual Defendant in their individual capacities pursuant to
24 42 U.S.C. § 1983 in an amount sufficient to punish their bad-faith conduct and deter future
25 unconstitutional abuses of state power.

26 179. Plaintiff has been required to retain legal counsel to prosecute this action and is entitled
27 to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.
28

FIFTH CLAIM FOR RELIEF
42 U.S.C. § 1983 & Nevada State Law – Civil Conspiracy
(Against Individual Defendants Higginbotham, Barraclough, Cymerman, and
DOES I–X, in Their Individual Capacities)

180. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

181. Defendants Higginbotham, Barraclough, and Cymerman, acting in their individual capacities under color of state law, outside the scope of their legitimate administrative authority, reached an explicit meeting of the minds and entered into a concerted agreement to deprive Plaintiff of her rights under the First and Fourteenth Amendments.

182. In furtherance of this conspiracy, Defendants committed overt acts, including: (a) Formulating and editing a non-random audit notice specifically designed to hold Plaintiff's license renewal hostage; (b) Co-authoring and disseminating animus-filled email correspondence to cabinet-level state officials disparaging Plaintiff's First Amendment speech; (c) Coordinated micro-management and manual line-by-line auditing of 80 pages of Plaintiff's historical records within minutes of submission; (d) Concealing exculpatory evidence (including expert affirmations and audio transcripts) from Review Panel #1, and subsequently overriding the Review Panel's explicit exculpatory findings to abruptly revive dropped malpractice charges under N.R.S. 631.3475; and (e) Concertedly executing ad-hoc, expanding CE record demands to subject Plaintiff to extreme duress while her license renewal was held hostage.

183. As a direct and proximate result of Defendants' unconstitutional civil conspiracy, Plaintiff sustained severe compensatory damages according to proof at trial, including but not limited to operational disruptions to her dental practice, unbacked administrative defense costs, loss of commercial goodwill, extreme duress, severe emotional distress, personal humiliation, and damage to her professional reputation.

184. Defendants Higginbotham, Barraclough, and Cymerman engaged in the aforementioned conspiracy intentionally, willfully, maliciously, and with evil motive or reckless indifference to Plaintiff's clearly established constitutional rights, entitling Plaintiff to an award of punitive damages against each Individual Defendant in their individual capacities pursuant to 42 U.S.C. § 1983 in an

1 amount sufficient to punish their bad-faith conduct and deter future unconstitutional abuses of state
2 power.

3 185. Plaintiff has been required to retain legal counsel to prosecute this action and is entitled
4 to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 and Nevada law.

5 **SIXTH CLAIM FOR RELIEF**

6 **Nevada State Administrative Law – Ultra Vires Action & N.R.S. 233B Violations**

7 *(Against Defendants Higginbotham, Barraclough, Cymerman, and
8 DOES I through X, in Their Official and Individual Capacities)*

9 186. Plaintiff realleges and incorporates by reference all preceding paragraphs as though
10 fully set forth herein.

11 187. Under Nevada administrative law and N.R.S. Chapter 233B, state administrative
12 agencies and their officers possess only those powers explicitly conferred by statute. Action taken in
13 excess of statutory authority is void as *ultra vires*.

14 188. Defendants acted *ultra vires* and in violation of Nevada administrative law by: (a)
15 Abruptly reviving dropped malpractice charges under N.R.S. 631.3475 on September 3, 2026, in direct
16 contradiction of Review Panel #1's explicit findings that clinical context excused non-compliance, and
17 continuing to prosecute Plaintiff under shifting statutory theories lacking evidentiary support; (b)
18 Mandating CE record production 8 years retroactively to 2018, exceeding the 6-year state retention
19 mandate; (c) Violating the Board's mandatory written policy requiring randomized selection for CE
20 audits; (d) Withholding routine license renewals based on non-disciplinary, ad-hoc administrative
21 demands; (e) Threatening public dissemination of unvoted draft pleadings in public Board books in
22 violation of N.A.C. 631.290 and N.R.S. Chapters 631 and 622A; and (f) Procedurally steering
23 proceedings by concealing exculpatory clinical evidence (expert affirmations and audio transcripts)
24 from reviewing panelists and ignoring statutory peer-review evaluations.

25 189. Plaintiff is entitled to a judicial decree invalidating Defendants' *ultra vires* demands,
26 setting aside all non-compliant administrative actions, and declaring all non-compliant orders, notices,
27 and demands void *ab initio* pursuant to N.R.S. Chapter 233B and Nevada law.
28

190. As a direct and proximate result of Defendants' ultra vires actions, Plaintiff sustained severe operational disruptions, extreme duress, economic damages, and unbacked defense expenses, and is entitled to an award of costs and reasonable attorney's fees pursuant to N.R.S. 18.010, N.R.S. Chapter 233B, and Nevada law.

SEVENTH CLAIM FOR RELIEF
Declaratory and Injunctive Relief (Expungement & Permanent Injunction)
(Against Defendants Higginbotham, Barraclough, Cymerman, and
DOES I through X, in Their Official Capacities)

191. Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

192. An actual, justiciable controversy exists between Plaintiff and Defendants concerning Defendants' unconstitutional enforcement practices, retaliatory audits, and ongoing bad-faith disciplinary prosecution in [Administrative Case No. Redacted] .

193. Plaintiff is entitled to a Judicial Declaration pursuant to 28 U.S.C. § 2201 and 42 U.S.C. § 1983 establishing that: (a) Defendants' practice of executing targeted, non-random CE audits in response to public records requests and legislative disclosures violates the First and Fourteenth Amendments; (b) Defendants' withholding of exculpatory evidence from Review Panels and their subsequent overriding of Review Panel #1's explicit exculpatory clinical findings violate procedural due process; and (c) Defendants' bad-faith prosecution in [Administrative Case No. Redacted] was maintained without a reasonable expectation of obtaining a valid finding of liability.

194. Plaintiff is further entitled to Permanent Injunctive Relief ordering Defendants to: (a) Immediately and permanently dismiss administrative [Administrative Case No. Redacted] with prejudice; (b) Permanently expunge and seal all records, notices, notes, holds, and audit files relating to [Administrative Case No. Redacted] and the 2026 CE audit from all Board databases, internal logs, and public portals; (c) Unconditionally issue and maintain Plaintiff's active, unencumbered Nevada dental license renewal without administrative holds or preconditions; and (d) Cease and desist from engaging in retaliatory administrative actions, ad-hoc audits, or unwarranted enforcement actions against Plaintiff.

195. Plaintiff has no adequate, speedy, or complete remedy at law to repair ongoing, irreparable damage to her professional reputation, active dental practice, commercial goodwill, and freedom from extreme administrative duress, and the balance of equities and public interest strongly favor enjoining unconstitutional state administrative abuses and ultra vires agency conduct.

196. Plaintiff has been required to retain legal counsel to prosecute this action for declaratory and injunctive relief and is entitled to an award of reasonable attorney's fees and litigation costs pursuant to 42 U.S.C. § 1988 and federal equity powers.

VI.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Licensee respectfully prays for judgment against Defendants, and each of them, as follows:

1. **Compensatory Damages:** For general, special, and economic damages according to proof at trial, including pre-judgment and post-judgment interest, against Defendants Adam Higginbotham, Andrea Barraclough, and Arielle Cymerman in their individual capacities;
2. **Punitive Damages:** For punitive damages against Defendants Adam Higginbotham, Andrea Barraclough, and Arielle Cymerman in their individual capacities in an amount sufficient to punish and deter intentional unconstitutional conduct;
3. **Declaratory Relief:** For a Judicial Declaration that Defendants' ad-hoc audits, bad-faith prosecutions, suppression of exculpatory evidence, and overriding of Review Panel exculpatory findings violate the First and Fourteenth Amendments and Nevada administrative law;
4. **Injunctive Relief:** For a Permanent Injunction compelling Defendants in their official capacities to: (a) immediately and permanently dismiss [Administrative Case No. Redacted] with prejudice; (b) permanently expunge and seal all Board records, audit files, and administrative holds relating to [Administrative Case No. Redacted] and the 2026 CE audit; (c) unconditionally issue and maintain Plaintiff's active, unencumbered Nevada dental license; and (d) cease and desist from further retaliatory administrative actions against Plaintiff;

5. **Attorney's Fees and Costs:** For reasonable attorney's fees and litigation costs pursuant to 42 U.S.C. § 1988, N.R.S. 18.010, and federal equity powers; and

6. Further Relief: For such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all causes of action.

Respectfully submitted,

Dated: October 8, 2026

TRINH LEGAL GROUP

By: /s/ Garry B. Trinh
GARRY B. TRINH, ESQ.
NV Bar. No 14289
Attorney for Plaintiff Licensee

GARRY B. TRINH, ESQ.

Nevada Bar No. 14289

TRINH LEGAL GROUP

281 W. Centennial Parkway, #101

North Las Vegas, NV 89084

Phone: (725) 238-0112

Fax: (702) 425-7048

garry@TrinhLegalGroup.com

Attorney for Plaintiff

Plaintiff Licensee

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

Case No.:

**PLAINTIFF'S MASTER INDEX OF
EXHIBITS TO COMPLAINT FOR
DAMAGES, DECLARATORY RELIEF,
AND INJUNCTIVE RELIEF**

MASTER EXHIBIT INDEX

Exhibit	Document Title & Evidentiary Description	Source & Date Range	Complaint Citations
Exhibit A	Initial Proposed Stipulation Agreement Issued by Nevada State Board of Dental Examiners (April 10, 2026) (Charging N.R.S. 631.3475 Professional Incompetence / "Poorly Performed Extraction")	NSBDE Records (04/10/2026)	Paragraph 20
Exhibit B	Written Correspondence of General Counsel Barraclough Regarding Shifting Administrative Theories, Proposed Settlement Stipulations, and Pre-Hearing Status Admissions (May 27, 2026 – July 14, 2026)	Board Internal Emails (05/27/2026 – 07/14/2026)	Paragraphs 22-23, 27-28, 30-32, 53, 137
Exhibit C	Revised Proposed Stipulation Agreement Issued by Nevada State Board of Dental Examiners (May 28, 2026) (Altering Allegations to N.R.S. 631.3635 Review Panel Governance and Incorporating Section 10 Denial of Liability / "No Contest" Terms)	NSBDE Records (05/28/2026)	Paragraph 24
Exhibit D	Plaintiff's July 14–21, 2026 Public Records Requests, Discovery Demands, LCB Audit Confirmations, Board Written Admissions (N.R.S. 622.400), and Pre-Litigation Settlement Email	Plaintiff PRRs / LCB & Board Emails (07/14/2026 – 07/21/2026)	Paragraphs 44-47, 55, 57-60
Exhibit E	July 22, 2026 Written Correspondence of General Counsel Barraclough Containing Retaliatory Animus, Admissions of Statutory Reporting Discrepancies, Publication to State Oversight, and Directives to Scrub Administrative Case Records	Board Emails to Legislative Auditor & Staff (07/22/2026)	Paragraphs 61-72, 75-76, 124
Exhibit F	April 27 – September 16, 2026 Disciplinary Transmissions of General Counsel Barraclough (Proving Suppression of Exculpatory Evidence, Shifting Prosecutorial Theories, and Coercive Escalation)	Board Transmissions & Objections (04/27/2026 – 09/16/2026)	Paragraphs 13-14, 77-78, 80-83, 114-117, 122-123, 125, 129-131, 133-136, 138-139
Exhibit G	July 22–August 4, 2026 Internal Agency Records, Minute-by-Minute Metadata Logs, Non-Random CE Audit Communications, Written Audit Policy, and Compliance Confirmations	Board Emails & Metadata Logs (07/22/2026 – 08/04/2026)	Paragraphs 86, 88-89, 91-100, 102-103, 105

Exhibit H	General Counsel Barracrough's September 1, 2026 Written Public Records Response (Direct Party Admissions Confirming Non-Random CE Audit and Contradicting Internal Software Records)	Board Response to 2nd PRR (09/01/2026)	Paragraphs 104-106
Exhibit I	August 10 and September 9, 2026 Formal Oversight Disclosure Memorandums Submitted to Nevada Legislative Leadership and September 24, 2026 Public Comment Before the Nevada Legislative Commission	Legislative Filings & Transcripts (08/10/2026 – 09/24/2026)	Paragraphs 109-110, 141- 144

Respectfully submitted,

Dated: October 8, 2026

TRINH LEGAL GROUP

By: /s/ Garry B. Trinh
GARRY B. TRINH, ESQ.
NV Bar. No 14289
Attorney for Plaintiff Licensee

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
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Phone: (725) 238-0112
Fax: (702) 425-7048
garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

Case No.:

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

EXHIBIT COVER SHEET

EXHIBIT A

Initial Proposed Stipulation Agreement Issued by Nevada State Board of Dental Examiners (April 10,
2026) (Charging N.R.S. 631.3475 Professional Incompetence / "Poorly Performed Extraction")

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN

NIKKI HAAG

MARCEL F. SCHAEERER
Deputy Directors

ADAM HIGGINBOTHAM
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF DENTAL EXAMINERS

April 10, 2026

CONFIDENTIAL PURSUANT TO NRS 631.368

Re: NSBDE Case No. [REDACTED] - PROPOSED STIPULATION

Dear Dr. [REDACTED]

On January 8, 2026, the Board's NRS 631.3635 Review Panel convened to review and discuss the investigative file in the above-referenced matter. The preceding investigation was conducted pursuant to NRS 631.360 and NRS 631.363, and the investigative file was thereafter reviewed by a Preliminary Screening Expert. The Review Panel conducted a review of the complaint and supplements thereto, your response, the complainant's dental records, the Preliminary Screening Expert's findings and recommendations, and other supplemental information as provided in the investigative file.

Thereafter, the Review Panel recommended that this matter be resolved by stipulation, a proposed draft of which is attached to this correspondence. Please review the draft stipulation and, if you have no suggested changes, sign and return to the Board office for finalization.

Please arrange for delivery of the signed stipulation to our office within 14 days of receipt of the date of this letter, or contact us to arrange for an alternate due date or suggested changes. Thank you in advance for your anticipated cooperation.

If you have any questions regarding this correspondence, please do not hesitate to contact Andrea Barraclough, Esq., General Counsel at (702) 486-7005 or by email at abarraclough@dental.nv.gov.

Sincerely,

Andrea Barraclough

Andrea Barraclough, Esq., General Counsel
Nevada State Board of Dental Examiners

Cc: Adam Higginbotham, Executive Director

1 STATE OF NEVADA
2 BEFORE THE BOARD OF DENTAL EXAMINERS

3
4 NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Case No. [REDACTED]

5 Complainant,

6 vs.

7 STIPULATION AGREEMENT

8
9 Respondent.

10
11 IT IS HEREBY STIPULATED AND AGREED via this *Stipulation Agreement*
12 (Stipulation Agreement or Stipulation), by and between [REDACTED] (Respondent or DR.
13 [REDACTED] and the NEVADA STATE BOARD OF DENTAL EXAMINERS (the Board), by and
14 through the Board's General Counsel, Andrea Barraclough, Esq., as follows:

15
16 I.
17 Background

18 1. Respondent is a dentist who is licensed to practice dentistry in the State of Nevada
19 by the Board pursuant to Chapter 631 of the Nevada Revised Statutes (NRS) and Chapter 631 of
20 the Nevada Administrative Code (NAC). Respondent was licensed in Nevada on [REDACTED]
21 License No [REDACTED]

22 2. On or about October 29, 2024, the Board received a Verified Complaint from
23 patient [REDACTED] regarding issues with the dental care they received from DR.
24 [REDACTED] alleging possible violations of NRS Chapter 631 and/or NAC Chapter 631.

25 3. On or about October 29, 2024, via a *Notice of Complaint & Request for Records*,
26 the Board notified Respondent of the Verified Complaint received from [REDACTED]
27 The Authorized Complaint sought a response from Respondent, as well as the records of patient
28

1 ///

2 [REDACTED]
3 4. On or about November 15, 2024, the Board received Respondent's written response
4 to the Notice of Complaint and Request for Records.

5 5. A Preliminary Screening Consultant (PSC) was subsequently assigned to review
6 and produce an expert report regarding this matter.

7 6. On January 8, 2026, the Verified Complaint, the PSC Report, and the information
8 and documentation described in Paragraph 4 was independently reviewed by the Nevada State
9 Board of Dental Examiner's Review Panel established pursuant to NRS 631.3635. The PSC did
10 not participate in the Review Panel review of this matter.

11
12 **II.**

13 **Review Panel's Findings and Recommendations**
14

15 7. Pursuant to NRS 631.3635 and for this matter alone and not for any other purpose
16 (including any pending or subsequent civil action(s)), the Review Panel established, based upon
17 the investigation conducted to date, that Respondent's actions as described in the investigated
18 Complaint constitute unprofessional conduct as follows:

19 a) **A preponderance of the evidence supports that the Respondent's treatment**
20 **of the patient was below the standard of care, to wit: Respondent engaged**
21 **in professional incompetence per NRS 631.3475 due to a poorly performed**
22 **extraction.**

23 8. Respondent acknowledges that the PSC's preliminary review proceeded through
24 the Review Panel process as required pursuant to NRS 631.3635; that the Review Panel found
25 there is sufficient evidence to support the findings and recommendations contained herein; and
26 that the above findings and recommendations were made and/or adopted by the Review Panel.

27 9. Respondent understands and acknowledges the following: (1) that the PSC's
28 findings and recommendations were not binding on the Review Panel; (2) neither the PSC's

1 ///

2 findings and recommendations, nor the findings and recommendation of the Review Panel, are
3 binding on the Board; and (3) Respondent understands and acknowledges that he has the right to
4 dispute these findings at a full Board hearing pursuant to NRS 631.360, including the right to call
5 and examine witnesses and present evidence, but he has knowingly waived this right in order to
6 resolve this matter via this Stipulation Agreement.

7 10. For settlement purposes only, and not for any other purpose (including any
8 subsequent civil or administrative action), and without admitting to the accuracy of the opinions
9 of the PSC or Review Panel, Respondent acknowledges that, if this matter were to proceed to a
10 full board hearing, a sufficient quantity and/or quality of evidence could be proffered to meet a
11 preponderance of the evidence standard of proof demonstrating that Respondent violated the
12 regulatory and/or statutory provisions noted above in Paragraph 7.

13 III.

14 Terms and Conditions

15
16 11. Based upon the investigation conducted to date, the opinions of the PSC, the
17 findings of the Review Panel contained in Paragraph 7, and the acknowledgments of Respondent
18 contained in Paragraphs 8 through 10, the parties have agreed to resolve the above-referenced
19 investigation pursuant to the following terms and conditions:

20 (a) In addition to completing the required continuing education necessary for
21 license renewal, Respondent agrees to obtain an additional six (6) hours of live,
22 in-person continuing education regarding bone grafting, and an additional six
23 (6) hours of live, in-person continuing education regarding surgical
24 extractions.

25 Information, documents, and/or descriptions for the above-referenced supplemental
26 education must be submitted in writing to the Executive Director of the Board for
27 approval prior to attendance. Upon receipt of the written request to attend the
28 supplemental education, the Executive Director of the Board shall notify
Respondent in writing whether the requested supplemental education is approved
for attendance and meets the requirement outlined in Paragraph 11.A. All 12 hours

Page 3 of 10

Respondent's Initials

1 of CE must occur in-person at a live presentation. The cost associated with this
2 supplemental education shall be paid by Respondent. All supplemental education
3 must be completed within six (6) months of the adoption of this Agreement by the
4 Board.

5 In the event Respondent fails to complete the supplemental education set forth in
6 Paragraph 11.A. within six (6) months of the adoption of this Agreement by the
7 Board, Respondent agrees that their license to practice dentistry in the State of
8 Nevada may be automatically suspended by the Board's Executive Director without
9 any further action of the Board other than the issuance of an Order of Suspension
10 by the Executive Director. Respondent agrees not to seek injunctive relief from any
11 Federal or State of Nevada District Court to prevent the automatic suspension of
12 Respondent's license to practice dentistry in the State of Nevada due to
13 Respondent's failure to comply with Paragraph 11.A and also agrees to waive any
14 other legal claims and remedies resulting from the automatic suspension of
15 Respondent's license to practice dentistry in the State of Nevada due to
16 Respondent's failure to comply with Paragraph 11.A.

17 If Respondent later completes the required continuing education and submits
18 written proof of the completion of the supplemental education and paying the
19 reinstatement fee pursuant to NRS 631.345, Respondent's license to practice
20 dentistry in the State of Nevada will automatically be reinstated by the Executive
21 Director of the Board without further notice, provided that there are no other
22 violations of any of the provisions contained in this Agreement.

23 Respondent shall be responsible for any costs or attorneys' fees incurred in the
24 event the Board must seek injunctive relief or other legal remedies to prevent
25 Respondent from practicing dentistry during the period Respondent's license is
26 automatically suspended pursuant to this paragraph.

27 Respondent understands and acknowledges that the completion of these continuing
28 education classes for purposes of fulfilling the obligations of this Stipulation does
not relieve them of the continuing education obligations required of a dental
licensee upon license renewal, including but not limited to the courses required by
NRS 631.342, NAC 631.173, NAC 631.175 and/or AB 474.

**(b) Respondent agrees that, within sixty (60) days of adoption of this
Stipulation Agreement by the Board, Respondent shall reimburse the Board
Three Thousand, One Hundred and Forty-Five dollars and thirty cents**

1 (S3,145.30), which is the total cost of administrative fees related to the
2 investigation and compliant resolution process. Payment shall be made
3 payable to the Nevada State Board of Dental Examiners and mailed directly
4 to 2651 N. Green Valley Pkwy, Ste 104, Henderson, NV 89014.

5 In the event Respondent defaults on any payment set forth in this Stipulation
6 Agreement (which includes failure to timely pay the fees outlined in Paragraph
7 11.B), Respondent agrees that their license to practice dentistry in the State of
8 Nevada may be suspended upon further action of the Board if they determine that
9 Respondent has failed to comply with the terms of this Stipulation.

10 If suspension results from not paying the required fees and costs outlined in
11 Paragraphs 11.B, subsequent to the issuance of the Order of Suspension from the
12 Board, Respondent agrees to pay a liquidated damage amount of Twenty-Five
13 dollars and zero cents (\$25.00) for each day Respondent is in default on the
14 payment(s) outlined in Paragraph 11.B.

15 Upon curing the applicable defaulted payment(s) contained in this Stipulation
16 Agreement and paying the reinstatement fee plus any liquidated damage amount,
17 Respondent's license to practice dentistry in the State of Nevada will automatically
18 be reinstated by the Board's Executor Director without further notice, provided that
19 there are no other violations by Respondent of any of the provisions contained in
20 this Stipulation Agreement.

21 Respondent shall be responsible for any costs or attorney's fees incurred in the
22 event the Board must seek injunctive relief or other legal remedies to either or both
23 prevent Respondent from practicing dentistry during the period Respondent's
24 license is automatically suspended pursuant to this paragraph and/or recoup fines,
25 fees, damages or assessments addressed in this paragraph. In the event Respondent
26 fails to cure any defaulted payments within forty-five (45) days of the default,
27 Respondent agrees that the total amount owed to the Board in recouped fines, fees,
28 damages, or assessments may be reduced to a civil judgment; Respondent's review
of this Paragraph and signature below will act as a Confession of Judgement should
this subsection become effective. Respondent waives any right to have any fines,
fees, damages, or assessments owed pursuant to this Stipulation discharged in
bankruptcy.

IV.
Consent

Page 5 of 10

Respondent's Initials

1 ///

2 12. **Acknowledgement of Review of this Agreement.** Respondent acknowledges that
3 they have read the entirety of this Stipulation Agreement and agree with all provisions contained
4 herein in their entirety.

5 13. **Representation by Counsel.** Respondent acknowledges that they have been
6 advised of their right to have this matter, including this Stipulation Agreement, reviewed by
7 independent counsel, that review and advice by independent counsel is in their best interest, and
8 that they had ample opportunity to seek independent counsel. Having been advised of their right
9 to independent counsel, as well as having had the opportunity to seek independent counsel,
10 Respondent did not seek the advice of counsel and was not represented by counsel during the
11 investigation of this matter nor at the time of the execution of this Stipulation Agreement.
12 Respondent specifically acknowledges that, despite not having been advised by counsel with
13 respect to this Stipulation Agreement, Respondent understands this Stipulation Agreement's terms
14 and conditions and consents to same.

15 14. **Waiver of Rights.** Respondent is aware that, by entering into this Stipulation
16 Agreement, he is waiving certain valuable due process rights contained in, but not limited to, NRS
17 631, NAC 631, NRS 233B and NAC 233B. Respondent knowingly, willingly, and intelligently
18 waives these due process rights, and any other legal rights that may apply in connection with the
19 administrative proceedings resulting from the Verified Complaint. Respondent further agrees to
20 settle and resolve this matter as set forth in this Stipulation Agreement without a hearing or any
21 further proceedings, other than Board approval of this Stipulation Agreement. Respondent agrees
22 that, in the event the Board adopts this Stipulation Agreement, he hereby waives any and all rights
23 to seek judicial review or appeal, or otherwise to challenge or contest the validity of the provisions
24 contained herein.

25 15. **No Coercion or Duress.** Respondent acknowledges they are consenting to, and
26 has signed and initialed, this Stipulation Agreement voluntarily, without coercion, duress, undue
27 influence, or intimidation, and in the exercise of their own free will.

28 16. **Result of Voluntary Negotiations.** Respondent recognizes and agrees that this

1 ///

2 Stipulation Agreement is the result of voluntary settlement negotiations, and that this Stipulation
3 Agreement is a voluntary compromise and a final agreement.

4 17. **Joint Agreement.** Respondent and the Board agree that this Stipulation Agreement
5 has been jointly drafted; therefore, no rule of construction shall be applied. In the event this
6 Stipulation Agreement is construed by a court of law or equity to contain ambiguous terms, such
7 court shall not construe it or any provision hereof against the Board, Respondent, or any party as
8 the drafter. The parties hereby acknowledge that all parties have contributed substantially and
9 materially to the preparation of this Stipulation Agreement.

10 18. **Entire Agreement.** Respondent acknowledges the provisions in this Stipulation
11 Agreement contain the entire agreement between Respondent and the Board, and the provisions of
12 this Stipulation Agreement can only be modified in writing with Board approval. Respondent
13 further acknowledges that no other promises in reference to the provisions contained in this
14 Stipulation Agreement have been made by any agent, employee, counsel, or any person affiliated
15 with the Nevada State Board of Dental Examiners.

16 19. **Contingent Upon Board Approval.** Respondent understands and acknowledges
17 that this Stipulation Agreement is contingent upon approval of same by the Board. Respondent
18 further understands and acknowledges that said approval will be sought during a Board meeting
19 governed by Nevada's Open Meeting Laws.

20 20. **Release From Liability.** In consideration of the execution of this Stipulation
21 Agreement, Respondent hereby releases, remises, and forever discharges the State of Nevada, the
22 Board, and each of their members, agents, investigators, panel members, employees, and legal
23 counsel in their individual and representative capacities, from any and all manner of actions, causes
24 of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and
25 unknown, in law or equity, that Respondent ever had, now has, may have, or claims to have against
26 any or all of the persons or entities named in this section, arising out the investigation of the
27 Verified Complaint.

28 21. **Board Consideration of Stipulation Agreement.** Respondent understands and

1 ///

2 acknowledges that this Stipulation Agreement will be considered by the Board in an open meeting,
3 to which Respondent hereby specifically waives any and all notice requirements for same, whether
4 required by NRS 241.033 or any other statute or regulation. It is understood and stipulated that it
5 is within the Board's sole discretion to accept or reject this Stipulation Agreement.

6 22. **Effect of Acceptance of Agreement by Board.** Respondent understands and
7 agrees that this Stipulation Agreement will only become effective if and when the Board has
8 approved the same in an open meeting. Should the Board adopt this Stipulation Agreement, such
9 adoption shall be considered a final disposition of a contested case; upon acceptance of this
10 Stipulation Agreement by the Board, this Stipulation becomes binding and enforceable.
11 Respondent understands and acknowledges that, upon approval by the Board, this Stipulation
12 Agreement will become a public record, and the terms and conditions herein will be effective
13 immediately, without any requirement of a further Order from the Board. Respondent understands
14 it is their responsibility to follow up with the Board to ascertain the status of this Stipulation and
15 when and if it becomes effective.

16 23. **Use in Future Board Proceeding(s).** Respondent acknowledges that, in the event
17 the Board adopts this Stipulation Agreement, it may be considered in any future Board
18 proceeding(s) concerning Respondent or in any future judicial review concerning Respondent
19 and/or this Stipulation Agreement, whether such judicial review is performed by either the State
20 or Federal District Court(s).

21 24. **Effect of Rejection of Agreement by Board.** Respondent acknowledges that, in
22 the event this Stipulation Agreement is rejected by the Board, the Board may take other and/or
23 further action as allowed by statute, regulation, and/or appropriate authority. In the event that this
24 Stipulation Agreement is not approved by the Board and this matter proceeds to a full Board
25 hearing, Respondent expressly waives any right to challenge the Board or its members appearing,
26 considering and deciding the resolution of the Complaint at the full Board hearing based upon an
27 assertion of bias as a result of the Board having reviewed this Stipulation Agreement prior to
28 rejecting this Stipulation Agreement.

1 ///

2 25. **Disclosure of this Stipulation Agreement to the NPDB.** Respondent understands
3 that the Board is obligated to and will report this action to the National Practitioner Data Bank
4 based upon the National Practitioner Data Bank's interpretation of this Stipulation Agreement.
5 Respondent agrees to waive any causes of action, claims, appeals, or other legal remedies against
6 the State of Nevada, the Board, and each of their members, agents, investigators, panel members,
7 employees, and legal counsel in their individual and representative capacities related to said
8 disclosure and/or any reputational harms that could result from said disclosure.

9 26. **Choice of Law.** In the event Respondent resides in or moves to another jurisdiction
10 after this Stipulation is executed but before all requirements are wholly completed, and the Board
11 or Respondent seeks court intervention related to any aspect of Respondent's case, both parties
12 acknowledge and agree that any court intervention will be solely filed in a Nevada state or federal
13 district court and/or justice court with appropriate jurisdiction, and that, aside from any applicable
14 federal law, Nevada law will govern the adjudication of all legal claims related to the investigation,
15 resolution, and effectuation of the Complaint and/or Stipulation Agreement. In the event any trial
16 (jury or bench) results from any legal action related to the investigation, resolution, or effectuation
17 of the Complaint and/or Stipulation Agreement, and said proceedings began in a court outside of
18 Clark County, Las Vegas, NV, both parties agree to the removal of the case to a trial court located
19 in Clark County, Las Vegas, NV.

20 27. **Headings.** All sections, titles, captions, or headings contained in this Stipulation
21 Agreement are for convenience only and shall not affect the meaning or interpretation of this
22 Stipulation Agreement.

23 DATED this _____ day of _____, 2026.

24
25 By _____

26
27 Respondent
28

1
2 **APPROVED AS TO FORM AND CONTENT**

3 By _____ this _____ day of _____, 2026.
4 Andrea Barraclough, Esq.
5 Nevada State Board of Dental Examiners
6 General Counsel
7

8 **APPROVED AS TO FORM AND CONTENT**

9 By _____ this _____ day of _____, 2026.
10 LANCE KIM, DMD
11 Review Panel Member
12

13 **BOARD ACTION**

14 This *Stipulation Agreement* in the matter captioned as *Nevada State Board of Dental*
15 *Examiners vs.* [REDACTED] was (check appropriate action):
16

17 Approved _____ Disapproved _____
18 by a vote of the Nevada State Board of Dental Examiners at a properly noticed Board meeting.
19

20
21 DATED this _____ day of _____, 2026.
22

23
24 _____
25 Ron West, DMD
26 President
27 NEVADA STATE BOARD OF DENTAL EXAMINERS
28

GARRY B. TRINH, ESQ.

Nevada Bar No. 14289

TRINH LEGAL GROUP

281 W. Centennial Parkway, #101

North Las Vegas, NV 89084

Phone: (725) 238-0112

Fax: (702) 425-7048

garry@TrinhLegalGroup.com

Attorney for

Plaintiff Licensee

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the

Nevada State Board of Dental Examiners;

ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the

Nevada State Board of Dental Examiners;

ARIELLE CYMERMAN, individually and in

her official capacity as administrative manager

of the Nevada State Board of Dental Examiners;

and DOES 1 through X, inclusive,

Defendants.

Case No.:

EXHIBIT COVER SHEET

EXHIBIT B

Written Correspondence of General Counsel Barraclough Regarding Shifting Administrative Theories,

Proposed Settlement Stipulations, and Pre-Hearing Status Admissions (May 27, 2026 – July 14, 2026)



Garry Trinh <garry@trinhlegallgroup.com>

CASE NO.: [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

Andrea Barraclough <abarraclough@dental.nv.gov>
 To: Trinh Legal Group <garry@trinhlegallgroup.com>
 Cc: Shane Barjon <sbarjon@dental.nv.gov>

Wed, May 27, 2026 at 10:17 AM

Hi Mr. Trinh,

The Review Panel did reconsider the case, and I verified they read your letter. It's not the news your client will want to hear, but they opted not to change their prior decision as to the stipulation and stipulation terms. They felt there were too many obvious problems with the bone graft.

That said, they are okay with me tweaking the language of the stipulation a bit. Rather than the current finding: "A preponderance of the evidence supports that the Respondent's treatment of the patient was below the standard of care, to wit: Respondent engaged in professional incompetence per NRS 631.3475 due to a poorly performed extraction," I can change this to a less-pointed "A preponderance of the evidence supports that the Respondent's treatment of the patient was below the standard of care, to wit: the bone graft was not correctly performed."

I can also beef up section 10 to include a denial of any wrongdoing by your client, making it more "no contest" type language.

Let me know if you want me to revise the stipulation draft with this language; if so, I will make the above edits and send it to you to review with your client.

The next step if your client does not want to accept the offer of either the current or proposed revised stipulation is for this to go to the Board for a vote on an administrative hearing. I would need to know of your client's acceptance or rejection by July 14, 2026, so the matter can do on the Board's July 29, 2026, Board meeting agenda in case they need to vote on the hearing.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

Henderson, NV 89014

(702) 486-7005

(702) 486-7046 facsimile

abarraclough@dental.nv.gov

www.dental.nv.gov



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From: Trinh Legal Group <garry@trinhlegallgroup.com>
Sent: Wednesday, May 27, 2026 8:10 AM
To: Andrea Barraclough <abarraclough@dental.nv.gov>
Cc: Shane Barjon <sbarjon@dental.nv.gov>
Subject: Re: CASE NO. [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Ms. Barraclough,

I wanted to check back in to see if the Review Panel had the opportunity to meet last week and whether there is an update on Dr. [REDACTED] case.

EXHIBIT B - Page 0001



Garry Trinh <garry@trinhlegalgroup.com>

CASE NO.: [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

Trinh Legal Group <garry@trinhlegalgroup.com>

Wed, May 27, 2026 at 3:50 PM

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Shane Barjon <sbarjon@dental.nv.gov>

Hi Ms. Barraclough,

Thank you for the update and for your ongoing professionalism throughout this process. I appreciate the Review Panel taking the time to re-evaluate the supplemental file.

While we are pleased to see the Panel step away from the original finding of "professional incompetence" under NRS 631.3475, we are perplexed by the pivot to an allegation that "the bone graft was not correctly performed." Regardless of how the clinical complication is labeled, Dr. [REDACTED] is not inclined to accept any stipulation stating that her treatment fell below the standard of care, given the documented actions of the patient and her husband and their direct interference in the cycle of care.

That being said, to fully evaluate our options ahead of the July 14th deadline, please go ahead and forward the revised stipulation draft containing the modified language and the "no contest" denial of wrongdoing.

Once I have the physical draft to review alongside the NPDB reporting guidelines, I will review it thoroughly with Dr. [REDACTED] so we can determine whether to resolve this administratively or proceed to the July 29th Board meeting to establish our defense on the public record.

Have a wonderful rest of your week, and I look forward to reviewing the draft.

Best regards,

[Quoted text hidden]

--

**TRINH LEGAL GROUP**
- ATTORNEYS AT LAW -

[Quoted text hidden]

**CASE NO.: [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM**

Andrea Barraclough <abarraclough@dental.nv.gov>
 To: Trinh Legal Group <garry@trinhlegallgroup.com>
 Cc: Shane Barjon <sbarjon@dental.nv.gov>

Thu, May 28, 2026 at 9:34 AM

Good morning, Mr. Trinh,

Attached is the revised Stipulation Agreement that include the amended terms discussed in our prior emails.

Just to clarify, the bone graft is a part of the whole extraction process; the initial draft broadly addressed the whole procedure, while this draft narrows down the portion of the extraction process they found most troubling. Thus, it's not necessarily a pivot so much as a focused finding. I don't know if it makes it any better or more digestible for Dr. [REDACTED] to go even deeper into the exact issue, but we could revise the finding even more narrowly to "respondent did not take a post-extraction radiograph to confirm complete removal of all root structure prior to graft placement; given the known risk of retained root fragments, failure to obtain radiographic confirmation before bone grafting was improper when future implant placement was planned."

Let me know after you speak with your client how you all would like to proceed.

On another note, in case it is helpful to your discussion, the following is a snippet from a presentation I gave to the Board a while back.

Q: Who has access to NPDB records and what will/can NPDB records be used for?

A: For dentists concerned about patient public relationships, it is important to know that patients generally do not have access to NPDB reports and information (except in one circumstance as described below).

The entities that can get access to NPDB reports (via a written or online request) include:

- Agencies administering federal health care programs, including Medicare Part C insurers;
- State licensing or certification agencies and Federal agencies responsible for the licensing and certification of health care practitioners, providers, or suppliers
- State agencies administering state health care programs;
- State law or fraud enforcement agencies;
- Federal law enforcement officials and agencies;
- Utilization and quality control peer review organizations;
- Hospitals and other health care entities with respect to health care practitioners who have entered into employment or affiliation relationships with, or have applied for clinical privileges or appointments to the medical staff of such hospitals or other health care entities;
- Health plans;
- A health care practitioner who requests information concerning himself or herself; and
- A person or entity requesting statistical information in a form that does not permit the identification of any individual or entity.
- A hospital;
- A health care practitioner who requests information concerning himself or herself;
- A State Board of Examiners or other state licensing authority;
- A health care entity which has entered or may be entering into an employment or affiliation relationship with a health care practitioner, or to which the health care practitioner has applied for clinical privileges or appointment to the medical staff;
- A health care entity with respect to professional review activity;
- A health care entity with respect to professional review activity; or
- An attorney or individual representing himself or herself who has filed a medical malpractice action in a state or Federal court or other adjudicative body (For this access to apply, the requested must submit evidence that the hospital or practitioner failed to request information from the NPDB).

See 45 C.F.R. § 60.18.

These lists are somewhat self-explanatory regarding the uses for the documents; for instance, for an attorney or patient acting *pro se* seeking a NPDB report, it is likely to be used as evidence in a medical malpractice case. Meanwhile, the access allowed to hospitals and employers is likely for deciding whether to put their own liability on the line by credentialing or employing someone. Thus, many of the uses allowed are oriented to ensuring public safety. That said, Medicare/Medicaid and commercial insurance access is likely allowed so that these entities can mitigate their financial risks by deciding whether to allow a doctor in network and/or what premiums to charge them.

Also of note, these reports are not free, as the NPDB is allowed to collect fees for processing requests and disseminating reports. The need to pay for the reports would be a likely deterrent to any individual patient or malicious entity seeking an easy way to harass a dentist with which they have a grievance.

Let me know if you have any further questions.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

Henderson, NV 89014

(702) 486-7005

(702) 486-7046 facsimile

abarraclough@dental.nv.gov

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From: Trinh Legal Group <garry@trinhlegallgroup.com>

Sent: Wednesday, May 27, 2026 3:50 PM

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Shane Barjon <sbarjon@dental.nv.gov>

Subject: Re: CASE NO. [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

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Hi Ms. Barraclough,

Thank you for the update and for your ongoing professionalism throughout this process. I appreciate the Review Panel taking the time to re-evaluate the supplemental file.

While we are pleased to see the Panel step away from the original finding of "professional incompetence" under NRS 631.3475, we are perplexed by the pivot to an allegation that "the bone graft was not correctly performed." Regardless of how the clinical complication is labeled, Dr. [REDACTED] is not inclined to accept any stipulation stating that her treatment fell below the standard of care, given the documented actions of the patient and her husband and their direct interference in the cycle of care.

That being said, to fully evaluate our options ahead of the July 14th deadline, please go ahead and forward the revised stipulation draft containing the modified language and the "no contest" denial of wrongdoing.

Once I have the physical draft to review alongside the NPDB reporting guidelines, I will review it thoroughly with Dr. [REDACTED] so we can determine whether to resolve this administratively or proceed to the July 29th Board meeting to establish our defense on the public record.

Have a wonderful rest of your week, and I look forward to reviewing the draft.

Best regards,

On Wed, May 27, 2026 at 10:17 AM Andrea Barraclough <abarraclough@dental.nv.gov> wrote:

Hi Mr. Trinh,

The Review Panel did reconsider the case, and I verified they read your letter. It's not the news your client will want to hear, but they opted not to change their prior decision as to the stipulation and stipulation terms. They felt there were too many obvious problems with the bone graft.

That said, they are okay with me tweaking the language of the stipulation a bit. Rather than the current finding: *"A preponderance of the evidence supports that the Respondent's treatment of the patient was below the standard of care, to wit: Respondent engaged in professional incompetence per NRS 631.3475 due to a poorly performed extraction,"* I can change this to a less-pointed *"A preponderance of the evidence supports that the Respondent's treatment of the patient was below the standard of care, to wit: the bone graft was not correctly performed."*

I can also beef up section 10 to include a denial of any wrongdoing by your client, making it more "no contest" type language.

EXHIBIT B - Page 0004



Garry Trinh <garry@trinhlegalgroup.com>

CASE NO.: [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

Trinh Legal Group <garry@trinhlegalgroup.com>
To: Andrea Barraclough <abarraclough@dental.nv.gov>
Cc: Shane Barjon <sbarjon@dental.nv.gov>

Thu, May 28, 2026 at 2:00 PM

Hi Ms. Barraclough,

Thank you for sending the Revised Stipulation over. I am confirming receipt. I will review this with Dr. [REDACTED] and will let you know how we'd like to proceed.

Best regards,
[Quoted text hidden]



[Quoted text hidden]



Garry Trinh <garry@trinhlegalgroup.com>

CASE NO.: [REDACTED] REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

Trinh Legal Group <garry@trinhlegalgroup.com>
To: Andrea Barraclough <abarraclough@dental.nv.gov>
Cc: Shane Barjon <sbarjon@dental.nv.gov>

Tue, Jul 14, 2026 at 12:13 PM

Hi Ms. Barraclough,

Please see the attached cover letter regarding our formal response to the revised Stipulation Agreement, as well as the pre-drafted Review Panel Findings and Recommendations.

Due to the voluminous nature of the evidentiary record, all files have been compiled into a secure folder for your immediate review, which can be accessed here:

[Respondent's Comprehensive Submission \(Case No. \[REDACTED\]\)](#)

For your reference the secure folder contains the following:

1. Respondent's Comprehensive Defense Memorandum & External Oversight Transmission
2. NSBDE Public Disciplinary Portal Audit (61 Cases - Complete Historical Record)
3. NSBDE Investigative Fee Assessment Audit (61 Cases - Complete Historical Record)
4. Clinical Expert Assessment and CV of Dr. Steven Call
5. Clinical Expert Assessment and CV of Dr. Richard Stevens
6. Certified Court Reporter Notice for the July 29, 2026 meeting
7. Public Records Request pursuant to N.R.S 239.010

Please let me know how the Board/Review Panel would like to proceed.

Best regards,

[Quoted text hidden]

2 attachments **00_Respondent's Cover Letter re Rejection and Demand for Dismissal (Case No. [REDACTED]).pdf**
187K **Review Panel Findings and Recommendations (Case No. [REDACTED]).pdf**
80K



Garry Trinh <garry@trinhlegallgroup.com>

CASE NO.: [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

Andrea Barraclough <abarraclough@dental.nv.gov>
 To: Trinh Legal Group <garry@trinhlegallgroup.com>
 Cc: Shane Barjon <sbarjon@dental.nv.gov>

Tue, Jul 14, 2026 at 4:20 PM

Hi Mr. Trinh,

I read through the documents you submitted, and I think you are operating under a misunderstanding I want to clear up. In my May 27, 2026, email, I said:

"The next step if your client does not want to accept the offer of either the current or proposed revised stipulation is for this to go to the Board for a vote on an administrative hearing. I would need to know of your client's acceptance or rejection by July 14, 2026, so the matter can do on the Board's July 29, 2026, Board meeting agenda in case they need to vote on the hearing."

I apologize if my meaning was not clear, but what I meant is that what the Board is voting on at the July 29th meeting is just whether or not to have an administrative hearing. They have to approve having a hearing first before I can even draft an administrative complaint and start the process of noticing you and your client, and they must vote on empaneling a 3-person hearing panel. Thus, July 29th is NOT the date of an actual hearing.

On this date, you can present an argument to the Board to override the Review Panel's recommendation for an administrative hearing. (Public comments are limited to 3 minutes, but since you are counsel, I will have them give you 6-10 minutes if you need it.) You can ask the full Board to consider your dismissal request considering your arguments. The Board will then vote to dismiss, vote to send back to Review Panel, or authorize me to start the administrative hearing process.

I just wanted to make sure we are the same page so you know you don't have to do anything formal yet or have witnesses, or a court reporter, or your client available (Dr. [REDACTED] can of course attend in person or via zoom if she'd like). Also, about the court reporter, you can certainly hire one if you want for this Board meeting, and if it later occurs, an administrative hearing. However, the entire meeting will be audio and video recorded and uploaded to our website after the meetings/hearings, where you would be able to obtain a copy for free (if this goes to an admin hearing, everything except those portions designated private consistent with statute would be recorded).

Finally, regarding the public records request, do you want that filtered as a general public records request outside of this case? Or do you want to wait for the vote on whether to approve an administrative hearing?

I hope this is helpful in clarifying where this case is at in terms of the actual disciplinary process.

Thanks!

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

Henderson, NV 89014

(702) 486-7005

(702) 486-7046 facsimile

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From: Trinh Legal Group <garry@trinhlegallgroup.com>

Sent: Tuesday, July 14, 2026 12:13 PM

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Shane Barjon <sbarjon@dental.nv.gov>

Subject: Re: CASE NO. [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

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Hi Ms. Barraclough,

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Due to the voluminous nature of the evidentiary record, all files have been compiled into a secure folder for your immediate review, which can be accessed here:

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6. Certified Court Reporter Notice for the July 29, 2026 meeting
7. Public Records Request pursuant to N.R.S. 239.010

Please let me know how the Board/Review Panel would like to proceed.

Best regards,

On Thu, May 28, 2026 at 2:00PM Trinh Legal Group <garry@trinhlegallgroup.com> wrote:

Hi Ms. Barraclough,

Thank you for sending the Revised Stipulation over. I am confirming receipt. I will review this with Dr. [REDACTED] and will let you know how we'd like to proceed.

Best regards,

On Thu, May 28, 2026 at 9:35AM Andrea Barraclough <abarraclough@dental.nv.gov> wrote:

Good morning, Mr. Trinh,

Attached is the revised Stipulation Agreement that include the amended terms discussed in our prior emails.

Just to clarify, the bone graft is a part of the whole extraction process; the initial draft broadly addressed the whole procedure, while this draft narrows down the portion of the extraction process they found most troubling. Thus, it's not necessarily a pivot so much as a focused finding. I don't know if it makes it any better or more digestible for Dr. [REDACTED] to go even deeper into the exact issue, but we could revise the finding even more narrowly to "respondent did not take a post-extraction radiograph to confirm complete removal of all root structure prior to graft placement; given the known risk of retained root fragments, failure to obtain radiographic confirmation before bone grafting was improper when future implant placement was planned."

Let me know after you speak with your client how you all would like to proceed.

On another note, in case it is helpful to your discussion, the following is a snippet from a presentation I gave to the Board a while back.

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
TRINH LEGAL GROUP
281 W. Centennial Parkway, #101
North Las Vegas, NV 89084
Phone: (725) 238-0112
Fax: (702) 425-7048
garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

Case No.:

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

EXHIBIT COVER SHEET

EXHIBIT C

Revised Proposed Stipulation Agreement Issued by Nevada State Board of Dental Examiners (May 28,
2026) (Altering Allegations to N.R.S. 631.3635 Review Panel Governance and Incorporating Section
10 Denial of Liability / "No Contest" Terms)

1 ///

2 [REDACTED]
3 4. On or about November 15, 2024, the Board received Respondent's written response
4 to the Notice of Complaint and Request for Records.

5 5. A Preliminary Screening Consultant (PSC) was subsequently assigned to review
6 and produce an expert report regarding this matter.

7 6. On January 8, 2026, the Verified Complaint, the PSC Report, and the information
8 and documentation described in Paragraph 4 was independently reviewed by the Nevada State
9 Board of Dental Examiner's Review Panel established pursuant to NRS 631.3635. The PSC did
10 not participate in the Review Panel review of this matter.

11
12 **II.**

13 **Review Panel's Findings and Recommendations**

14
15 7. Pursuant to NRS 631.3635 and for this matter alone and not for any other purpose
16 (including any pending or subsequent civil action(s)), the Review Panel established, based upon
17 the investigation conducted to date, that Respondent's actions as described in the investigated
18 Complaint constitute unprofessional conduct as follows:

19 **A preponderance of the evidence supports that the Respondent's treatment**
20 **of the patient was below the standard of care, to wit: the bone graft was not**
21 **correctly performed.**

22 8. Respondent acknowledges that the PSC's preliminary review proceeded through
23 the Review Panel process as required pursuant to NRS 631.3635; that the Review Panel found
24 there is sufficient evidence to support the findings and recommendations contained herein; and
25 that the above findings and recommendations were made and/or adopted by the Review Panel.

26 9. Respondent understands and acknowledges the following: (1) that the PSC's
27 findings and recommendations were not binding on the Review Panel; (2) neither the PSC's

28 ///

1 ///

2 findings and recommendations, nor the findings and recommendation of the Review Panel, are
3 binding on the Board; and (3) Respondent understands and acknowledges that he has the right to
4 dispute these findings at a full Board hearing pursuant to NRS 631.360, including the right to call
5 and examine witnesses and present evidence, but he has knowingly waived this right in order to
6 resolve this matter via this Stipulation Agreement.

7 10. For settlement purposes only, and not for any other purpose (including any
8 subsequent civil or administrative action), and without admitting to the accuracy of the opinions
9 of the PSC or Review Panel and further actively denying any wrongdoing or professional
10 incompetence, Respondent acknowledges that, if this matter were to proceed to a full board
11 hearing, a sufficient quantity and/or quality of evidence could be proffered to meet a
12 preponderance of the evidence standard of proof demonstrating that Respondent violated the
13 regulatory and/or statutory provisions noted above in Paragraph 7.

14 **III.**
15 **Terms and Conditions**
16

17 11. Based upon the investigation conducted to date, the opinions of the PSC, the
18 findings of the Review Panel contained in Paragraph 7, and the acknowledgments of Respondent
19 contained in Paragraphs 8 through 10, the parties have agreed to resolve the above-referenced
20 investigation pursuant to the following terms and conditions:

21 **(a) In addition to completing the required continuing education necessary for**
22 **license renewal, Respondent agrees to obtain an additional six (6) hours of live,**
23 **in-person continuing education regarding bone grafting, and an additional six**
24 **(6) hours of live, in-person continuing education regarding surgical**
25 **extractions.**

26 Information, documents, and/or descriptions for the above-referenced supplemental
27 education must be submitted in writing to the Executive Director of the Board for
28 approval *prior* to attendance. Upon receipt of the written request to attend the
supplemental education, the Executive Director of the Board shall notify

1 Respondent in writing whether the requested supplemental education is approved
2 for attendance and meets the requirement outlined in Paragraph 11.A. All 12 hours
3 of CE must occur in-person at a live presentation. The cost associated with this
4 supplemental education shall be paid by Respondent. All supplemental education
5 must be completed within six (6) months of the adoption of this Agreement by the
6 Board.

6 In the event Respondent fails to complete the supplemental education set forth in
7 Paragraph 11.A. within six (6) months of the adoption of this Agreement by the
8 Board, Respondent agrees that their license to practice dentistry in the State of
9 Nevada may be automatically suspended by the Board's Executive Director without
10 any further action of the Board other than the issuance of an Order of Suspension
11 by the Executive Director. Respondent agrees not to seek injunctive relief from any
12 Federal or State of Nevada District Court to prevent the automatic suspension of
13 Respondent's license to practice dentistry in the State of Nevada due to
14 Respondent's failure to comply with Paragraph 11.A and also agrees to waive any
15 other legal claims and remedies resulting from the automatic suspension of
16 Respondent's license to practice dentistry in the State of Nevada due to
17 Respondent's failure to comply with Paragraph 11.A.

15 If Respondent later completes the required continuing education and submits
16 written proof of the completion of the supplemental education and paying the
17 reinstatement fee pursuant to NRS 631.345, Respondent's license to practice
18 dentistry in the State of Nevada will automatically be reinstated by the Executive
19 Director of the Board without further notice, provided that there are no other
20 violations of any of the provisions contained in this Agreement.

20 Respondent shall be responsible for any costs or attorneys' fees incurred in the
21 event the Board must seek injunctive relief or other legal remedies to prevent
22 Respondent from practicing dentistry during the period Respondent's license is
23 automatically suspended pursuant to this paragraph.

24 Respondent understands and acknowledges that the completion of these continuing
25 education classes for purposes of fulfilling the obligations of this Stipulation does
26 not relieve them of the continuing education obligations required of a dental
27 licensee upon license renewal, including but not limited to the courses required by
28 NRS 631.342, NAC 631.173, NAC 631.175 and/or AB 474.

1 **(b) Respondent agrees that, within sixty (60) days of adoption of this**
2 **Stipulation Agreement by the Board, Respondent shall reimburse the Board**
3 **Three Thousand, One Hundred and Forty-Five dollars and thirty cents**
4 **(\$3,145.30), which is the total cost of administrative fees related to the**
5 **investigation and compliant resolution process. Payment shall be made**
6 **payable to the Nevada State Board of Dental Examiners and mailed directly**
7 **to 2651 N. Green Valley Pkwy, Ste 104, Henderson, NV 89014.**

8 In the event Respondent defaults on any payment set forth in this Stipulation
9 Agreement (which includes failure to timely pay the fees outlined in Paragraph
10 11.B), Respondent agrees that their license to practice dentistry in the State of
11 Nevada may be suspended upon further action of the Board if they determine that
12 Respondent has failed to comply with the terms of this Stipulation.

13 If suspension results from not paying the required fees and costs outlined in
14 Paragraphs 11.B, subsequent to the issuance of the Order of Suspension from the
15 Board, Respondent agrees to pay a liquidated damage amount of Twenty-Five
16 dollars and zero cents (\$25.00) for each day Respondent is in default on the
17 payment(s) outlined in Paragraph 11.B.

18 Upon curing the applicable defaulted payment(s) contained in this Stipulation
19 Agreement and paying the reinstatement fee plus any liquidated damage amount,
20 Respondent's license to practice dentistry in the State of Nevada will automatically
21 be reinstated by the Board's Executor Director without further notice, provided that
22 there are no other violations by Respondent of any of the provisions contained in
23 this Stipulation Agreement.

24 Respondent shall be responsible for any costs or attorney's fees incurred in the
25 event the Board must seek injunctive relief or other legal remedies to either or both
26 prevent Respondent from practicing dentistry during the period Respondent's
27 license is automatically suspended pursuant to this paragraph and/or recoup fines,
28 fees, damages or assessments addressed in this paragraph. In the event Respondent
29 fails to cure any defaulted payments within forty-five (45) days of the default,
30 Respondent agrees that the total amount owed to the Board in recouped fines, fees,
31 damages, or assessments may be reduced to a civil judgment; Respondent's review
32 of this Paragraph and signature below will act as a Confession of Judgement should
33 this subsection become effective. Respondent waives any right to have any fines,
34 fees, damages, or assessments owed pursuant to this Stipulation discharged in
35 bankruptcy.

IV.
Consent

12. **Acknowledgement of Review of this Agreement.** Respondent acknowledges that they have read the entirety of this Stipulation Agreement and agree with all provisions contained herein in their entirety.

13. **Representation by Counsel.** Respondent acknowledges that they have been advised of their right to have this matter, including this Stipulation Agreement, reviewed by independent counsel, that review and advice by independent counsel is in their best interest, and that they had ample opportunity to seek independent counsel. Having been advised of their right to independent counsel, as well as having had the opportunity to seek independent counsel, Respondent did not seek the advice of counsel and was not represented by counsel during the investigation of this matter nor at the time of the execution of this Stipulation Agreement. Respondent specifically acknowledges that, despite not having been advised by counsel with respect to this Stipulation Agreement, Respondent understands this Stipulation Agreement's terms and conditions and consents to same.

14. **Waiver of Rights.** Respondent is aware that, by entering into this Stipulation Agreement, he is waiving certain valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B. Respondent knowingly, willingly, and intelligently waives these due process rights, and any other legal rights that may apply in connection with the administrative proceedings resulting from the Verified Complaint. Respondent further agrees to settle and resolve this matter as set forth in this Stipulation Agreement without a hearing or any further proceedings, other than Board approval of this Stipulation Agreement. Respondent agrees that, in the event the Board adopts this Stipulation Agreement, he hereby waives any and all rights to seek judicial review or appeal, or otherwise to challenge or contest the validity of the provisions contained herein.

15. **No Coercion or Duress.** Respondent acknowledges they are consenting to, and has signed and initialed, this Stipulation Agreement voluntarily, without coercion, duress, undue

1 ///

2 influence, or intimidation, and in the exercise of their own free will.

3 16. **Result of Voluntary Negotiations.** Respondent recognizes and agrees that this
4 Stipulation Agreement is the result of voluntary settlement negotiations, and that this Stipulation
5 Agreement is a voluntary compromise and a final agreement.

6 17. **Joint Agreement.** Respondent and the Board agree that this Stipulation Agreement
7 has been jointly drafted; therefore, no rule of construction shall be applied. In the event this
8 Stipulation Agreement is construed by a court of law or equity to contain ambiguous terms, such
9 court shall not construe it or any provision hereof against the Board, Respondent, or any party as
10 the drafter. The parties hereby acknowledge that all parties have contributed substantially and
11 materially to the preparation of this Stipulation Agreement.

12 18. **Entire Agreement.** Respondent acknowledges the provisions in this Stipulation
13 Agreement contain the entire agreement between Respondent and the Board, and the provisions of
14 this Stipulation Agreement can only be modified in writing with Board approval. Respondent
15 further acknowledges that no other promises in reference to the provisions contained in this
16 Stipulation Agreement have been made by any agent, employee, counsel, or any person affiliated
17 with the Nevada State Board of Dental Examiners.

18 19. **Contingent Upon Board Approval.** Respondent understands and acknowledges
19 that this Stipulation Agreement is contingent upon approval of same by the Board. Respondent
20 further understands and acknowledges that said approval will be sought during a Board meeting
21 governed by Nevada's Open Meeting Laws.

22 20. **Release From Liability.** In consideration of the execution of this Stipulation
23 Agreement, Respondent hereby releases, remises, and forever discharges the State of Nevada, the
24 Board, and each of their members, agents, investigators, panel members, employees, and legal
25 counsel in their individual and representative capacities, from any and all manner of actions, causes
26 of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and
27 unknown, in law or equity, that Respondent ever had, now has, may have, or claims to have against
28 any or all of the persons or entities named in this section, arising out of the investigation of the

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2 Verified Complaint.

3 21. **Board Consideration of Stipulation Agreement.** Respondent understands and
4 acknowledges that this Stipulation Agreement will be considered by the Board in an open meeting,
5 to which Respondent hereby specifically waives any and all notice requirements for same, whether
6 required by NRS 241.033 or any other statute or regulation. It is understood and stipulated that it
7 is within the Board's sole discretion to accept or reject this Stipulation Agreement.

8 22. **Effect of Acceptance of Agreement by Board.** Respondent understands and
9 agrees that this Stipulation Agreement will only become effective if and when the Board has
10 approved the same in an open meeting. Should the Board adopt this Stipulation Agreement, such
11 adoption shall be considered a final disposition of a contested case; upon acceptance of this
12 Stipulation Agreement by the Board, this Stipulation becomes binding and enforceable.
13 Respondent understands and acknowledges that, upon approval by the Board, this Stipulation
14 Agreement will become a public record, and the terms and conditions herein will be effective
15 immediately, without any requirement of a further Order from the Board. Respondent understands
16 it is their responsibility to follow up with the Board to ascertain the status of this Stipulation and
17 when and if it becomes effective.

18 23. **Use in Future Board Proceeding(s).** Respondent acknowledges that, in the event
19 the Board adopts this Stipulation Agreement, it may be considered in any future Board
20 proceeding(s) concerning Respondent or in any future judicial review concerning Respondent
21 and/or this Stipulation Agreement, whether such judicial review is performed by either the State
22 or Federal District Court(s).

23 24. **Effect of Rejection of Agreement by Board.** Respondent acknowledges that, in
24 the event this Stipulation Agreement is rejected by the Board, the Board may take other and/or
25 further action as allowed by statute, regulation, and/or appropriate authority. In the event that this
26 Stipulation Agreement is not approved by the Board and this matter proceeds to a full Board
27 hearing, Respondent expressly waives any right to challenge the Board or its members appearing,
28 considering and deciding the resolution of the Complaint at the full Board hearing based upon an

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2 assertion of bias as a result of the Board having reviewed this Stipulation Agreement prior to
3 rejecting this Stipulation Agreement.

4 25. **Disclosure of this Stipulation Agreement to the NPDB.** Respondent understands
5 that the Board is obligated to and will report this action to the National Practitioner Data Bank
6 based upon the National Practitioner Data Bank's interpretation of this Stipulation Agreement.
7 Respondent agrees to waive any causes of action, claims, appeals, or other legal remedies against
8 the State of Nevada, the Board, and each of their members, agents, investigators, panel members,
9 employees, and legal counsel in their individual and representative capacities related to said
10 disclosure and/or any reputational harms that could result from said disclosure.

11 26. **Choice of Law.** In the event Respondent resides in or moves to another jurisdiction
12 after this Stipulation is executed but before all requirements are wholly completed, and the Board
13 or Respondent seeks court intervention related to any aspect of Respondent's case, both parties
14 acknowledge and agree that any court intervention will be solely filed in a Nevada state or federal
15 district court and/or justice court with appropriate jurisdiction, and that, aside from any applicable
16 federal law, Nevada law will govern the adjudication of all legal claims related to the investigation,
17 resolution, and effectuation of the Complaint and/or Stipulation Agreement. In the event any trial
18 (jury or bench) results from any legal action related to the investigation, resolution, or effectuation
19 of the Complaint and/or Stipulation Agreement, and said proceedings began in a court outside of
20 Clark County, Las Vegas, NV, both parties agree to the removal of the case to a trial court located
21 in Clark County, Las Vegas, NV.

22 27. **Headings.** All sections, titles, captions, or headings contained in this Stipulation
23 Agreement are for convenience only and shall not affect the meaning or interpretation of this
24 Stipulation Agreement.

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DATED this _____ day of _____, 2026.

By _____
Respondent

APPROVED AS TO FORM AND CONTENT

By _____ this _____ day of _____, 2026.
Andrea Barraclough, Esq.
Nevada State Board of Dental Examiners
General Counsel

APPROVED AS TO FORM AND CONTENT

By _____ this _____ day of _____, 2026.
LANCE KIM, DMD
Review Panel Member

BOARD ACTION

This *Stipulation Agreement* in the matter captioned as *Nevada State Board of Dental Examiners vs. _____*, was (check appropriate action):

Approved _____ Disapproved _____
by a vote of the Nevada State Board of Dental Examiners at a properly noticed Board meeting.

DATED this _____ day of _____, 2026.

Ron West, DMD
President
NEVADA STATE BOARD OF DENTAL EXAMINERS

GARRY B. TRINH, ESQ.

Nevada Bar No. 14289

TRINH LEGAL GROUP

281 W. Centennial Parkway, #101

North Las Vegas, NV 89084

Phone: (725) 238-0112

Fax: (702) 425-7048

garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;

ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;

ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

Case No.:

EXHIBIT COVER SHEET

EXHIBIT D

Plaintiff's July 14–21, 2026 Public Records Requests, Discovery Demands, LCB Audit Confirmations,
Board Written Admissions (N.R.S. 622.400), and Pre-Litigation Settlement Email

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
TRINH LEGAL GROUP
281 W. Centennial Parkway, #101
North Las Vegas, NV 89084
Phone: (725) 238-0112
Fax: (702) 425-7048
garry@TrinhLegalGroup.com
Attorney for Respondent
[REDACTED]

STATE OF NEVADA
BEFORE THE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF DENTAL
EXAMINERS,

Complainant,

vs.

Respondent.

Case No. [REDACTED]

**RESPONDENT'S FORMAL STATUTORY
DEMAND FOR THE PRODUCTION AND
INSPECTION OF PUBLIC RECORDS**

(PURSUANT TO N.R.S. 239.010)

Respondent [REDACTED] by and through her attorney of record, GARRY B. TRINH, ESQ. of TRINH LEGAL GROUP, and pursuant to the Nevada Public Records Act (N.R.S. 239.010 et seq.) and the explicit statutory mandates of N.R.S. 622.400, hereby issues this Formal Statutory Demand for the Production and Inspection of Public Records.

The State of Nevada mandates that all state agency records are public unless explicitly declared confidential by specific statutory law (N.R.S. 239.010). Under N.R.S. 622.400, the Board is strictly limited to assessing disciplinary fees that represent only actual, necessary, and attributable expenses incurred during a specific licensee investigation.

To verify compliance with N.R.S. 622.400, and to evaluate ongoing regulatory metric tracking consistency, the Board is hereby required to produce the specific books, logs, and billing metadata outlined below.

I. DEFINITIONS & SCOPE OF REQUEST

As used herein, the terms "records," "logs," and "documentation" include all work-related writings, contemporaneous paper or electronic time-logs, billing entries, invoice lines, contractor invoices, investigator

1 timecards, and data tracking files prepared, maintained, or stored by the Board or its retained legal and investigative
2 representatives.

3 **II. SPECIFIC RECORDS REQUESTED**

4 **REQUEST FOR PRODUCTION NO. 1:**

5 All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator
6 timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the
7 specific sum of \$3,145.30 assessed as investigative costs against Respondent [REDACTED] in the initial
8 Stipulation mailed to Respondent on April 10, 2026.

9 **REQUEST FOR PRODUCTION NO. 2:**

10 All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator
11 timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the
12 specific sum of \$2,286.50 assessed as investigative costs in Nevada State Board of Dental Examiners vs. Min Kim,
13 DMD (Case No. 6140-2227), signed or approved by the Board President on or about June 3, 2026.

14 **REQUEST FOR PRODUCTION NO. 3:**

15 All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator
16 timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the
17 specific sum of \$2,844.00 assessed as investigative costs in Nevada State Board of Dental Examiners vs. Min Kim,
18 DMD (Case No. 6140-2541), signed or approved by the Board President on or about May 7th, 2026.

19 **REQUEST FOR PRODUCTION NO. 4:**

20 All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator
21 timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the
22 specific sum of \$350.00 assessed as investigative costs in Nevada State Board of Dental Examiners vs. Sean Gubler,
23 DDS (Case No. 4500-2108), signed or approved by the Board President on or about May 14th, 2025.

24 **REQUEST FOR PRODUCTION NO. 5:**

25 All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, investigator
26 timecards, and internal routing sheets utilized by the Board, its staff, or its preliminary consultants to calculate,
27 formulate, process, and place Nevada State Board of Dental Examiners vs Michel Daccache, DDS (Case No. S2-
28

1 112C-1830) onto the February 12, 2025 Board Meeting Agenda within forty-eight (48) hours of legal signature
2 execution of General Counsel Blair C. Parker, Esq. and Review Panel Member Yamilka Arias, RDH.

3 **REQUEST FOR PRODUCTION NO. 6:**

4 The Board's current public entity liability/E&O insurance policy and any dynamic risk assessment riders.

5 **III. MANDATORY STATUTORY DEADLINE**

6 Pursuant to N.R.S. 239.0107(1), the Board has a strict statutory duty to respond to this public records request
7 no later than the end of the fifth (5th) business day following receipt. Therefore, the Board must make these public
8 books and records available for digital inspection and transmission, or provide a lawful, itemized statutory exemption
9 log, by 5:00 PM on or before Tuesday, July 21, 2026.

10 Please be advised that if a governmental entity willfully fails to comply with provisions of the Nevada Public
11 Records Act, or if the agency unreasonably delays or charges excessive, unsubstantiated fees to hide underlying
12 public data, the requester is entitled to apply directly to the Nevada District Court for an order compelling disclosure.
13 Pursuant to N.R.S. 239.011, a losing agency shall be held strictly liable for all of the requester's reasonable attorney's
14 fees and litigation costs.

15 Fulfillment of this request must be executed electronically via transmission of PDF records to
16 garry@TrinhLegalGroup.com.

17
18 DATED THIS 14th day of July, 2026.

19
20 **TRINH LEGAL GROUP**

21 BY: /s/ Garry B. Trinh
22 **GARRY B. TRINH, ESQ.**
23 Nevada Bar No. 14289
24 281 W. Centennial Parkway, #101
25 North Las Vegas, NV 89084
26 *Attorney for Respondent*
27 



Garry Trinh <garry@trinhlegalgroup.com>

FORENSIC AUDIT SUBMISSION: 61-Case Multi-Year Time Tracking & Fee Assessment Discrepancies (NSBDE)

Trinh Legal Group <garry@trinhlegalgroup.com>
 To: audit@lcb.state.nv.us, LCAudit@lcb.state.nv.us

Thu, Jul 16, 2026 at 8:36 AM

Dear Legislative Auditor and Audit Division Staff,

My office is formally submitting a proprietary, **61-case forensic audit**, detailing material time-tracking and administrative fee assessment discrepancies within the operations of the Nevada State Board of Dental Examiners (NSBDE).

Our analysis of historical records reveals that NSBDE **manufactures its quarterly metrics** submitted to the LCB pursuant to NRS 622.100(1)(a) by using artificial "commencement" and "final action" dates for disciplinary actions, concealing a multi-year backlog of cases averaging nearly 3 years, including cases over **6 years old that involved severe patient harm**.

Moreover, the 61-case audit reveals a **distinct pattern of arbitrary cost calculations, unauthorized fee assessments, and severe procedural fast-tracking for specific insider cases**—contrasted sharply against protracted slow-walking for standard licensees. These operational practices represent a significant risk-management vulnerability and an unauthorized deviation from mandated state financial reporting metrics.

To assist the Audit Division in its ongoing monitoring of state agency compliance, efficiency, and fiduciary responsibility, we have uploaded the full analytical datasets, itemized comparison tables, and underlying case study documentation here:

[ACCESS SYSTEMIC COMPLIANCE REPOSITORY & EVIDENTIARY VAULT](#)

Primary Master Files in This Repository:

- 01_Respondent's **Comprehensive Defense Memorandum** & External Oversight Transmission (Case No. [REDACTED]) (Redacted for Privacy for Oversight Transmission)
- 02_**NSBDE Public Disciplinary Portal Audit** of Commencement and Final Action Dates (61 Cases - Complete Historical Record) (Redacted for Privacy)
- 03_**NSBDE Investigative Fee Assessment Audit** (61 Cases - Complete Historical Record)

This is not a new or isolated issue for the Board. In **Legislative Auditor Report No. LA16-14**, this body formally cited the Board for systemic record-keeping failures, due process deficiencies, and lack of tracking integrity during investigations.

Our cryptographic audit of the Board's new May 2026 database proves that rather than correcting these tracking and accountability failures, the Board has simply digitized them. By retroactively manipulating and backdating digital logs to artificially manufacture compliance with statutory timelines, **the Board is actively continuing the exact record-keeping deceptive practices LA16-14 was commissioned to stop**.

We trust this pre-compiled dataset will be valuable to your team's oversight functions. Please let us know if your auditors require the underlying raw metadata files exported in an alternative format.

Please reply directly to this transmission to confirm receipt and verify that the file paths are operating correctly within your internal tracking systems.

Sincerely,

--



TRINH LEGAL GROUP
 - ATTORNEYS AT LAW -

Garry B. Trinh, Esq.

Managing Attorney
 281 W. Centennial Parkway, #101
 North Las Vegas, NV 89084
 P: (725) 238-0112
 F: (702) 425-7048
 garry@trinhlegalgroup.com

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Garry Trinh <garry@trinhlegalgroup.com>

FORENSIC AUDIT SUBMISSION: 61-Case Multi-Year Time Tracking & Fee Assessment Discrepancies (NSBDE)

Crossman, Daniel <DCrossman@lcb.state.nv.us>
To: "From: Trinh Legal Group" <garry@trinhlegalgroup.com>

Thu, Jul 16, 2026 at 3:07 PM

Mr. Trinh,

Thank you for your interest in good governance. I would like to acknowledge receipt of the information you provided. I must run any such email linked items through our ITS group for a scan, but will have access to the files shortly. While we did complete an audit of the board back in 2016 as you noted, we currently do not have NSBDE on our approved audit plan. As a result, I can't open an audit of the board unless with legislative approval through the Legislative Commission (or through a bill in Session). We can however review the information you provided and assess the associated risks for consideration in our next audit plan cycle. I will let you know if we have any questions. Thank you.

Dan

Daniel Crossman

Legislative Auditor
Nevada Legislative Counsel Bureau, Audit Division
(775) 684-6815 | leg.state.nv.us/audit

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From: LCB - Audit Division <audit@lcb.state.nv.us>
Sent: Thursday, July 16, 2026 9:39 AM
To: Crossman, Daniel <DCrossman@lcb.state.nv.us>
Subject: FW: FORENSIC AUDIT SUBMISSION: 61-Case Multi-Year Time Tracking & Fee Assessment Discrepancies (NSBDE)

Please advise.

LCB - Audit Division

Nevada Legislative Counsel Bureau, Audit Division
(775) 684-6815 | leg.state.nv.us/Division/Audit/

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If you have received this message or any attachments to this message in error, please immediately notify the sender or the Audit Division of the Legislative Counsel Bureau by telephone at (775) 684-6815 and delete or destroy any copy of this message and any attachments to this message.

From: Trinh Legal Group <garry@trinhlegalgroup.com>
Sent: Thursday, July 16, 2026 8:37 AM
To: LCB - Audit Division <audit@lcb.state.nv.us>; Legislative Commission - Audit Subcommittee <LCAudit@lcb.state.nv.us>
Subject: FORENSIC AUDIT SUBMISSION: 61-Case Multi-Year Time Tracking & Fee Assessment Discrepancies (NSBDE)

You don't often get email from garry@trinhlegalgroup.com. [Learn why this is important](#)

Dear Legislative Auditor and Audit Division Staff,

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We trust this pre-compiled dataset will be valuable to your team's oversight functions. Please let us know if your auditors require the underlying raw metadata files exported in an alternative format.

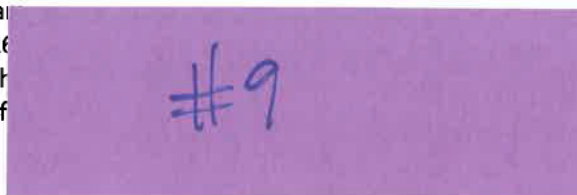
Please reply directly to this transmission to confirm receipt and verify that the file paths are operating correctly within your internal tracking systems.

Sincerely,

EXHIBIT D - Page 0005

Shane Barjon

From: Adam Higginbotham
Sent: Friday, July 17, 2026
To: Andrea Barraclough
Subject: Re: [REDACTED] Request f



Hi Andrea,

I copied you to an email to the AG's Office for any copy of general liability insurance. We pay into the state's fund annually with their office and I don't have a copy.

As for E&O insurance, it may be included under the AG's Office general liability insurance, but the Board Members and Board Agents are granted immunity from civil liability in NRS 631.378.

NRS 631.378 Immunity from civil liability.

1. Any person who furnishes information to the Board concerning a licensee or an applicant for licensure, in good faith and without malicious intent, is immune from any civil action for furnishing that information.

2. The Board, a review panel, any member, employee or committee of the Board or a review panel, counsel, investigator, expert, hearing officer, licensee or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning a licensee or an applicant for licensure to any member of the public, other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

3. A defendant who is the prevailing party in a civil action brought pursuant to subsection 2 may recover the attorney's fees and costs incurred in defending the action.

(Added to NRS by 2001, 907; A 2017, 990)

A.L. Higginbotham

Executive Director - Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

Henderson, Nevada 89014

T: 702.486.7048 | E: ahigginbotham@dental.nv.gov

From: Andrea Barraclough <abarraclough@dental.nv.gov>
Sent: Thursday, July 16, 2026 3:07 PM
To: Shane Barjon <sbarjon@dental.nv.gov>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>
Subject: [REDACTED] Request for Production/Public Records Request

Hi Shane and Adam,

[REDACTED] attorney submitted the attached. In emails, he clarified he wants Request #1 produced in response to this case, and Requests # 26 treated as a public records request. Thus, as to the latter, Shane, please prepare the records as requested pursuant our public records request and disclosure practices.

I am not sure whether #2-5 are cases occurring before or after our airtable fees conversion, so make sure to note in your production letter which, if any, were calculated under the pre-air table rules.

As to #6, Adam, you may need to help us with this one. Do you have a copy of this, or know where we can get a copy of this?

Thanks!

Andrea Barraclough

General Counsel
Nevada State Board of Dental Examiners
2651 N. Green Valley Parkway, Suite 104
Henderson, NV 89014
(702) 486-7005
(702) 486-7046 facsimile
abarraclough@dental.nv.gov
www.dental.nv.gov



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Nevada State Board of Dental Examiners



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

Via Electronic Mail

Trinh Legal Group
281 W. Centennial Pkwy. Suite 101
North Las Vegas, 89084
Phone: (702) 291-2819
Email: Garry@TrinhLegalGroup.com

Re: Public Records Request, dated July 15, 2026

Dear Mr. Trinh:

This letter is submitted in response to items number 2 through 6 of your document titled "Respondent's Formal Statutory Demand for the Production and Inspection of Public Records," which by virtue of an email dated July 15, 2026, you converted to Requests for Public Records per N.R.S. 239.010.

This request seeks the release of certain records maintained by this office, specifically:

REQUEST NO. 2:

All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the specific sum of \$2,286.50 assessed as investigative costs in Nevada State Board of Dental Examiners vs. Min Kim, DMD (Case No. 6140-2227), signed or approved by the Board President on or about June 3, 2026.

REQUEST NO. 3:

All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the specific sum of \$2,844.00 assessed as investigative costs in Nevada State Board of Dental Examiners vs. Min Kim, DMD (Case No. 6140-2541), signed or approved by the Board President on or about May 7th, 2026.

REQUEST NO. 4:

All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the specific sum of \$350.00 assessed as investigative costs in Nevada State

Board of Dental Examiners vs. Sean Gubler, DDS (Case No. 4500-2108), signed or approved by the Board President on or about May 14th, 2025.

REQUEST NO. 5:

All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, investigator timecards, and internal routing sheets utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, process, and place Nevada State Board of Dental Examiners vs Michel Daccache, DDS (Case No. S2- 112C-1830) onto the February 12, 2025 Board Meeting Agenda within forty-eight (48) hours of legal signature execution of General Counsel Blair C. Parker, Esq. and Review Panel Member Yamilka Arias, RDH.

REQUEST NO. 6:

The Board's current public entity liability/E&O insurance policy and any dynamic risk assessment riders.

RESPONSE GERMANE REQUESTS 2 THROUGH 5:

As to Requests 2 through 5, be advised that prior to August of 2024, there appears to have been no official recordkeeping related to costs and fees. As neither the current Executive Director nor the current General Counsel worked for the Board prior to that time, we have no independent knowledge of why fees were charged as they were or who made any decisions about any flat fees to be charged.

By way of historical explanation, upon the new Executive Director being hired in August of 2024, two of the deliverables required of him by the Board were to modernize operations and come into compliance with past LCB/Governor's office audit failings. In satisfaction of this deliverable, the new Executive Director implemented new software called Airtable; one of the many functions of Airtable is cost-tracking. From about October 2024 to about January 2025, after the Board authorized the purchase of Airtable software, vendor contracts were executed, etc., Board staff began beta-testing Airtable software, inclusive of the cost-tracker, in some, but not all cases. Toward the end of January 2025, beta-testing was completed, and Airtable in general was fully implemented with a push to start moving all operations into Airtable.

However, in the midst of this implementation phase, both of then-Board General Counsels left the organization, and no new Board counsel was hired until July of 2025 (current General Counsel). So as not to overwhelm the lone paralegal processing disciplinary cases during that period of time with no General Counsel, disciplinary cost-tracking was only required of prospective cases, but cases that had already started that were not part of beta-testing were charged at the same \$1,500 or \$350 flat fee (depending on the age of the case and whether it was brought during COVID-19 closures and waivers) that the paralegal had been trained to use under the old General Counsel since he started employment in October of 2023. Once new General Counsel was hired in July of 2025, the costs of all new cases have been transitioned to Airtable's cost-tracker.

The explanation above explains why some cases have a flat administrative fee and why some are actual expenses using dollars and cents.

As to other language in your request, namely “itemized billing logs, invoice line-items, attorney hour allocations, and investigator timecards utilized by the Board, its staff, or its preliminary consultants to calculate,” the “investigator” of the Board is the paralegal, who performs all the functions of the investigator as described in regulation. The average amount of paralegal time both investigating and preparing all case documents has been average out to three hours per case. The paralegal rate is \$150 per hour, so the base rate charged for paralegal time is \$450 per case (though additional paralegal costs can and will be charged if time expenditure exceeds three hours). To that end, there is no such document as an investigator time cards. Regarding attorney hour allocations, the average amount of General Counsel time performing jurisdiction reviews, case assessments and negotiations, responding to opposing counsel and/or respondent calls and emails, handline Review Panel meetings, drafting and editing stipulations, and preparing for Board meeting votes has been average out to four hours per case. The Attorney rate is \$350 per hour, so the base rate charged for General Counsel time is \$1,400 per case (though additional Attorney costs can and will be charged if time expenditure exceeds four hours).

RESPONSE TO REQUESTS NOS. 2 AND 3 (SAME LICENSEE):

Note that stipulations in both of these cases were executed in 2026 after the full implementation of Airtable cost-tracking, such that costs and fees are itemized. Please find included the responsive non-privileged Airtable print-outs of the cost-tracker in each case.

RESPONSE TO REQUESTS NO. 4

Note that the stipulation in this case was executed in February of 2025 before the full implementation of Airtable cost-tracking, such that costs and fees were not itemized. Counsel has no independent knowledge of the reason for the \$350 flat fee, though since the case occurred in 2022, it was likely that COVID-19 leniencies then in place would have been considered. That said, there are no responsive documents.

RESPONSE TO REQUESTS NO. 5

This request appears to be in two parts:

As to the part requesting administrative costs documentation, the stipulation in this case was executed in March of 2025 before the full implementation of Airtable cost-tracking, such that costs and fees were not itemized. Current counsel has no personal knowledge as to why a \$2,500 flat administrative fee was charged in that case, though the paralegal recalls it may have been based on the severity of the allegations requiring additional investigation above the then-flat \$1,500 administrative fee. Thus, there are no responsive documents.

As to any documents discussing how the case ended up on the February 12, 2025, Board meeting agenda after being executed by then-General Counsel, note that the typical process for how a disciplinary stipulation is executed is that, first, it goes to the Respondent and their attorney, if any, to sign. Once signed and returned to the Board, Board General Counsel and the Review Panel chair will execute. Once

execution has started, and presuming it is anticipated all signatures will be completed before, it will be placed on the next available Board agenda for finalization. In this case, executions started piecemeal with the Respondent's counsel signing first on January 30, 2026, and then the Respondent signing on February 3, 2026. It was electronically executed by both the Review Panel member and then-General Counsel on February 10, 2025.

Further, because execution had already started in January 30, 2025, and it was anticipated to be done by the February 12, 2025, Board meeting, the matter was actually noticed to the Board on February 7, 2026, as seen in the copy of the agenda attached to the Board member email, both of which are provided in response to this second part of the request. Also provided is a February 6, 2025, non-privileged email from then-General Counsel to the paralegal instructing him to get the matter ready for the Board meeting book. There are no other responsive documents explaining the placement of

RESPONSE TO REQUESTS NO. 6

The NSBDE is not and would not be the correct entity who possesses this document; as the NSBDE pays into the State of Nevada legal fund, any such policies would be in the possession and control of the Nevada Attorney General's Office. That said, we have reached out to them to obtain a copy to send to you; it is attached. That said, please be aware that all Board members and Board staff are immune from civil liability under NRS 631.378, such that any responsive documents may not be applicable due to that grant of immunity,

ADDITIONAL RESPONSE AS TO ALL:

The Board has not identified records requiring non-disclosure because said release may jeopardize law enforcement sensitive sources and/or investigative methods. Current Board employees have no access to then-General Counsel emails, so cannot assess emails from before July 2025 to determine whether additional records exist or otherwise would be subject to non-disclosure due to the attorney-client privilege, attorney work product doctrine, and/or the deliberative process privilege. Thus, no privilege log is necessary. The Board will now close this Public Records Request.

Sincerely,

A handwritten signature in blue ink that reads "Andrea Barnackough". The signature is written in a cursive, flowing style.

General Counsel
Nevada State Board of Dental Examiners



Garry Trinh <garry@trinhlegallgroup.com>

FORENSIC AUDIT SUBMISSION: 61-Case Multi-Year Time Tracking & Fee Assessment Discrepancies (NSBDE)

Trinh Legal Group <garry@trinhlegallgroup.com>
To: DCrossman@lcb.state.nv.us

Tue, Jul 21, 2026 at 8:39 AM

Hi Dan,

I wanted to provide you with additional documents that I obtained from the dental board, pursuant to my records requests. I believe the admissions in these documents will be extremely important for the Audit Division's risk assessment of the Dental Board.

The Board's internal ledger and Board Counsel's written admissions contain several extremely concerning statements that provide irrefutable evidence of violations of NRS 622.400. These admissions include:

- Standarized rate averaging
- Multi-year administrative dormancy gaps
- "[P]rior to August of 2024, there appears to have been no official recordkeeping related to costs and fees...we have no independent knowledge of why fees were charged as they were or who made any decisions about any flat fees to be charged"
- Between October 2024 and July 2025, the Board did not have a general counsel, and an unsupervised paralegal was tasked with processing disciplinary cases and assessing flat, non-itemized fees (\$1,500 or \$350) against licensees based on legacy training rather than actual cost tracking. Flat fees were assessed by the paralegal "so as to not overwhelm the lone paralegal processing disciplinary cases."

I have attached the records to this correspondence and have also uploaded them to the link provided in the previous email correspondence.

Garry

[Quoted text hidden]

2 attachments

NSBDE Internal Airtable Admin Fee Ledger - Case [REDACTED].pdf
68K

NSBDE Response Letter and Requested Information - (Trinh).pdf
3924K



Garry Trinh <garry@trinhlegallgroup.com>

FORENSIC AUDIT SUBMISSION: 61-Case Multi-Year Time Tracking & Fee Assessment Discrepancies (NSBDE)

Crossman, Daniel <DCrossman@lcb.state.nv.us>
To: Trinh Legal Group <garry@trinhlegallgroup.com>

Tue, Jul 21, 2026 at 8:52 AM

Thank you, Garry. I am acknowledging receipt.
Dan

Daniel Crossman

Legislative Auditor
Nevada Legislative Counsel Bureau, Audit Division
(775) 684-6815 | leg.state.nv.us/audit

ATTENTION

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From: Trinh Legal Group <garry@trinhlegallgroup.com>

Sent: Tuesday, July 21, 2026 8:39 AM

To: Crossman, Daniel <DCrossman@lcb.state.nv.us>

Subject: Re: Fw: FORENSIC AUDIT SUBMISSION: 61-Case Multi-Year Time Tracking & Fee Assessment Discrepancies (NSBDE)

[Quoted text hidden]

**CASE NO.: [REDACTED] REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM**

Trinh Legal Group <garry@trinhlegallgroup.com>
To: Andrea Barraclough <abarraclough@dental.nv.gov>
Cc: Shane Barjon <sbarjon@dental.nv.gov>

Tue, Jul 21, 2026 at 8:02 AM

Hi Ms. Barraclough,

As stated, the legislative transmission was completed last Thursday at 8:00 a.m. My office received formal confirmation of receipt from multiple institutional entities, including the LCB Legal and Audit Divisions. I have since been in direct contact with **Legislative Auditor Daniel Crossman**, who was forwarded my correspondence at 9:39 a.m. and personally confirmed receipt of my firm's data files at 3:07 p.m. that same day, verified that his division is reviewing the underlying data to assess associated organizational risks for audit plan positioning, and explicitly noted the statutory mechanism for an **immediate emergency audit directive** through approval by the Legislative Commission.

Respondent stands ready to resolve this matter immediately. We strongly urge the Board and the Review Panel to exercise their statutory authority under NRS 631.3635 to recommend an immediate dismissal of this action with prejudice. Doing so will resolve the dispute prior to further escalation.

Production of Records

The records produced yesterday have been transmitted directly to Legislative Auditor Crossman for inclusion in his active organizational risk assessment of the Board.

We have specifically highlighted multiple self-authenticating items within the records and database exports that support an emergency audit directive under NRS 218G.120, including unitemized flat-fee billing practices, standardized rate averaging, and multi-year administrative dormancy gaps.

As a critical reminder, yesterday—July 20, 2026—marked the formal LCB reporting deadline. Any compliance filings, backlog metrics, or status logs submitted by the Board for that deadline are now being cross-referenced directly against the raw Airtable ledger exports and records provided. The severe discrepancies between the Board's public representations and its internal database records have been formally noted for Legislative Auditor Crossman.

We will continue to assist Legislative Auditor Crossman and the Legislative Counsel Bureau by supplementing his office with any forthcoming records and data in the event this matter remain unresolved

Resolution

To resolve this matter completely, the Board must deliver the following execution materials no later than **Thursday, July 23, 2026 at 5:00 p.m.** (allowing Friday, July 24 for final verification and agenda confirmation):

1. The Fully Executed Review Panel Findings and Recommendations for **Dismissal with Prejudice**;
2. Written Stipulation & Stay signed by Board Counsel, confirming that all investigative and prosecutorial proceedings are completely stayed, and that this matter is formally calendared on the **July 29, 2026 Board Agenda** solely for final Board approval of dismissal with no further prosecution; and
3. Written Undertaking for Post-Vote Transmittal from Board Counsel and the Executive Director agreeing to serve a signed copy of the final Board Order of Dismissal, duly certified under the official Seal of the Board by the Executive Director as custodian of records, within forty-eight (48) hours of the July 29th vote.

An executed recommendation without a formal stay of proceedings and a firm undertaking to deliver the certified final order will not suffice to halt escalation.

Legislative Commission

If this matter is not fully resolved and the above execution materials are not received by Thursday's 5:00 p.m. deadline, our next step, as stated by Legislative Auditor Crossman, is a direct transmission to the leadership of the **Legislative Commission - including Senator Ira Hansen, who oversaw the Board's prior audit during his tenure on the 2016 Commission - on Monday, July 27, 2026 at 8:00 a.m.**, under the high-priority designation: **"URGENT: NSBDE Organizational Risk Escalation; Confirmed Review by Legislative Auditor Daniel Crossman."**

Because the Commission staff works directly alongside the Audit Division, they will have immediate internal verification of Legislative Auditor Crossman's active risk assessment of the Board to seek an off-cycle emergency audit directive. We stand fully prepared to provide the Commission and LCB staff with direct technical assistance, document indexes, and evidence synthesis necessary to facilitate an expedited emergency audit of the Board.

On Mon, Jul 20, 2026 at 3:06 PM Andrea Barraclough <abarraclough@dental.nv.gov> wrote:

Hello Mr. Trinh,

This letter is submitted in response to item number 1 of your document titled "Respondent's Formal Statutory Demand for the Production and Inspection of Public Records." (By virtue of your email dated July 15, 2026, wherein you converted item numbers 2-6 to Requests for Public Records per N.R.S. 239.010, those responses and documents will be coming to you from Shane under separate cover.) Since an administrative hearing has not been voted on yet, and thus no administrative complaint has yet been issued, there is no formal caption as yet; thus, I am submitting the response via this email.

Accordingly, please find attached the responsive document to Request No. 1, which reads "All contemporaneous, itemized billing logs, invoice line-items, attorney hour allocations, and investigator, timecards utilized by the Board, its staff, or its preliminary consultants to calculate, formulate, and establish the specific sum of \$3,145.30 assessed as investigative costs against Respondent [REDACTED], in the initial Stipulation mailed to Respondent on April 10, 2026." This lone responsive document is the Airtable print-out; please refer to the Response to the Public Records that Shane will be emailing you for explanation of the Airtable record and its origins. Also, please be aware this represents the current running total and does not account for any later additions related to Attorney fees in excess of 4 hours, paralegal fees in excess of 3 hours, or administrative hearing costs, if the case goes that route.

Please let me know if you need anything else related to this topic. You should be receiving the Public Records response from Shane later today.

Sincerely,

Andrea Barraclough

General Counsel
Nevada State Board of Dental Examiners
2651 N. Green Valley Parkway, Suite 104
Henderson, NV 89014
(702) 486-7005
(702) 486-7046 facsimile
abarraclough@dental.nv.gov
www.dental.nv.gov

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
TRINH LEGAL GROUP
281 W. Centennial Parkway, #101
North Las Vegas, NV 89084
Phone: (725) 238-0112
Fax: (702) 425-7048
garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

Case No.:

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

EXHIBIT COVER SHEET

EXHIBIT E

July 22, 2026 Written Correspondence of General Counsel Barraclough Containing Retaliatory
Animus, Admissions of Statutory Reporting Discrepancies, Publication to State Oversight, and
Directives to Scrub Administrative Case Records



Garry Trinh <garry@trinhlegallgroup.com>

Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Andrea Barraclough <abarraclough@dental.nv.gov>

Wed, Jul 22, 2026 at 10:49 AM

To: "garry@trinhlegallgroup.com" <garry@trinhlegallgroup.com>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Nikki Haag <Nikki.Haag@business.nv.gov>, "Crossman, Daniel" <dcrossman@lcb.state.nv.us>

Mr. Trinh,

Giving you the benefit of zealous advocacy on behalf of your client and presuming you lack the intent to coerce a government agency into violating the law, your request for the Board to dismiss the case against Dr. [REDACTED] using your proposed "Fully Executed Review Panel Findings and Recommendations for Dismissal with Prejudice" cannot be granted due to obligations the Board has to follow state and federal statutes and regulations. Your demand also carries with it the appearance of being extortive, threatening the Board with an audit if we do not dismiss the case against your client, which has raised some serious concerns as to why Dr. [REDACTED] is being so hostile when she only had to take 12 hours of continuing education per the proposed stipulation, which is actually far less than many other licensees; this is another reason we cannot agree, since a responsive posture of this magnitude makes us wonder if more disciplinary allegations are coming that Dr. [REDACTED] knows about but we do not.

Nonetheless, even not considering the legal reasons the Board could never enter into such an agreement, to give in to threats of tattling on us to the LCB in exchange for favorable and potentially un-deserved leniency would make this current version of the Board no better than versions of the Board in the past that were accused of favoritism and making disciplinary decisions based on the influence of bias or fear of retaliation instead of the actual clinical facts of each case.

Since it appears you may be unfamiliar with his Board's history, I will clarify the last statement. It is no secret to us, the LCB, the Review Journal, the Governor's Office or anyone that, prior to 2024, this Board had a plethora of challenges both external and internal that led to negative press, repeat LCB and Governor's Office audits and intervention, almost an entire wiping and redo of Board members, extensive executive leadership turnover, etc. The current version of the Board and current Board President, largely appointed in and after 2024, coupled with a new Executive Director (hired August 2024) and myself as new General Counsel (hired July 2025) have all been specifically hired/appointed and tasked with course-correcting a Board that, prior to 2024, everyone acknowledged was floundering.

Everybody already knows that in 2016, the Board back then failed many critical items in the Legislative Auditor's audit, and the same was true of the 2019 Governor's Finance Office audit. What perhaps not as many people know, except for industry leaders such as the Nevada Dental Association (NDA) (of which Dr. [REDACTED] is a part and should know), the Nevada Dental Hygienist Association (NDHA), and the Governor's Office/Business & Industry (B&I) with whom we've been closely working to increase transparency, is that the new Board and new executive staff have made tremendous strides in remedying both the deficiencies from the 2016 Legislative audit and the 2019 Governor's Finance Office audit. Below is a summary of the significant operational and administrative improvements implemented by the current Board and administration:

- August 2024 – New Executive Director Adam Higginbotham hired by Board.
- August–December 2024 – ED reorganized financial operations and established organizational priorities.
 - October 2024 – ED developed the initial data structure and key performance indicator framework while evaluating historical operational limitations.
- December 2024 – ED initiated organizational rightsizing by aligning staff positions with operational needs and required skill sets.
- January 2025 – ED began migrating complaint tracking from Excel spreadsheets into Airtable complaint management software to improve case management and accountability.
- January 2025 – Prior Board attorneys started implementing the complaint redaction process into operations.
 - March 2025 – ED developed in the complaint management software and started beta-testing an administrative cost tracker to document costs incurred throughout the complaint lifecycle.
 - March–July 2025 – ED, staff, and Board operated without Board counsel following the departure of two attorneys, with the Attorney General's Office providing interim support for Review Panel matters.
- July 2025 – New General Counsel Andrea Barraclough hired by Board.
 - July–October 2025 – GC resolved a 41 backlogged complaint cases that accumulated during a five-year period in which the Board experienced approximately 15 Executive Director and General Counsel transitions.
 - September–October 2025 – GC corrected historical NPDB reporting deficiencies, and the Board voted to implement Letters of Concern in lieu of previously used Non-Disciplinary Stipulations, which violated NPDB reporting requirements.
 - October–November 2025 – GC drafted, ED presented, and the Board voted to approve the Case Review and Resolution Matrix, which promotes consistency in complaint review and decision making amongst Review Panels, reducing disparities in disciplinary outcomes between the Review Panels.
 - January 2026 – ED created in the complaint management software an automated complaint notification system to improve transparency and provide complainants with status updates throughout the complaint process.
 - February 2026–Present – ED and GC continue to perform comprehensive reviews of historical complaint files using the Complaint Management Interface to locate old case files that never resolved, update data in resolved case files not previously tracked, and ensure previously unresolved matters are brought before the Board for appropriate action.
 - May 2026 – ED created in the complaint management software and implemented online complaint submission forms in both English and Spanish to improve public accessibility and intake efficiency.

And, as we continue to strive daily for improved transparency and function, we accept and incorporate any constructive critique or feedback that will increase our operational efficiency and compliance. For example, it was not until you yourself in the Request for Production you submitted in this case pointed out to new staff that prior staff had been calculating the Final End Date for LCB reporting purposes incorrectly that we realized an issue existed. We are now revisiting and correcting Final End Dates consistent with the definitions you provided to ensure accurate reporting and transparency. Similarly, it was your Request for Records that inspired us to actually publish the current version of administrative fees and costs to licensees and the public (pending a Board vote to approve publication at the next meeting) instead of Board staff and the complaint management software being the only entities possessing the costs information. Further, we continue to work on the few remaining areas previously identified in the past audits as deficient, with a goal to be fully compliant with all auditing requirements by the end of 2027. In short, we are simply not the same Board we were from 2000 to mid-2024.

With that historical perspective, as mentioned in an earlier I email I sent you when I also explained why the Board cannot dismiss this case using the "Fully Executed Review Panel Findings and Recommendations for Dismissal with Prejudice" you provided, I reiterate and expound on that reasoning.

In Paragraph 2 of your proposal, you seek "Expungement & Sealing: This matter shall be completely expunged from all public-facing and internal NSBDE tracking databases within five (5) business days of this remand. The underlying investigative file shall be permanently sealed from public disclosure, public records requests, and future administrative review." To agree to this would be in direct violation of NRS 631.368(2) and (3), which state respectively, "[t]he complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records," and "[t]he Board shall, to the extent feasible, communicate or cooperate with or provide any record or information described in subsection 1 to any other licensing board or any other agency that is investigating a person, including a law enforcement agency." If the Board agreed to expunge and seal the complaint and investigative records, it could not comply with either public records requirements or law enforcement disclosure requirements. To that end, the Board could not agree to Paragraph 2 without violating the NRS.

Paragraph 3 of your proposal states "No National Reporting: No report of any kind regarding this matter or these preliminary

allegations shall be submitted to the National Practitioner Data Bank ("NPDB")." However, federal law requires licensing Boards to report: "(a) Malpractice payments (§ 60.7); (b) Licensure and certification actions (§§ 60.8, 60.9, and 60.10); (c) Negative actions or findings (§ 60.11); (d) Adverse actions (§ 60.12); (e) Health Care-related Criminal Convictions (§ 60.13); (f) Health Care-related Civil Judgments (§ 60.14); (g) Exclusions from Federal or state health care programs (§ 60.15); and (h) Other adjudicated actions of decisions (§ 60.16)." 45 C.F.R. § 60.5. Paragraph 3 as proposed would restrict the Board from complying with 45 C.F.R. § 60.5 if the facts underlying this case also resulted in, for instance, a malpractice payment or civil judgment, placing the Board in a position to violate federal law and open us up to NPDB penalties. Thus, the Board could not agree to such a restrictive covenant.

The Board could also never agree to either Paragraphs 5 or 6, which state respectively, "5. Covenant Not to Prosecute: The Board's enforcement division shall not, at any time in the future, directly or indirectly initiate, reactivate, or prosecute any administrative, civil, or disciplinary action against Respondent based in whole or in part upon any of the facts, transactions, or allegations underlying or investigated in this file," and "6. Non-Disparagement: The Board's executive staff, board members, and legal counsel shall refrain from making any negative, disparaging, or adverse comments regarding Respondent, Respondent's clinical competence, or Respondent's dental practice to any third party." Both provisions could be read so broadly as to restrict the Board from ever accepting, investigating, or adjudicating new claims brought by the same patient for later discovered injuries (the NRS and NAC contain no double jeopardy protections against similarly related administrative proceedings) or by new patients alleging clinical incompetence. This would effectively act to stop the Board from being able to comply with the November 2024 revisions to the Nevada Administrative Code establishing the precise disciplinary process this Board must follow to be in compliance with the law. Specifically, the flow of the disciplinary process must be:

- The Board accepting ALL patient complaints and matters ripe for an authorized investigation
- A jurisdictional review by Board General Counsel, and if the recommendation is dismissal, review by a Review Panel (NAC 631.243 if via Verified Complaint, NAC 631.245 if via Authorized Investigation)
- Investigator (who is our paralegal) preparation of the case (NAC 631.250), including redacting patient and licensee identifiers
- Preliminary Screening Consultant review of redacted case file and report (NAC 631.251)
- Review Panel review of redacted case file, with them making one of four choices of what they will recommend to the full Board: (NAC 631.251(5))

- a. Remand the complaint, which means to dismiss on the merits due to a lack of a preponderance of evidence;
- b. Propose an informal stipulation, which means to settle the case with probationary terms;
- c. Appoint a hearing panel to hold an informal hearing; or
- d. Appoint a hearing panel to hold a formal hearing.

(Note the use of the word "shall" in subsection (5), meaning the Review Panel can only propose one of these four things.)

- Board vote on whether to accept the Review Panel recommendation (NAC 631.251(5))
- If not resolved by stipulation, a formal or informal hearing (NAC 631.252, NAC 631.363)

Thus, the Board could not agree to a covenant that would strong-arm their compliance with adhering to the regulatory disciplinary process.

Accordingly, the Board cannot agree to your proposed "Fully Executed Review Panel Findings and Recommendations for Dismissal with Prejudice," as it seeks to have the Board violate the law in several respects. To make your "resolution of the matter" contingent on the Board agreeing to violate the law is why the Board feels coerced by your recent communications.

Not to mention, you suggest that the Board acquiescing to your three demands under the Resolution heading will "resolve" the matter, but how can it? The insinuation of "resolution" is that, if we dismiss the case against your client, you will somehow un-ring the bell already rung by sending the legislative transmission, or you will not escalate further up the legislative chain of command to a specific Senator. Not that we are inclined to accept your offer of exchanging a dismissal for your retraction, but if we did, surely you can see that would send a message to LCB Auditor Crossman and Senator Ira Hansen that a disciplinary case dismissal could be bought with retracting the complaint you sent to them, which is the antithesis of this Board's goals and mission to improve ourselves beyond reproach and to remain an ethical and fact-focused adjudicating body. This current version of the Board and its executive staff do not sell or trade disciplinary findings or dismissals for any favor, good, or service. We already know, the LCB already knows, and Senator Hansen likely already knows that the current Board is clawing its way out of a troubled past where audit findings were specific to unfair and unearned discipline being imposed or not imposed, and this current version of the Board will not backslide into a disciplinary process that is anything less than fair and neutral.

In sum, the above response was required since the Board feels compelled and coerced into a point-by-point analysis to counter the threats made in the email sent yesterday. But because we have never dealt with you before as an attorney, such that you do not appear to have any experience with the Board, we won't necessarily fault you for your aggressive tactics and not knowing that it would have been far less confrontational for you to just appear at the July 29th meeting and make your case based on your actual evidence and the opinions of your two experts. Instead, we will continue to try to work with you in a manner that does not cause the Board to violate the law or act as any favor in exchange for any decision you might make regarding the LCB transmission.

The Executive Director and I have spoken and agree that this may be one of the rare occasions where circumstances support a Review Panel second opinion. We have three Review Panels, and wherever there is an allegation of some sort of bias or prejudice on the part of a Review Panel, we will, out of an abundance of caution, send the case to a different Review Panel for a second opinion. The second review panel looks at the redacted case file with fresh eyes and without knowing another Review Panel already reviewed it and made a decision. If the second Review Panel votes to remand, the case will be remanded. If they vote to propose a stipulation, a second stipulation will be prepared, and your client may choose which of the two stipulations to enter. If your client wants neither stipulation, the case goes before the Board for a vote on whether to hold an administrative hearing. But please note that if two separate Review Panels both find a violation and propose discipline, the ultimate course can only be a hearing, as we will not send it to the third and final review panel for yet another bite at the apple.

Your client's case was previously assigned to Review Panel #3. While you have not argued bias or prejudice on behalf of Review Panel #3, to the extent you have argued that they ignored your expert's opinions, we will consider that similar grounds for a second opinion Review Panel Review. If you elect the path of a second opinion, the matter will be set on the next Review Panel meeting agenda for either Review Panel #1 or #2.

If the second opinion is the route you wish to go, then we will not put this matter on the July 29th Board meeting agenda nor publish the corresponding documents this round in our Board book. Instead, the matter will be heard by a different Review Panel either August 4th or August 5th. If the matter does not resolve as your client wishes at that juncture, we can put the vote and all corresponding documents back on the August 26, 2026, Board meeting agenda.

Alternatively, we can also still go the administrative hearing vote route on July 29, 2026, and we will put the vote and the accompanying documents onto the July 29th agenda. However, a second opinion will not be available if this goes to the Board on July 29th, since if it does, the whole Board will have already seen all the documents in the case revealing your client's identity, such that her identity would inherently no longer be hidden at the Review Panel level (each Review Panel contains two Board members.) Since all cases after November 2024 need to have assurances of anonymity when going before reviewers, there would be no point in sending the case back to a Review Panel where anonymity is not assured.

Please let me know **by COB today** if you want the second opinion Review Panel or the Board vote so we know how/whether to amend the meeting agenda, which must be done no later than this evening. Please note from the addressee bar that we are also providing a copy of this email to Legislative Auditor Crossman for completeness of his records and to Nikki Haag at the Governor's Office/B&I for her situational awareness.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

EXHIBIT E - Page 0002

Andrea Barraclough

From: Crossman, Daniel <DCrossman@lcb.state.nv.us>
Sent: Wednesday, July 22, 2026 11:26 AM
To: Andrea Barraclough
Subject: Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Andrea,
Thank you. I am acknowledging receipt of your email.
Regards,
Dan

Daniel Crossman

Legislative Auditor
Nevada Legislative Counsel Bureau, Audit Division
(775) 684-6815 | leg.state.nv.us/audit

ATTENTION

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From: Andrea Barraclough <abarraclough@dental.nv.gov>
Sent: Wednesday, July 22, 2026 10:49 AM
To: garry@trinhlegallgroup.com <garry@trinhlegallgroup.com>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>; Nikki Haag <Nikki.Haag@business.nv.gov>; Crossman, Daniel <DCrossman@lcb.state.nv.us>
Subject: Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

You don't often get email from abarraclough@dental.nv.gov. [Learn why this is important](#)
Mr. Trinh,

Giving you the benefit of zealous advocacy on behalf of your client and presuming you lack the intent to coerce a government agency into violating the law, your request for the Board to dismiss the case against Dr. [REDACTED] using your proposed "Fully Executed Review Panel Findings and Recommendations for Dismissal with Prejudice" cannot be granted due to obligations the Board has to follow state and federal statutes and regulations. Your demand also carries with it the appearance of being extortive, threatening the Board with an audit if we do not dismiss the case against your client, which has raised some serious concerns as to why Dr. [REDACTED] is being so hostile when she only had to take 12 hours of continuing education per the proposed stipulation, which is actually far less than many other licensees; this is another reason we cannot agree, since a responsive posture of this magnitude makes us wonder if more disciplinary allegations are coming that Dr. [REDACTED] knows about but we do not.



Garry Trinh <garry@trinhlegalgroup.com>

Re: CASE NO.: [REDACTED] Response to your email of 07/21/2026 8:03 am

Trinh Legal Group <garry@trinhlegalgroup.com>

Wed, Jul 22, 2026 at 4:13 PM

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Nikki Haag <Nikki.Haag@business.nv.gov>, "Crossman, Daniel" <dcrossman@lcb.state.nv.us>

Hi Ms. Barraclough,

Thank you for your correspondence.

1. Referral to Secondary Review Panel

To allow a secondary Review Panel (Panel #1 or #2) the opportunity to evaluate the full evidentiary record—including our uncontradicted expert clinical affirmations—Dr. [REDACTED] agrees to have Case No. [REDACTED] submitted for review during the August 4 or 5, 2026 panel proceedings.

Please provide written confirmation today that this matter has been officially un-calendared and omitted from the July 29, 2026 Board meeting agenda and public Board book.

2. Statutory Oversight & Reporting

Regarding the operational and database reporting matters addressed in your email, our office maintains its position on the underlying record. As statutory compliance and reporting metrics fall under independent legislative authority, we will continue to cooperate fully with all oversight bodies—including Legislative Auditor Crossman and the Legislative Counsel Bureau—regarding these ongoing systemic matters.

We look forward to receiving written confirmation of the July 29th agenda removal today, followed by the secondary Review Panel scheduling details once finalized.

Best regards,

[Quoted text hidden]

--

**TRINH LEGAL GROUP**
- ATTORNEYS AT LAW -**Garry B. Trinh, Esq.****Managing Attorney**

281 W. Centennial Parkway, #101

North Las Vegas, NV 89084

P: (725) 238-0112

F: (702) 425-7048

garry@trinhlegalgroup.com

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Garry Trinh <garry@trinhlegalgroup.com>

Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Andrea Barraclough <abarraclough@dental.nv.gov>

Wed, Jul 22, 2026 at 5:54 PM

To: Trinh Legal Group <garry@trinhlegalgroup.com>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Hello Mr. Trinh,

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Mr. Trinh, as soon as the other review panel meeting is over, I will let you know what they say, and we can discuss next steps, if any, thereafter.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

Henderson, NV 89014

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(702) 486-7046 facsimile

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From: Trinh Legal Group <garry@trinhlegalgroup.com>**Sent:** Wednesday, July 22, 2026 4:14 PM**To:** Andrea Barraclough <abarraclough@dental.nv.gov>**Cc:** Adam Higginbotham <ahigginbotham@dental.nv.gov>; Nikki Haag <Nikki.Haag@business.nv.gov>; Crossman, Daniel <dcrossman@lcb.state.nv.us>**Subject:** Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

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[Quoted text hidden]

[Quoted text hidden]

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
TRINH LEGAL GROUP
281 W. Centennial Parkway, #101
North Las Vegas, NV 89084
Phone: (725) 238-0112
Fax: (702) 425-7048
garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

Case No.:

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

EXHIBIT COVER SHEET

EXHIBIT F

April 27 – September 16, 2026 Disciplinary Transmissions of General Counsel BarracloUGH (Proving
Suppression of Exculpatory Evidence, Shifting Prosecutorial Theories, and Coercive Escalation)

**CASE NO. [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM**

Andrea Barraclough <abarraclough@dental.nv.gov>
To: Trinh Legal Group <garry@trinhlegallgroup.com>
Cc: Shane Barjon <sbarjon@dental.nv.gov>

Mon, Apr 27, 2026 at 12:40 PM

Hello again, Mr. Trinh.

Thanks for the below communication. Shane, can you add a note other May Review Panel Agenda Notes that full transcripts and recordings as referenced in the supplemental response are not included in the current records, but are available upon request.

Mr. Trinh, I will let you know if the Review Panel wants these items.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

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Henderson, NV 89014

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(702) 486-7046 facsimile

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From: Trinh Legal Group <garry@trinhlegallgroup.com>

Sent: Thursday, April 23, 2026 8:19 PM

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Shane Barjon <sbarjon@dental.nv.gov>

Subject: Re: CASE NO.: [REDACTED] REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM

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Thank you for getting back to me and for the information and clarification. I'll wait to hear back from you once the Review Panel reconsiders the case.

I did not include the full certified transcripts or actual audio recordings to the Evidence Memorandum, as they are larger files and there are 8 relevant phone conversations. However, I am happy to send them all over if the Board and Review Panel require them.

Best regards,

[Quoted text hidden]

[Quoted text hidden]

**CASE NO.: [REDACTED] - REQUEST FOR DISMISSAL / EXCULPATORY EVIDENCE MEMORANDUM**

Trinh Legal Group <garry@trinhlegallgroup.com>
 To: Andrea Barracough <abarracough@dental.nv.gov>
 Cc: Shane Barjon <sbarjon@dental.nv.gov>

Tue, Apr 28, 2026 at 8:59 AM

Ms. Barracough,

Not a problem. I'll go ahead and provide them so that we are being as thorough as possible and so that the Review Panel has everything needed for their reconsideration of this case.

Attached, please find the 8 certified transcripts and corresponding contemporaneous audio recordings from October 2024 that comprise Exhibit 1 (certified transcripts) and Exhibit 2 (audio recordings) of the supplemental response.

The statements cited in the supplemental response have been highlighted in the certified transcripts. You will find the Patient's Husband's financial demand in the October 17, 2024 call, specifically page 1, lines 18-23 and page 2, lines 1-3 and 15.

[Quoted text hidden]



[Quoted text hidden]

16 attachments

- 10.07.2024 - Patient states she will never come back to office.pdf
138K
- 10.03.2024 - Post op to patient the day after treatment where patient states she is healing and doing well.pdf
141K
- 10.16.2024 - Patient's husband states it's only fair to let respondent resolve issues before other options are pursued.pdf
143K
- 10.08.2024 - Patient states she is not coming back to office.pdf
139K
- 10.08.2024 - Resondent's direct call to patient wherein patient states she appreciates respondent's call but will not be coming back to allow respondent to manager her care.pdf
181K
- 10.22.24 - Patient's husband states patient will not talk with Respondent and demands Respondent only talk with him.pdf
147K
- 10.17.24 - Patient's husband demands Respondent pay \$2700 for patient to receive outside care and does not let Respondent talk with patient.pdf
159K
- 10.16.2024 - Voicemail left for patient saying respondent is here to discuss any issues.pdf
132K
- 10.03.04 Post Op to patient the day after treatment where patient states she is healing and doing well.mp3
146K
- 10.08.24 Patient states she is not coming back to office.mp3
175K
- 10.07.24 Patient states she will never come back to office.mp3
94K
- 10.16.24 Patient's husband states it's only fair to let Respondent resolve issues before other options are pursued.mp3
459K
- 10.08.24 Resondent's direct call to patient wherein patient states she appreciates Respondent's call but will not be coming back to allow Respondent to manager her care.mp3
1849K
- 10.16.24 Voicemail left for patient saying Respondent is here to discuss any issues.mp3
119K
- 10.22.24 Patient's husband states patient will not talk with Respondent and demands Respondent only talk with him.mp3
713K
- 10.17.24 Patient's husband demands Respondent pay \$2700 for patient to receive outside care and does not let Respondent talk with patient.mp3
1412K



Garry Trinh <garry@trinhlegalgroup.com>

Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Trinh Legal Group <garry@trinhlegalgroup.com>

Thu, Aug 6, 2026 at 8:51 AM

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Hi Ms. Barraclough,

Pursuant to the previous emails, I'm reaching out for the outcome of the second review of this matter by Review Panel #1 or 2. Please advise.

Thanks,

[Quoted text hidden]

--



[Quoted text hidden]



Garry Trinh <garry@trinhlegalgroup.com>

Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Trinh Legal Group <garry@trinhlegalgroup.com>

Fri, Aug 7, 2026 at 8:01 AM

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Hi Ms. Barraclough,

I am following up again regarding the outcome of the second review of this matter. To avoid any misunderstanding, please advise in writing by 5:00 PM today. If we do not receive an answer, we will interpret that as the Board's refusal to fully dismiss this matter. As such, we will proceed accordingly.

Best regards,

[Quoted text hidden]



Garry Trinh <garry@trinhlegallgroup.com>

Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Andrea Barraclough <abarraclough@dental.nv.gov>
To: Trinh Legal Group <garry@trinhlegallgroup.com>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Fri, Aug 7, 2026 at 11:56 AM

Hi Mr. Trinh,

Sorry for not getting back to you yesterday, the day slipped away for me. This was sent to review panel 1. They requested to table the matter until the next review panel one meeting in September because they want more information before deciding. Specifically, they wanted me to double check whether or not a postoperative x-ray or CBCT was taken. To that end, we were going to send an official letter to both you and Dr. [REDACTED] requesting that information. I will still get that sent to you early next week, but in the meantime, if you want to talk to Dr. [REDACTED] to start getting information on any postoperative imaging, that would be helpful.

Thanks,

Andrea Barraclough

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

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Henderson, NV 89014

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From: Trinh Legal Group <garry@trinhlegallgroup.com>
Sent: Thursday, August 6, 2026 8:51 AM
To: Andrea Barraclough <abarraclough@dental.nv.gov>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>; Shane Barjon <sbarjon@dental.nv.gov>
Subject: Re: CASE NO. [REDACTED] - Response to your email of 07/21/2026 8:03 am

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Hi Ms. Barraclough,

Pursuant to the previous emails, I'm reaching out for the outcome of the second review of this matter by Review Panel #1 or 2. Please advise.

Thanks,

On Wed, Jul 22, 2026 at 5:54 PM Andrea Barraclough <abarraclough@dental.nv.gov> wrote:

Hello Mr. Trinh,

Thank you for your timely response. This is to confirm that the [REDACTED] matter will not be heard at the July 29, 2026, Board meeting, nor will the prior correspondence, documents, or transmission be in the public book. Instead, it will be placed on either the Review Panel 1 or Review Panel 2 agenda for the next possible meeting (either August 4 or August 5), depending on which Review Panel currently has the least cases assigned to it.

Shane, please place this matter onto the agenda for whichever of the two Review Panels (1 or 2) has the least cases on next month's meeting agenda. Prep the case as though it has not already been reviewed, ensure all patient and provider identifier redactions, and make sure the template where I take notes of the review panel meeting is blank for case [REDACTED] so it does not contain any clue that the case was considered previously.

Mr. Trinh, as soon as the other review panel meeting is over, I will let you know what they say, and we can discuss next steps, if any, thereafter.

Sincerely,

Andrea Barraclough

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Hi Ms. Barraclough,

Thank you for your correspondence.



Garry Trinh <garry@trinhlegallgroup.com>

Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Trinh Legal Group <garry@trinhlegallgroup.com>
To: Andrea Barraclough <abarraclough@dental.nv.gov>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Fri, Aug 7, 2026 at 12:41 PM

Hi Ms. Barraclough,

Thank you for the update.

To ensure the administrative record before Review Panel 1 is complete and accurate, please see the attached certified transcripts. These certified transcripts were initially discussed in Respondent's Written Response to the Complaint, served on the Board on **November 15, 2024**. The full certified transcripts were then submitted to the Board along with a Defense Memorandum on **April 23rd and 28th, 2026**. These same transcripts were again discussed and attached to the subsequent Comprehensive Defense Memorandum submitted to the Board on **July 14, 2026**.

As these certified records establish, the patient voluntarily abandoned care, terminated the doctor-patient relationship, and made threats of extortion. Consequently, post-operative X-rays or CBCT imaging do not exist because the patient refused further care and prevented any post-operative imaging from being taken while demanding financial compensation. A practitioner cannot compel a patient who has abandoned treatment and issued threats to return for imaging.

Given that the clinical record is fully complete, that patient abandonment and financial threats are certified on the record, and that the Board released Dr. [REDACTED] license renewal on August 4 (following its July 28 directive initiating a 3-year CE audit and demanding records back to 2018), we respectfully submit that tabling this matter until September for non-existent imaging is unnecessary. We urge the Board to issue a formal dismissal of Case [REDACTED].

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Garry Trinh <garry@trinhlegallgroup.com>

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Andrea Barraclough <abarraclough@dental.nv.gov>
 To: Trinh Legal Group <garry@trinhlegallgroup.com>
 Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>

Mon, Aug 10, 2026 at 9:31 AM

Thank you, Mr. Trinh. I am going to attach the below email, along with all attachments, to the RP 1 agenda for next month, and clarify that the reason there are no post-appointment images is because the patient refused same. You will see under a separate email I about to send to my paralegal and CC you on that I will be highlighting to the Review Panel the exact response to this pending query.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

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On Fri, Aug 7, 2026 at 11:56 AM Andrea Barraclough <abarraclough@dental.nv.gov> wrote:

Hi Mr. Trinh,

Sorry for not getting back to you yesterday, the day slipped away for me. This was sent to review panel 1. They requested to table the matter until the next review panel one meeting in September because they want more information before deciding. Specifically, they wanted me to double check whether or not a postoperative x-ray or CBCT was taken. To that end, we were going to send an official letter to both you and Dr. [REDACTED] requesting that information. I will still get that sent to you early next week, but in the meantime, if you want to talk to Dr. [REDACTED] to start getting information on any postoperative imaging, that would be helpful.

Thanks,

Andrea Barraclough

EXHIBIT F - Page 0007



Garry Trinh <garry@trinhlegallgroup.com>

follow-up re: Dr. [REDACTED] case**Andrea Barraclough** <abarraclough@dental.nv.gov>

Tue, Aug 11, 2026 at 10:00 AM

To: "garry@trinhlegallgroup.com" <garry@trinhlegallgroup.com>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Hello, Mr. Trinh,

Following up on the most recent email sent to my paralegal Shane, and copied to you, I did get input from all three Review Panel 1 members and made absolutely sure they reviewed the telephone call transcriptions you sent. They did see the 10/08/24 phone call from Dr. [REDACTED] to the patient where Dr. [REDACTED] offered to bring the patient in for a post-operative x-ray that she refused, and they specifically saw this phrase on pg. 2 that says "So, is there, um, now, usually during the – the post-op visit, we take the – that – that updated X-ray." The Panelists are of the opinion that the standard of practice for extractions and root canals, especially a difficult one where roots are not coming out, is an immediate post-operative x-ray before the patient is discharged, not a post-op x-ray at a later date.

However, they recognize that if the patient was offered an immediate post-op x-ray and refused, or there was some other legitimate medical reason for not doing it immediately and prior to discharge, this could be a mitigating factor that might excuse not following the typical standard of care. To that end, they want to give Dr. [REDACTED] the opportunity to explain/discuss (a) whether an immediate post-op x-ray prior to discharge was offered and refused; (b) if so, were the risks of not getting an immediate post-op x-ray explained to the patient and/or documented anywhere; (c) if not, was there a medical reason for not doing an immediate post-op x-ray prior to discharge/what was the rationale for not doing so; and (d) when Dr. [REDACTED] said in the phone call that they usually take the updated x-ray at the follow-up post-op visit, what is the reason for this policy?

Because they need the answers to these questions to fully and fairly make a decision, they are going to await these answers before deciding what to do next. Thus, I would appreciate you working with Dr. [REDACTED] to get is these answers as soon as possible, but no later than August 26, 2026 (so if we do end up tabling this to the next Review Panel 1 meeting, the answers can be included for the 09/02/2026 meeting).

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

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Garry Trinh <garry@trinhlegallgroup.com>

follow-up re: Dr. [REDACTED] case

Trinh Legal Group <garry@trinhlegallgroup.com>

To: Andrea Barraclough <abarraclough@dental.nv.gov>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Wed, Aug 26, 2026 at 12:47 PM

Hi Ms. Barraclough,

This correspondence contains Respondent's second public records request, requested responses, and formal objection.

For Legislative Auditor Crossman's active risk assessment and the Legislative Commission ahead of its September 24, 2026 meeting, Respondent hereby submits this formal objection for the record. Respondent is providing complete compliance with the Review Panel's latest administrative request. However, such compliance is rendered under explicit protest to preserve all constitutional, statutory, and administrative remedies.

Over a span of 22 months, Respondent's fundamental due process rights have been—and continue to be—severely violated by the Board's ongoing prosecution of this zero-harm file. Throughout this multi-year proceeding, the Board has engaged in a bad-faith pattern of shifting regulatory targets, fabricating new allegations whenever prior claims collapsed, and systematically ignoring uncontradicted evidence of voluntary patient abandonment and documented patient extortion threats.

Specifically, the Board has subjected Respondent to four separate, moving factual allegations:

1. **Initial Allegation:** Respondent engaged in professional incompetence pursuant to NRS 631.3475 due to an alleged "poorly performed extraction."
2. **Second Allegation:** The bone graft was "not correctly performed."
3. **Third Allegation:** Respondent failed to obtain a post-extraction radiograph to confirm complete removal of root structures prior to graft placement.
4. **Fourth Allegation:** The Review Panel's personal opinion that the standard of practice requires an "immediate post-operative x-ray before patient discharge" rather than follow-up imaging at a later date.

The Board's continuous abandonment of unsubstantiated clinical claims—moving from professional incompetence down to subjective, uncodified panelist opinions—exposes an arbitrary, retaliatory prosecution operating entirely outside statutory authority under NRS Chapter 631 and NAC Chapter 631. Respondent yields to this administrative request solely to demonstrate absolute good faith, while fully preserving the record of systemic administrative overreach for ongoing legislative oversight and subsequent judicial review.

Below is the formal response addressing items (a) through (d), grounded in clinical oral surgery principles and supported by the expert affirmations of academic leaders Dr. Steven Call and Dr. Richard Stevens.

1. Clinical Protocol, Expert Affirmations & Statutory Framework

Neither NRS Chapter 631 nor NAC Chapter 631 mandates an immediate post-operative radiograph prior to discharge following extractions.

As established by Dr. Steven Call and Dr. Richard Stevens, the standard of care to verify tooth and root clearance relies on direct visual and tactile inspection:

- **Tactile & Visual Verification:** Continuous visual inspection under surgical lighting paired with tactile exploration (using an explorer, curette, or probe) and anatomical inspection of the extracted root structure represents the definitive standard to verify root and socket clearance.
- **Bone Fragment Dynamics vs. Tooth Structure:** Minor bone fragments or alveolar crest spicules can remain or separate naturally during cortical bone expansion. Even when visual and tactile exploration confirms complete root removal and a smooth socket, asymptomatic bone fragments can migrate during normal osseous remodeling.
- **ALARA Principles & Follow-Up Standards:** Under ALARA (As Low As Reasonably Achievable) radiation guidelines, immediate pre-discharge radiographs are not indicated when root clearance is visually and tactilely verified. Instead, the established clinical protocol to evaluate osseous healing, tissue adaptation, or minor bone spicule remodeling is a scheduled post-operative follow-up appointment.

2. Response to Review Panel 1 Sub-Questions

- (a) **Whether an immediate post-op x-ray prior to discharge was offered and refused:**

Socket clearance was definitively verified intraoperatively via direct visual lighting, tactile probing, and physical inspection of the intact root anatomy. Because complete root removal was verified—consistent with the expert standards articulated by Dr. Call and Dr. Stevens—an immediate pre-discharge radiograph was diagnostically unnecessary and was not ordered prior to release.

- (b) **If so, were the risks of not getting an immediate post-op x-ray explained to the patient and/or documented anywhere:**

Because tooth and root clearance was fully verified through visual, tactile, and intraoperative inspection, there was no clinical indication for immediate radiation exposure prior to discharge. The standard clinical protocol for monitoring routine post-extraction healing and bone remodeling is a follow-up evaluation.

- (c) **If not, was there a medical reason for not doing an immediate post-op x-ray prior to discharge / what was the rationale:**

The clinical rationale is grounded in diagnostic utility and ALARA radiation safety guidelines. Once root clearance is visually and tactilely confirmed, an immediate discharge radiograph provides no diagnostic utility regarding tooth removal and unnecessarily exposes the patient to radiation. Standard practice dictates evaluating post-operative healing and bone remodeling at a scheduled follow-up visit.

- (d) **Rationale regarding the 10/08/2024 phone call reference to follow-up post-op visit radiographs:**

As Respondent articulated during the October 8, 2024 call, updated radiographs are routinely utilized during scheduled follow-up post-operative visits to monitor soft tissue healing, bone integration, and normal osseous remodeling (including the management of any minor bone spicules).

Respondent explicitly offered to bring the patient back into the office for a post-operative follow-up evaluation and updated radiograph to assess her healing. However, the patient voluntarily abandoned care, refused to return to the office for her follow-up evaluation, and instead issued financial demands. The patient's unilateral abandonment of post-operative care prevented Respondent from performing the standard follow-up evaluation and clinical radiograph.

3. Procedural Status

Both Dr. Steven Call and Dr. Richard Stevens have reviewed the complete record and affirmed that Respondent's clinical management, intraoperative verification, and post-operative protocols met or exceeded all applicable standards of dental practice in Nevada.

Please ensure this response and the underlying expert affirmations are formally incorporated into the panel file ahead of the upcoming Review Panel 1 meeting.

Respectfully submitted,

[Quoted text hidden]



TRINH LEGAL GROUP
- ATTORNEYS AT LAW -

Garry B. Trinh, Esq.

Managing Attorney

281 W. Centennial Parkway, #101

North Las Vegas, NV 89084

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garry@trinhlegallgroup.com

9/14/26, 12:54 PM

Trinh Legal Group Mail - follow-up re: Dr. [REDACTED] case

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 **Respondent's Second Formal Statutory Demand For The Production And Inspection Of Public Records (Pursuant To N.R.S. 239.010).pdf**
114K

**follow-up re: Dr. [REDACTED] case**

Andrea Barraclough <abarraclough@dental.nv.gov>
To: Trinh Legal Group <garry@trinhlegalgroup.com>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>, Shane Barjon <sbarjon@dental.nv.gov>

Wed, Aug 26, 2026 at 3:28 PM

Mr. Trinh,

We are in receipt of the below email. The narrative body of the email is interpreted to be the response to the Review Panel's earlier questions as well as continued legal argument on your part. Thus, the email will be redacted to remove patient and provider identifiers and placed into the Review Panel's review file along with the opinions of Dr. Call and Dr. Stevens. (Shane, please do so as soon as possible and make sure to direct the Review Panel's attention to same.)

The attachment titled "Respondent's Second Formal Statutory Demand for the Production and Inspection of Public Records" will be treated as a Public Records Request and will be handled according to the State of Nevada's PRR protocols.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

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From: Trinh Legal Group <garry@trinhlegalgroup.com>
Sent: Wednesday, August 26, 2026 12:48 PM
To: Andrea Barraclough <abarraclough@dental.nv.gov>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>; Shane Barjon <sbarjon@dental.nv.gov>
Subject: Re: follow-up re: Dr. [REDACTED] case

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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[Quoted text hidden]

**follow-up re: Dr. [REDACTED] case**

Andrea Barraclough <abarraclough@dental.nv.gov>

Thu, Sep 3, 2026 at 2:50 PM

To: Trinh Legal Group <garry@trinhlegallgroup.com>, Shane Barjon <sbarjon@dental.nv.gov>

Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>

Greetings Mr. Trinh,

Review Panel 1 did meet last night, and they also voted to recommend resolution by stipulation.

More specifically, their finding, as it would read in Paragraph 7 of a Stipulation, is: below standard of care (inserting statute number) to wit: there should have been an x-ray immediately post-op where issues were known mid-way through the procedure and x-rays were taken mid-way through; there was a quarter of a tooth left in and not just very small tips or fragments; it is standard of care to inform an extraction patient before discharge whether the extraction left any fragments, tips, etc., which did not occur here likely because no x-ray was taken to confirm success one way or the other.

Their recommendation was for a disciplinary stipulation requiring a patient refund; 16 hours of total CE consisting of 8 hours of live, hands-on CE re: extractions + 8 hours live, hands-on CE re: oral surgery; and repayment of administrative costs accumulated to date.

I specifically confirmed they did look at your expert's opinions; however, they were not persuaded that the correct standard of care for an extraction known to be problematic mid-way through is to wait to take x-rays later instead of taking x-rays immediately post-procedure before discharge. I also confirmed they reviewed the audio transcripts; they confirmed they did, and even if the husband's behavior was rude or even extortive, it did not change the standard of care not being met.

All this being relayed, at the conclusion of my email to you dated July 22, 2026, I noted "If the second Review Panel votes to remand, the case will be remanded. If they vote to propose a stipulation, a second stipulation will be prepared, and your client may choose which of the two stipulations to enter. If your client wants neither stipulation, the case goes before the Board for a vote on whether to hold an administrative hearing. But please note that if two separate Review Panels both find a violation and propose discipline, the ultimate course can only be a hearing, as we will not send it to the third and final review panel for yet another bite at the apple."

Thus, at this juncture, Dr. [REDACTED] can choose to enter a disciplinary stipulation setting forth EITHER:

	Review Panel 3 Stip Proposal	Review Panel 1 Stip Proposal
Finding (Paragraph 7)	Below the standard of care, to wit: Respondent engaged in professional incompetence per NRS 631.3475 due to a poorly performed extraction. (from the last and only iteration of the RP3 stipulation agreement sent April 2026) (Note, I am not including any email negotiation alternatives here from my May 27, 2026, email, since it did not sound from your response that Dr. [REDACTED] was interested in a more specific finding as opposed to the broad finding already in the original stipulation. Feel free to let me know otherwise, as I do have the ability to negotiate some language nuances if not the below-standard-of-care finding itself.)	Below standard of care per NRS 631.3475 to wit: there should have been an x-ray immediately post-op where issues were known mid-way through the procedure and x-rays were taken mid-way through; there was a quarter of a tooth left in and not just minute tips or fragments; it is standard of care to inform an extraction patient before discharge whether they extraction left any fragments, tips, etc. which did not occur here likely because no x-ray was taken to confirm success one way or the other.
Penalty (Paragraph 11)	(patient refund not mentioned)	Patient refund required
	CE: 12 total (6 live hands-on bone grafting + 6 live hands-on extractions)	CE: 16 total (8 extractions live/ hands on + 8 oral surgery live/ hands on)
Administrative cost recoupment to date (per Airtable calculator) (I will provide you the Airtable calculation with any proposed stip.)	Was previously \$3,145.30 but this will be updated to reflect costs up to this date.	All admin costs to date

Anticipating that Dr. [REDACTED] might reject any stipulation, I asked Review Panel 1 if they wanted to vote to recommend an administrative hearing now should their stipulation be rejected rather than having the matter be re-heard by them again at a later date in the event of a rejection. They stated that they were in agreement to recommend to the Board an administrative hearing if the Respondent did not want to stipulate.

Thus, the current posture of the case is:

a) Let me know if Dr. [REDACTED] wants either version of the stipulation, and if so, which one.

b) Let me know if Dr. [REDACTED] wants no stipulation. If that is the case, the process will be:

1. I will draft a proposed, draft only Complaint. This is just the draft of what the complaint/ pleading ultimately served under NAC 631.290 will look like. I will send you a courtesy copy with the knowledge this is not final, and a copy will go in the Public Board Book and on the agenda for the next available Board meeting.
2. The Board votes on whether to approve an administrative hearing and whether to start the hearing process, inclusive of approving or rejecting the proposed complaint/pleading language.
3. If they vote to approve, which then grants me permission to prosecute, I will draft the NRS 233B.121 Notice of Hearing and make any proposed changes to/finalize the complaint/pleading.

EXHIBIT F - Page 0012

9/14/26, 12:55 PM

Trinh Legal Group Mail - follow-up re: Dr. [REDACTED] case

4. I will shortly after that meeting effectuate service of process (notice, complaint, proof of service, etc.) Before I do, I will check scheduling availability of the 3-person hearing panelists, and coordinate with you on a scheduling date available to you and your client. Note that, in the administrative hearing process, Board General Counsel (myself) acts as prosecutor. The Attorney Generals' Office acts as the Board's and Hearing Panel's advisory attorney. Thus, I also have the accommodate the DAG's schedule as well. The hearing date on the notice will reflect a date we are all available.

Please let me know at your earliest convenience how your client would like to proceed.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

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[Quoted text hidden]

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**follow-up re: Dr. [REDACTED] case**

Andrea Barraclough <abarraclough@dental.nv.gov>
To: "garry@trinhlegalgroup.com" <garry@trinhlegalgroup.com>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>

Wed, Sep 16, 2026 at 4:36 PM

Hello Mr. Trinh,

We are putting together our Board meeting agenda for September 30, 2026, and I am reaching out because we did not hear back from you yet regarding the below email I sent you on September 3, 2026. If Dr. [REDACTED] needs more time to decide which of the two stipulations to accept or needs more time to consider whether she wants to go the administrative hearing route, I can certainly push this to the next Board agenda in October. However, if she already knows she would like to proceed to administrative hearing, let me know before COB tomorrow and we can get it on this month's agenda to get the ball rolling on that process. Please let me know at your earliest convenience.

Sincerely,

Andrea Barraclough

General Counsel

Nevada State Board of Dental Examiners

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[Quoted text hidden]

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
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garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

Case No.:

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

EXHIBIT COVER SHEET

EXHIBIT G

July 22–August 4, 2026 Internal Agency Records, Minute-by-Minute Metadata Logs, Non-Random
CE Audit Communications, Written Audit Policy, and Compliance Confirmations



Garry Trinh <garry@trinhlegallgroup.com>

Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am

Andrea Barraclough <abarraclough@dental.nv.gov>
To: Trinh Legal Group <garry@trinhlegallgroup.com>
Cc: Adam Higginbotham <ahigginbotham@dental.nv.gov>

Wed, Jul 22, 2026 at 6:11 PM

Hi again, Mr. Trinh,

On another note, we need to reach out to Dr. [REDACTED] on a non-disciplinary related matter, but since you are representing her, we thought we'd ask you to pass the message along to her. Can you please remind her that her license expired on June 30, 2026, such that she does not have an active license right now? She cannot validly see patients until she renews, so if she intends to keep practicing, please have her submit her renewal paperwork and reinstatement request as soon as possible.

Sincerely,

Andrea Barraclough

General Counsel

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From: Trinh Legal Group <garry@trinhlegallgroup.com>**Sent:** Wednesday, July 22, 2026 4:14 PM**To:** Andrea Barraclough <abarraclough@dental.nv.gov>**Cc:** Adam Higginbotham <ahigginbotham@dental.nv.gov>; Nikki Haag <Nikki.Haag@business.nv.gov>; Crossman, Daniel <dcrossman@lcb.state.nv.us>**Subject:** Re: CASE NO.: [REDACTED] - Response to your email of 07/21/2026 8:03 am**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

[Quoted text hidden]

[Quoted text hidden]

From: Adam Higginbotham <ahigginbotham@dental.nv.gov>
Sent: Friday, July 24, 2026 12:11 PM
To: Arielle Cymerman <acymerman@dental.nv.gov>; Marissa Kelley <marissakelley@dental.nv.gov>
Cc: Andrea Barraclough <abarraclough@dental.nv.gov>
Subject: Dentist License with Incorrect Expiration Date

Hi Arielle and Marissa,

Please see the pending renewal of a dentist that has a dental hygienist expiration date somehow. Are we able to figure out what the Board's staff may have done in 2022 or 2023 that would have generated her a license expiration date to dental hygienists?

I think we have encountered this issue before. Do we have a list of all dentists that may have been given an incorrect license expiration date that we are tracking?

Let's discuss if we need to figure out how to resolve.

I am curious as to these records that are like this an whether their CE credits align with the regulations.



Nevada State Board of Dental Examination

Home	Individual	Application	Renewal	Reports	Adminis
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Search Results

Ref Name	First Name	License#
[REDACTED]		

First Previous **1** Next Last



Archive

Delete

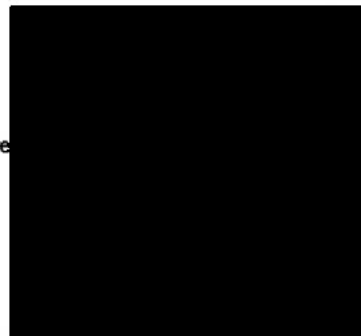
Individual Details

Name	Personal	Address	Financial	Education	Application Data	License	P
Verification	Dental Auxiliary	CPR	Action	Military	Certification/CE		

Status : Pending Renewal

Individual Details

Name
DOB
License#
Original Issue Date
Mailing Address
Primary Phone
Email Address



License Details

License Information	Status	Original License
[REDACTED]	Pending Renewal	[REDACTED]

License

License#	Type	Expired	License Status
[REDACTED]	Dentist	No	Pending Renewal

A.L. Higginbotham

Executive Director - Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

Henderson, Nevada 89014

T: 702.486.7048 | E: ahigginbotham@dental.nv.gov

Andrea Barraclough

From: Marissa Kelley
Sent: Friday, July 24, 2026 2:05 PM
To: Adam Higginbotham; Arielle Cymerman
Cc: Andrea Barraclough
Subject: Re: Dentist License with Incorrect Expiration Date
Attachments: 2024 renewal application-dentist.pdf; 2023-2024 pocket card.pdf; 2024-2026 pocket card.pdf

Hi Adam,

This issue continues to occur as inLumon occasionally provides the incorrect pocket license dates. I recently had to put in a ticket for someone this week for the same issue. This issue did not occur by staff because the dates listed within the license history were updated based on renewal applications being submitted.

This is what happened. During the 2023 renewal inLumon issued a pocket license dated 7/1/2023 to **6/30/2024**. This is what initially caused the license to be out of cycle. From there the dates were incorrect and the system even allowed Dr. [REDACTED] to submit a renewal online in 2024. This is why you see the 2024-2026 dates within the license table. All of the documents are provided above for your review.

We should place a ticket to have Bunmi and his team investigate to see how many biennial dentists, restricted dentists, geographical restricted dentists, and specialists are showing an even number expiration date. We should also do the same for dental hygiene licenses including restricted geographical licensees.

Thank you,

Marissa Kelley
Licensing Coordinator
Nevada State Board of Dental Examiners
Email: marissakelley@dental.nv.gov
Office: (702) 486-7031
Fax: (702) 486-7046

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Andrea Barraclough

From: Adam Higginbotham
Sent: Tuesday, July 28, 2026 10:33 AM
To: Dept Admin
Cc: Arielle Cymerman; Andrea Barraclough
Subject: Re: RISK MANAGEMENT SUBMISSION: Forensic Database Audit & Systemic Administrative Non-Compliance (NSBDE)

Hi Department of Administration,

Thank you for forwarding Mr. Trinh's email. We are aware of his communications with the Department of Administration, the Office of the Attorney General, and the Legislative Counsel Bureau. In the interest of transparency and ensuring all relevant parties had accurate context, we also took the initiative to inform the Office of Boards and Commissions regarding the matter.

Please let me know if you have any additional questions by emailing me at ahigginbotham@dental.nv.gov.

Mr. Trinh,

Giving you the benefit of zealous advocacy on behalf of your client and presuming you lack the intent to coerce a government agency into violating the law, your request for the Board to dismiss the case against Dr. [REDACTED] using your proposed "Fully Executed Review Panel Findings and Recommendations for Dismissal with Prejudice" cannot be granted due to obligations the Board has to follow state and federal statutes and regulations. Your demand also carries with it the appearance of being extortive, threatening the Board with an audit if we do not dismiss the case against your client, which has raised some serious concerns as to why Dr. [REDACTED] is being so hostile when she only had to take 12 hours of continuing education per the proposed stipulation, which is actually far less than many other licensees; this is another reason we cannot agree, since a responsive posture of this magnitude makes us wonder if more disciplinary allegations are coming that Dr. [REDACTED] knows about but we do not.

Nonetheless, even not considering the legal reasons the Board could never enter into such an agreement, to give in to threats of tattling on us to the LCB in exchange for favorable and potentially undeserved leniency would make this current version of the Board no better than versions of the Board in the past that were accused of favoritism and making disciplinary decisions based on the influence of bias or fear of retaliation instead of the actual clinical facts of each case.

Since it appears you may be unfamiliar with his Board's history, I will clarify the last statement. It is no secret to us, the LCB, the Review Journal, the Governor's Office or anyone that, prior to 2024, this Board had a plethora of challenges both external and internal that led to negative press, repeat LCB and Governor's Office audits and intervention, almost an entire wiping and redo of Board members, extensive executive leadership turnover, etc. The current version of the Board and current Board President, largely appointed in and after 2024, coupled with a new Executive Director (hired August 2024) and myself as

new General Counsel (hired July 2025) have all been specifically hired/appointed and tasked with course-correcting a Board that, prior to 2024, everyone acknowledged was floundering.

Everybody already knows that in 2016, the Board back then failed many critical items in the Legislative Auditor's audit, and the same was true of the 2019 Governor's Finance Office audit. What perhaps not as many people know, except for industry leaders such as the Nevada Dental Association (NDA) (of which Dr. [REDACTED] is a part and should know), the Nevada Dental Hygienist Association (NDHA), and the Governor's Office/Business & Industry (B&I) with whom we've been closely working to increase transparency, is that the new Board and new executive staff have made tremendous strides in remedying both the deficiencies from the 2016 Legislative audit and the 2019 Governor's Finance Office audit. Below is a summary of the significant operational and administrative improvements implemented by the current Board and administration:

- August 2024 – New Executive Director Adam Higginbotham hired by Board.
- August–December 2024 – ED reorganized financial operations and established organizational priorities.
- October 2024 – ED developed the initial data structure and key performance indicator framework while evaluating historical operational limitations.
- December 2024 – ED initiated organizational rightsizing by aligning staff positions with operational needs and required skill sets.
- January 2025 – ED began migrating complaint tracking from Excel spreadsheets into Airtable complaint management software to improve case management and accountability.
- January 2025 – Prior Board attorneys started implementing the complaint redaction process into operations.
- March 2025 – ED developed in the complaint management software and started beta-testing an administrative cost tracker to document costs incurred throughout the complaint lifecycle.
- March–July 2025 – ED, staff, and Board operated without Board counsel following the departure of two attorneys, with the Attorney General's Office providing interim support for Review Panel matters.
- July 2025 – New General Counsel Andrea Barraclough hired by Board.
- July–October 2025 – GC resolved a 41 backlogged complaint cases that accumulated during a five-year period in which the Board experienced approximately 15 Executive Director and General Counsel transitions.
- September–October 2025 – GC corrected historical NPDB reporting deficiencies, and the Board voted to implement Letters of Concern in lieu of previously used Non-Disciplinary Stipulations, which violated NPDB reporting requirements.
- October–November 2025 – GC drafted, ED presented, and the Board voted to approve the Case Review and Resolution Matrix, which promotes consistency in complaint review and decision making amongst Review Panels, reducing disparities in disciplinary outcomes between the Review Panels.
- January 2026 – ED created in the complaint management software an automated complaint notification system to improve transparency and provide complainants with status updates throughout the complaint process.
- February 2026–Present – ED and GC continue to perform comprehensive reviews of historical complaint files using the Complaint Management Interface to locate old case files that never resolved, update data in resolved case files not previously tracked, and ensure previously unresolved matters are brought before the Board for appropriate action.

- May 2026 – ED created in the complaint management software and implemented online complaint submission forms in both English and Spanish to improve public accessibility and intake efficiency.

And, as we continue to strive daily for improved transparency and function, we accept and incorporate any constructive critique or feedback that will increase our operational efficiency and compliance. For example, it was not until you yourself in the Request for Production you submitted in this case pointed out to new staff that prior staff had been calculating the Final End Date for LCB reporting purposes incorrectly that we realized an issue existed. We are now revisiting and correcting Final End Dates consistent with the definitions you provided to ensure accurate reporting and transparency. Similarly, it was your Request for Records that inspired us to actually publish the current version of administrative fees and costs to licensees and the public (pending a Board vote to approve publication at the next meeting) instead of Board staff and the complaint management software being the only entities possessing the costs information. Further, we continue to work on the few remaining areas previously identified in the past audits as deficient, with a goal to be fully compliant with all auditing requirements by the end of 2027. In short, we are simply not the same Board we were from 2000 to mid-2024.

With that historical perspective, as mentioned in an earlier I email I sent you when I also explained why the Board cannot dismiss this case using the “Fully Executed Review Panel Findings and Recommendations for Dismissal with Prejudice” you provided, I reiterate and expound on that reasoning.

In Paragraph 2 of your proposal, you seek “Expungement & Sealing: This matter shall be completely expunged from all public-facing and internal NSBDE tracking databases within five (5) business days of this remand. The underlying investigative file shall be permanently sealed from public disclosure, public records requests, and future administrative review.” To agree to this would be in direct violation of NRS 631.368(2) and (3), which state respectively, “[t]he complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records,” and “[t]he Board shall, to the extent feasible, communicate or cooperate with or provide any record or information described in subsection 1 to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.” If the Board agreed to expunge and seal the complaint and investigative records, it could not comply with either public records requirements or law enforcement disclosure requirements. To that end, the Board could not agree to Paragraph 2 without violating the NRS.

Paragraph 3 of your proposal states “No National Reporting: No report of any kind regarding this matter or these preliminary allegations shall be submitted to the National Practitioner Data Bank (“NPDB”).” However, federal law requires licensing Boards to report: “(a) Malpractice payments (§ 60.7); (b) Licensure and certification actions (§§ 60.8, 60.9, and 60.10); (c) Negative actions or findings (§ 60.11); (d) Adverse actions (§ 60.12); (e) Health Care-related Criminal Convictions (§ 60.13); (f) Health Care-related Civil Judgments (§ 60.14); (g) Exclusions from Federal or state health care programs (§ 60.15); and (h) Other adjudicated actions or decisions (§ 60.16).” 45 C.F.R. § 60.5. Paragraph 3 as proposed would restrict the Board from complying with 45 C.F.R. § 60.5 if the facts underlying this case also resulted in, for instance, a malpractice payment or civil judgment, placing the Board in a position to violate federal law and open us up to NPDB penalties. Thus, the Board could not agree to such a restrictive covenant.

The Board could also never agree to either Paragraphs 5 or 6, which state respectively, “5. Covenant Not to Prosecute: The Board’s enforcement division shall not, at any time in the future, directly or indirectly initiate, reactivate, or prosecute any administrative, civil, or disciplinary action against Respondent based in whole or in part upon any of the facts, transactions, or allegations underlying or investigated in this file,” and “6. Non-Disparagement: The Board’s executive staff, board members, and legal counsel shall refrain from making any negative, disparaging, or adverse comments regarding Respondent, Respondent’s clinical competence, or Respondent’s dental practice to any third party.” Both provisions could be read so broadly as to restrict the Board from ever accepting, investigating, or adjudicating new claims brought by the same patient for later discovered injuries (the NRS and NAC contain no double jeopardy protections against similarly related administrative proceedings) or by new patients alleging clinical incompetence. This would effectively act to stop the Board from being able to comply with the November 2024 revisions to the Nevada Administrative Code establishing the precise disciplinary process this Board must follow to be in compliance with the law. Specifically, the flow of the disciplinary process must be:

- The Board accepting ALL patient complaints and matters ripe for an authorized investigation
- A jurisdictional review by Board General Counsel, and if the recommendation is dismissal, review by a Review Panel (NAC 631.243 if via Verified Complaint, NAC 631.245 if via Authorized Investigation)
- Investigator (who is our paralegal) preparation of the case (NAC 631.250), including redacting patient and licensee identifiers
- Preliminary Screening Consultant review of redacted case file and report (NAC 631.251)
- Review Panel review of redacted case file, with them making one of four choices of what they will recommend to the full Board: (NAC 631.251(5))
 - a. Remand the complaint, which means to dismiss on the merits due to a lack of a preponderance of evidence;
 - b. Propose an informal stipulation, which means to settle the case with probationary terms;
 - c. Appoint a hearing panel to hold an informal hearing; or
 - d. Appoint a hearing panel to hold a formal hearing.(Note the use of the word “shall” in subsection (5), meaning the Review Panel can only propose one of these four things.)
- Board vote on whether to accept the Review Panel recommendation (NAC 631.251(5))
- If not resolved by stipulation, a formal or informal hearing (NAC 631.252, NAC 631.363)

Thus, the Board could not agree to a covenant that would strong-arm their compliance with adhering to the regulatory disciplinary process.

Accordingly, the Board cannot agree to your proposed “Fully Executed Review Panel Findings and Recommendations for Dismissal with Prejudice,” as it seeks to have the Board violate the law in several respects. To make your “resolution of the matter” contingent on the Board agreeing to violate the law is why the Board feels coerced by your recent communications.

Not to mention, you suggest that the Board acquiescing to your three demands under the Resolution heading will “resolve” the matter, but how can it? The insinuation of “resolution” is that, if we dismiss the case against your client, you will somehow un-ring the bell already rung by sending the legislative transmission, or you will not escalate further up the legislative chain of command to a specific Senator. Not that we are inclined to accept your offer of exchanging a dismissal for your retraction, but if

we did, surely you can see that would send a message to LCB Auditor Crossman and Senator Ira Hansen that a disciplinary case dismissal could be bought with retracting the complaint you sent to them, which is the antithesis of this Board's goals and mission to improve ourselves beyond reproach and to remain an ethical and fact-focused adjudicating body. This current version of the Board and its executive staff do not sell or trade disciplinary findings or dismissals for any favor, good, or service. We already know, the LCB already knows, and Senator Hansen likely already knows that the current Board is clawing its way out of a troubled past where audit findings were specific to unfair and unearned discipline being imposed or not imposed, and this current version of the Board will not backslide into a disciplinary process that is anything less than fair and neutral.

In sum, the above response was required since the Board feels compelled and coerced into a point-by-point analysis to counter the threats made in the email sent yesterday. But because we have never dealt with you before as an attorney, such that you do not appear to have any experience with the Board, we won't necessarily fault you for your aggressive tactics and not knowing that it would have been far less confrontational for you to just appear at the July 29th meeting and make your case based on your actual evidence and the opinions of your two experts. Instead, we will continue to try to work with you in a manner that does not cause the Board to violate the law or act as any favor in exchange for any decision you might make regarding the LCB transmission.

The Executive Director and I have spoken and agree that this may be one of the rare occasions where circumstances support a Review Panel second opinion. We have three Review Panels, and wherever there is an allegation of some sort of bias or prejudice on the part of a Review Panel, we will, out of an abundance of caution, send the case to a different Review Panel for a second opinion. The second review panel looks at the redacted case file with fresh eyes and without knowing another Review Panel already reviewed it and made a decision. If the second Review Panel votes to remand, the case will be remanded. If they vote to propose a stipulation, a second stipulation will be prepared, and your client may choose which of the two stipulations to enter. If your client wants neither stipulation, the case goes before the Board for a vote on whether to hold an administrative hearing. But please note that if two separate Review Panels both find a violation and propose discipline, the ultimate course can only be a hearing, as we will not send it to the third and final review panel for yet another bite at the apple.

Your client's case was previously assigned to Review Panel #3. While you have not argued bias or prejudice on behalf of Review Panel #3, to the extent you have argued that they ignored your expert's opinions, we will consider that similar grounds for a second opinion Review Panel Review. If you elect the path of a second opinion, the matter will be set on the next Review Panel meeting agenda for either Review Panel #1 or #2.

If the second opinion is the route you wish to go, then we will not put this matter on the July 29th Board meeting agenda nor publish the corresponding documents this round in our Board book. Instead, the matter will be heard by a different Review Panel either August 4th or August 5th. If the matter does not resolve as your client wishes at that juncture, we can put the vote and all corresponding documents back on the August 26, 2026, Board meeting agenda.

Alternatively, we can also still go the administrative hearing vote route on July 29, 2026, and we will put the vote and the accompanying documents onto the July 29th agenda. However, a second opinion will not be available if this goes to the Board on July 29th, since if it does, the whole Board will have already seen all the documents in the case revealing your client's identity, such that her identity would inherently no longer be hidden at the Review Panel level (each Review Panel contains two Board members.) Since all

cases after November 2024 need to have assurances of anonymity when going before reviewers, there would be no point in sending the case back to a Review Panel where anonymity is not assured.

Please let me know **by COB today** if you want the second opinion Review Panel or the Board vote so we know how/whether to amend the meeting agenda, which must be done no later than this evening. Please note from the addressee bar that we are also providing a copy of this email to Legislative Auditor Crossman for completeness of his records and to Nikki Haag at the Governor's Office/B&I for her situational awareness.

A.L. Higginbotham

Executive Director - Nevada State Board of Dental Examiners

2651 N. Green Valley Parkway, Suite 104

Henderson, Nevada 89014

T: 702.486.7048 | E: ahigginbotham@dental.nv.gov

From: Board of Dental Examiners <nsbde@dental.nv.gov>

Sent: Monday, July 27, 2026 6:00 PM

To: Adam Higginbotham <ahigginbotham@dental.nv.gov>; Andrea Barraclough <abarraclough@dental.nv.gov>; Arielle Cymerman <acymerman@dental.nv.gov>

Subject: Fw: RISK MANAGEMENT SUBMISSION: Forensic Database Audit & Systemic Administrative Non-Compliance (NSBDE)

From: Dept Admin <deptadmin@admin.nv.gov>

Sent: Monday, July 27, 2026 2:35 PM

To: Board of Dental Examiners <nsbde@dental.nv.gov>; BCCS Info <BCCSinfo@business.nv.gov>

Subject: FW: RISK MANAGEMENT SUBMISSION: Forensic Database Audit & Systemic Administrative Non-Compliance (NSBDE)

Good afternoon,

Please see the information below. Kindly note that this matter is not within the purview of the Department of Administration, Director's Office. Please review and respond accordingly.

Thank you,

Department of Administration

Director's Office | Public Records Requests

State of Nevada | Department of Administration

209 E. Musser St., Ste 300, Carson City, NV. 89701

T: (775) 684-0299 | E: deptadmin@admin.nv.gov



From: Trinh Legal Group <garry@trinhlegallgroup.com>

Sent: Thursday, July 16, 2026 8:51 AM

To: Dept Admin <deptadmin@admin.nv.gov>

Subject: RISK MANAGEMENT SUBMISSION: Forensic Database Audit & Systemic Administrative Non-Compliance (NSBDE)

You don't often get email from garry@trinhlegallgroup.com. [Learn why this is important](#)

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Director and Office of the Public Information Officer,

Please accept this formal submission on behalf of Trinh Legal Group regarding serious operational non-compliance, database discrepancies, and arbitrary fee structures within the Nevada State Board of Dental Examiners (NSBDE).

Consistent with the Department of Administration's oversight of state executive branch performance, operational efficiency, and agency risk management, we are delivering a proprietary, **61-case forensic compliance audit**. Our analysis of the Board's live tracking system details distinct patterns of arbitrary cost allocations, unauthorized administrative fees, and disparate enforcement tracking that present material legal and financial risk-management liabilities to the executive branch.

The comprehensive datasets, itemized comparison tables, legal defense memorandum, and clinical expert assessments have been securely compiled and are available for digital inspection via the secure link below:

ACCESS SYSTEMIC COMPLIANCE REPOSITORY & EVIDENTIARY VAULT

Primary Master Files in This Repository:

- 01_Respondent's **Comprehensive Defense Memorandum** & External Oversight Transmission (Case No. [REDACTED] (Redacted for Privacy for Oversight Transmission))
- 02_ **NSBDE Public Disciplinary Portal Audit** of Commencement and Final Action Dates (61 Cases - Complete Historical Record) (Redacted for Privacy)
- 03_ **NSBDE Investigative Fee Assessment Audit** (61 Cases - Complete Historical Record)

We request that this dataset be formally routed to the appropriate internal administrative policy handlers to ensure a complete record of these operational vulnerabilities is maintained.

Please reply directly to this transmission to confirm receipt and verify that the file paths are operating correctly within your internal tracking systems.

Sincerely,

--



TRINH LEGAL GROUP

• ATTORNEYS AT LAW •

Garry B. Trinh, Esq.
Managing Attorney

Andrea Barraclough

From: Arielle Cymerman
Sent: Tuesday, July 28, 2026 10:50 AM
To: Adam Higginbotham; Andrea Barraclough
Subject: 23-26 Audit Notice
Attachments: 23-26 Audit Letter.docx

Good afternoon,

Please find the audit notice draft attached.

Thank you,

Arielle Cymerman
Administrative Manager
Board of Dental Examiners

Andrea Barraclough

From: Arielle Cymerman
Sent: Tuesday, July 28, 2026 12:17 PM
To: Adam Higginbotham; Andrea Barraclough
Subject: Re: 23-26 Audit Notice
Attachments: 23-26 Audit Letter.docx

Good afternoon,

Please find the revised form with the edits.

Andrea, I modified the final sentence from:

Original: You will be notified in writing of the results of the audit and about the status of your application as soon after receipt as practicable.

Modified: You will be notified in writing of the results of the audit and the status of your renewal application as soon as practicable after the required documentation has been received and reviewed.

Thank you,

Arielle Cymerman
Administrative Manager
Board of Dental Examiners

From: Adam Higginbotham <ahigginbotham@dental.nv.gov>
Sent: Tuesday, July 28, 2026 12:09 PM
To: Andrea Barraclough <abarraclough@dental.nv.gov>; Arielle Cymerman <acymerman@dental.nv.gov>
Subject: Re: 23-26 Audit Notice

Hi Arielle,

Please see the attached QR Code to add under the online form link.

A.L. Higginbotham
Executive Director - Nevada State Board of Dental Examiners
2651 N. Green Valley Parkway, Suite 104
Henderson, Nevada 89014
T: 702.486.7048 | E: ahigginbotham@dental.nv.gov

From: Andrea Barraclough <abarraclough@dental.nv.gov>
Sent: Tuesday, July 28, 2026 11:11 AM
To: Arielle Cymerman <acymerman@dental.nv.gov>; Adam Higginbotham <ahigginbotham@dental.nv.gov>
Subject: RE: 23-26 Audit Notice

Hi Arielle and Adam,

Here are my proposed edits; just a few changes to account for the facts this is different than a typical audit and is tied to the license renewal.

Thanks!

Andrea Barraclough

General Counsel
Nevada State Board of Dental Examiners
2651 N. Green Valley Parkway, Suite 104
Henderson, NV 89014
(702) 486-7005
(702) 486-7046 facsimile
abarraclough@dental.nv.gov
www.dental.nv.gov



CONFIDENTIALITY NOTICE: This message and any accompanying documents are intended only for the use of the individual or entity to whom/which they are addressed. This message may contain information that is proprietary, privileged, confidential, or exempt from disclosure under applicable Federal or State law. If the reader of this message is not the intended recipient, please be notified that you are strictly prohibited from reading, using, sharing or copying this communication or its contents. If you have received this email in error, please notify the sender immediately, and destroy the original transmission.

From: Arielle Cymerman <acymerman@dental.nv.gov>
Sent: Tuesday, July 28, 2026 10:50 AM
To: Adam Higginbotham <ahigginbotham@dental.nv.gov>; Andrea Barraclough <abarraclough@dental.nv.gov>
Subject: 23-26 Audit Notice

Good afternoon,

Please find the audit notice draft attached.

Thank you,

Arielle Cymerman
Administrative Manager
Board of Dental Examiners

Andrea Barraclough

From: Arielle Cymerman
Sent: Tuesday, July 28, 2026 2:03 PM
To: [REDACTED]
Subject: NSBDE - License Renewal - Additional Information Required
Attachments: [REDACTED] 23-26 Audit Letter.pdf

Good afternoon,

Please be advised that because your license renewal was submitted late for three (3) consecutive renewal periods, we require additional documentation to complete the processing of your most recent renewal application. Please review the attached notice, which has also been mailed to you today, for instructions on the documentation required to complete your license renewal.

If you have any questions, please contact me back.

Thank you,

Arielle Cymerman
Administrative Manager
Board of Dental Examiners

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

STATE OF NEVADA



PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAEERER
Deputy Directors

A.L. HIGGINBOTHAM
Executive Director

**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF DENTAL EXAMINERS**

July 28, 2026

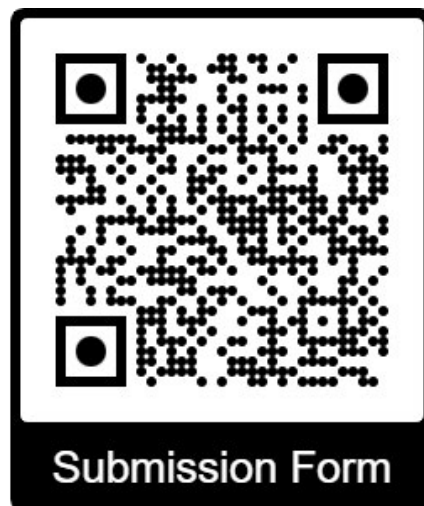
Good afternoon Dr. [REDACTED]

Please be advised that because your license renewal was submitted late for three (3) consecutive renewal periods, we require additional materials to finish processing your most recent late renewal application. Specifically, we require proof of CE completion for the licensure period of July 1, 2023, through June 30, 2026. Please note that CE auditing authority is granted to the Board pursuant to NAC 631.177(4).

As part of the audit, you must submit documentation demonstrating compliance with the continuing education requirements for the audit period, including:

- Proof of completion for all required continuing education courses; and
- A copy of your current CPR certification issued by a qualified instructor (for each renewal period).

Please submit a complete set of ALL legible copies of your CE certificates with completed credit hours and your CPR certification during the July 1, 2023 – June 30, 2026 period via the following QR code link:



The required documentation must be submitted within thirty (30) days of the date of this notice, no later than August 28, 2026. Failure to submit the required documentation by this deadline will delay the processing of your license renewal and could result in disciplinary action against your license.

This audit is to ensure compliance with the continuing education (CE) requirements and CPR certification requirements as set forth in NRS and NAC 631. **Licensees are required to complete a minimum of twenty (20) hours of continuing education annually, of which at least 15 hours must be in clinical subjects and at least 10 hours must be through live-instruction.**

Licensees must also meet the following CE requirements:

1. One-Time Requirements (Complete Within the First Two Years of Licensure or Within Two Years of the Effective Date of the Legislative Requirement if Already Licensed)

The following courses are one-time requirements and must be completed only once during a licensee's licensure history. These courses are not required to be completed annually or as part of each biennial renewal. **However, if you have never provided us proof of completion of these classes before, this audit must include proof of completing these specific classes.**

CE Hrs.	Continuing Education Subjects
2	Screening, brief intervention, and referral to treatment
4	Bioterrorism

2. Annual Continuing Education Requirements

CE Hrs.	Continuing Education Subjects
1	Infection Control
3*	Sedation and Anesthesia <i>*Only for licensees with a sedation or anesthesia permit</i>
1*	DEA/Controlled Substance <i>*Only for licensees with a DEA/Controlled Substance registration</i>
1*	Special Endorsement to administer immunizations <i>*Only for licensees with a DEA/Controlled Substance registration Special Endorsement to administer immunizations</i>

Per NAC 631.173, the Board will accept CEs from the following:

- Any board approved CE course
- American Dental Hygienists Association
- Any hospital accredited by the Joint Commission
- Any nationally recognized association of dental or medical specialists
- Any university, college, or community college in or outside the state of Nevada
- American Dental Association (ADA)
- Academy of General Dentistry

Please refer to NAC 631.173, NAC 631.175, NAC 631.177 for all continuing education requirements; however, you may reference the relevant statutes regarding certification submission (NAC 631.177 (2 through 4)) requirements below:

2. *Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist or dental hygienist at an approved course in continuing education must be retained by the dentist or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist or dental hygienist and must include at least the following information:*

- (a) *The name and location of the course;*
- (b) *The date of attendance;*
- (c) *The name, address and telephone number of its instructor;*
- (d) *A synopsis of its contents; and*
- (e) *For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.*

3. *The third or subsequent failure of a dentist and dental hygienist to obtain or file proof of completion of the credit hours of instruction required by this section and [NAC 631.173](#) and [631.175](#) is unprofessional conduct.*

4. *The Board will conduct random audits of dentists or dental hygienists to ensure compliance with the requirements of this section and [NAC 631.173](#) and [631.175](#).*

Upon receipt of the required information, the Board will review the continuing education certificates of completion to ensure compliance. Failure to provide the documentation may result in **disciplinary action being taken against your license**. Please note, your license renewal application cannot be considered until this proof of CE is received, so please provide the documentation as expeditiously as possible so that we can expeditiously consider the approval of your license. You will be notified in writing of the results of the audit and the status of your renewal application as soon as practicable after the required documentation has been received and reviewed.

Should you have additional questions, please do not hesitate to contact the Board at (702) 486-7044.

Sincerely,

Arielle Cymerman

Administrative and Licensing Manager

702-486-7044



Dr. [REDACTED]

NSBDE - License Renewal - Additional Information Required

Dr. [REDACTED]
To: Arielle Cymerman <acymerman@dental.nv.gov>
Cc: "garry@trinhlegalgroup.com" <garry@trinhlegalgroup.com>

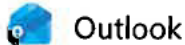
Tue, Jul 28, 2026 at 4:36 PM

Hi Arielle,

The requested documents have been submitted for the relevant period.

Thanks,
[Quoted text hidden]

--
[REDACTED]
[REDACTED]



Re: NSBDE - License Renewal - Additional Information Required

From Adam Higginbotham <ahigginbotham@dental.nv.gov>
Date Tue 7/28/2026 4:39 PM
To Arielle Cymerman <acymerman@dental.nv.gov>

Hi Arielle,

Please see the updated information that was provided so far:

<https://airtable.com/appU1oyDOgQL8bvao/pag6ah76y16m8bqwG/recBeHpfst8QLNhDt?home=pag7eQWV6VYTs56FA>

A.L. Higginbotham
Executive Director - Nevada State Board of Dental Examiners
2651 N. Green Valley Parkway, Suite 104
Henderson, Nevada 89014
T: 702.486.7048 | E: ahigginbotham@dental.nv.gov

From: Arielle Cymerman <acymerman@dental.nv.gov>
Sent: Tuesday, July 28, 2026 2:02 PM
To: [REDACTED]
Subject: NSBDE - License Renewal - Additional Information Required

Good afternoon,

Please be advised that because your license renewal was submitted late for three (3) consecutive renewal periods, we require additional documentation to complete the processing of your most recent renewal application. Please review the attached notice, which has also been mailed to you today, for instructions on the documentation required to complete your license renewal.

If you have any questions, please contact me back.

Thank you,

Arielle Cymerman
Administrative Manager
Board of Dental Examiners

Andrea Barraclough

From: Adam Higginbotham
Sent: Tuesday, July 28, 2026 7:45 PM
To: Arielle Cymerman; Andrea Barraclough
Subject: Re: [REDACTED] CE Audit

Hi Arielle,

Can we please reach out to Dr. [REDACTED] to ensure these are all her CE Hours and that she does not have any hours in the renew periods that are currently not within the hour requirements?

A.L. Higginbotham
Executive Director - Nevada State Board of Dental Examiners
2651 N. Green Valley Parkway, Suite 104
Henderson, Nevada 89014
T: 702.486.7048 | E: ahigginbotham@dental.nv.gov

From: Arielle Cymerman <acymerman@dental.nv.gov>
Sent: Tuesday, July 28, 2026 5:31 PM
To: Adam Higginbotham <ahigginbotham@dental.nv.gov>; Andrea Barraclough <abarraclough@dental.nv.gov>
Subject: [REDACTED] CE Audit

Audit Review from what has been provided as of 7/23/2026.

Thank you,

Arielle Cymerman
Administrative Manager
Board of Dental Examiners

Andrea Barraclough

From: Arielle Cymerman
Sent: Tuesday, July 28, 2026 5:32 PM
To: Adam Higginbotham; Andrea Barraclough
Subject: [REDACTED] CE Audit
Attachments: [REDACTED] CE_Audit_All_80_Pages.xlsx

Audit Review from what has been provided as of 7/23/2026.

Thank you,

Arielle Cymerman
Administrative Manager
Board of Dental Examiners



Dr. [REDACTED]

NSBDE - License Renewal - Additional Information Required

Arielle Cymerman <acymerman@dental.nv.gov>

Mon, Aug 3, 2026 at 8:02 PM

To: "Dr. [REDACTED]"

Cc: "garry@trinhlegalgroup.com" <garry@trinhlegalgroup.com>

Good afternoon,

Thank you. We are in receipt of your CE courses from 2023-2026. They will be reviewed this week for compliance, and you will be notified of the results of the review.

If you have any questions, please contact me back.

Thank you,

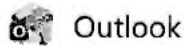
Arielle Cymerman

Administrative Manager
Board of Dental Examiners

From: Dr. [REDACTED]**Sent:** Wednesday, July 29, 2026 4:13 PM

[Quoted text hidden]

[Quoted text hidden]



Outlook

NSBDE Audit Update

From Nevada State Board of Dental Examiners (via Airtable) <noreply+automations@airtableemail.com>

Date Tue 8/4/2026 6:47 PM

To Arielle Cymerman <acymerman@dental.nv.gov>

Cc Arielle Cymerman <acymerman@dental.nv.gov>; Marissa Kelley <marissakelley@dental.nv.gov>;
[REDACTED]

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Dr. [REDACTED]

The audit of your submitted continuing education (CE) records has been completed, and the Board has determined that your CE credits are compliant with the requirements set forth in NAC 631.173, and no further action is needed.

If you have any questions, please contact us at nsbde@dental.nv.gov.

Sincerely,

Nevada State Board of Dental Examiners

Sent via Automations on  Airtable

[Unsubscribe](#)

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Continuing Education Audit Process | Licensing Management

1. Purpose

To establish a procedure for conducting random audits of renewed licensing applications to ensure compliance with continuing education (CE) requirements.

2. Scope

This procedure applies to the Licensing and Credentialing Coordinator and pertains to the random auditing of renewed licensees' CE credentials on an annual basis.

3. Procedure

3.1 Annual Audit Selection

- The Licensing and Credentialing Coordinator is responsible for conducting random audits of renewed licensing applications.
- A minimum of 50 renewed licenses must be audited each year.
- The audit will focus on the continuing education (CE) credentials of the applicants.

3.2 Selection of Applicants for Audit

- The selection of renewed applicants for CE audits must be random to ensure fairness and avoid bias.
- Applicants will be randomly selected from the most recent pool of renewed applicants using one of the following methods:
 - By zip code
 - By the starting or ending letter of the last name
 - Any other randomized method deemed appropriate to ensure randomness.

3.3 Notification of Audit

- **Notification Deadline:** Applicants selected for audit from the July renewal season must be notified on or before September 30 of the renewal year.
 - Notifications can be sent via email or letter.
- The notification must inform the applicant that their CE documents have been selected for audit.

3.4 Submission of Continuing Education Documents

- Applicants selected for audit must submit proof of their CE documentation within 30 days of the audit notification.
 - Proof can be submitted via email or mail.

3.5 Second Request for Documentation

- If an applicant fails to provide the required CE documentation within the 30-day window:
 - A second notification must be sent, informing the applicant that they have 15 additional days to submit the required CE documents.

3.6 Disciplinary Review

- If the applicant fails to submit the required documentation after the second request:
 - The case must be escalated to the Paralegal and/or Legal Assistant for review.
 - Further action may include disciplinary review if the applicant is unable to provide proof of the CE requirements to the Board.

4. Compliance

- All selected applicants must comply with the CE audit requirements by submitting valid proof of their continuing education as part of their license renewal process.

5. Documentation

- All audit-related correspondence, including notifications, received documents, and any disciplinary actions taken, must be properly documented and filed for future reference in the licensing databased system under the appropriate licensing record.

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
TRINH LEGAL GROUP
281 W. Centennial Parkway, #101
North Las Vegas, NV 89084
Phone: (725) 238-0112
Fax: (702) 425-7048
garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

Case No.:

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

EXHIBIT COVER SHEET

EXHIBIT H

General Counsel Barraclough's September 1, 2026 Written Public Records Response (Direct Party
Admissions Confirming Non-Random CE Audit and Contradicting Internal Software Records)

Nevada State Board of Dental Examiners



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

Via Electronic Mail

Trinh Legal Group
281 W. Centennial Pkwy. Suite 101
North Las Vegas, 89084
Phone: (702) 291-2819
Email: Garry@TrinhLegalGroup.com

Re: Public Records Request, dated August 26, 2026

Dear Mr. Trinh:

This letter is submitted in response to items numbered 1 through 13 as set forth in your document emailed to us titled "Respondent's Formal Statutory Demand for the Production and Inspection of Public Records" [Second] pursuant to N.R.S. 239.010.

This request seeks the release of certain records maintained by this office. Each request and response is addressed separately below.

OBJECTIONS TO SCOPE OF REQUESTS

1. Pursuant to NRS 239.010, the Public Records Act does not apply to records governed by (among others) NRS 631.332 and NRS 631.368. Under NRS 631.332(2), "The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity." Under NRS 631.368(1) and (2), "Any records or information obtained during the course of an investigation by the Board or a review panel appointed pursuant to NRS 631.3635 and any record of the investigation or review are confidential," except for "[t]he complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records." To the extent a public records request seeks information legally deemed confidential under any section of NRS Chapter 631, it cannot and need not be supplied by the Board.

2. Pursuant to NAC 239.867, there is "no requirement to create a public record that does not exist. If a person requests to inspect, copy or receive a copy of a public record that does not exist, a records official or an agency of the Executive Department is not required to create a public record to satisfy the request." To the extent a public records request seeks documentation; an analysis of other documents; a

chart, diagram, or table; or compilation of data or metadata, resulting in the creating of new documents, it cannot and need not be supplied by the Board.

3. Pursuant to NRS 239.0107, the obligation to produce public records extends only to records that are readily available in the government entity's legal custody and control. Under NAC 239.860(1), a record is defined as "readily available" if it is easily retrievable by an officer, employee or agent of the agency who has legal custody or control of the record." Under NAC 239.041, "legal custody" means that all rights and responsibilities of access to and maintenance of a record are vested in an office or department of a local governmental entity and with the official or head of the department charged with the care, custody and control of that record." To the extent a public records request seeks documentation; an analysis of other documents; a chart, diagram, or table; or compilation of data or metadata not currently in the possession of or easily accessible to the Nevada State Board of Medical Examiners (the Board), or whose data belongs not to the Board but to a Board vendor, it cannot and need not be supplied by the Board.

4. Under NAC 239.860(2), a record is also defined as "readily available" only if it "does not contain any confidential information." Information subject to a general privilege is confidential, and under NRS 49.095, rules of attorney/client privilege are codified as follows: "A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications: 1. Between the client or the client's representative and the client's lawyer or the representative of the client's lawyer; 2. Between the client's lawyer and the lawyer's representative, [and] 3. Made for the purpose of facilitating the rendition of professional legal services to the client, by the client or the client's lawyer to a lawyer representing another in a matter of common interest." To the extent a public records request seeks documentation; an analysis of other documents; a chart, diagram, or table; or compilation of data or metadata authored or rendered by the Board's General Counsel; the Attorney General's Office; or any retained outside counsel, the Board is asserting its attorney/client privilege to that information, and thus it cannot and need not supply privileged documents.

5. Evidentiary formalities and the Nevada Rules of Civil Procedure (NRCP) do not apply to public records requests unless or until a Nevada Public Records Act (NRPA) lawsuit is filed; to that end, NRCP formatting and privilege logging is not required outside the scope of litigation. *See Reno Newspapers, inc. v. Gibbons*, 266 P.3d 623, 629-631 (Nev. 2011). Thus, at this time, no privilege log is required for objections based on privilege. Further, NRS 239.0107(1)(d) specifically establishes a government entity's prelitigation obligations related to confidential public records, noting "If the governmental entity must deny the person's request to inspect or copy the public book or record because the public book or record, or a part thereof, is confidential, [the governmental entity shall] provide to the person, in writing: (1) Notice of that fact; and (2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential." Each response below that asserts attorney/client privilege notifies the requestor of the privilege, while this Paragraph 4, above, and this paragraph, applicable to all responses below, sets forth the relevant legal citations supporting the privilege.

INDIVIDUAL RESPONSES:

REQUEST FOR PRODUCTION NO. 1:

All backend IT system modification logs, database audit trails, software revision histories, and administrative configuration records for the Board's online licensing and renewal portal reflecting any changes, updates, or code deployments made to "Question No. 5" (or any question pertaining to laser certification, laser proficiency, or laser documentation upload requirements under NAC 631.033) between January 1, 2024, and the present.

Response: Almost all responsive documents related to this request are outside on the Board's legal custody and control, as they are created, generated, maintained, and housed with the Board's licensing software vendor, InLumon. Potentially responsive to this request are a few Account Activity Logs sent by the Board to InLumon, copies of which were maintained by Board staff submitting these tickets. The potentially relevant Account Activity Logs are attached as Bates Nos. 00001-00012.

REQUEST FOR PRODUCTION NO. 2:

All communications, emails, text messages, and administrative directives between Board staff, General Counsel, Executive Leadership, and external IT/software vendors (including database administrators or portal developers) concerning the creation, activation, or technical enforcement of a mandatory document upload requirement ("hard-stop") for laser certification on the Respondent's portal profile.

Response: Excluding any documents protected by attorney/client privilege as outlined in Objections 4 and 5 above, and excluding any documents not in the legal custody of the Board and instead in the custody and control of the Board's licensing software vendor, InLumon, what few potentially relevant documents that exist in the Board's legal custody are attached as Bates Nos. 00013-00018. (Note that any emails or correspondence copying the Board's General Counsel or drafted by the Board's General Counsel that do not contain legal advice shall not be deemed a waiver of attorney/client privilege as to any other document.)

REQUEST FOR PRODUCTION NO. 3:

All electronic records, time-stamped system logs, and administrative tracking notes reflecting the exact date and time the Respondent's submitted laser certification credentials were received, flagged, reviewed, placed on administrative hold, or approved by Board staff during the 2026 renewal cycle.

Response: Almost all responsive documents related to this request are outside on the Board's legal custody and control, as they are created, generated, maintained, and housed with the Board's licensing software vendor, InLumon. Potentially responsive to this request are a few Account Activity Logs sent by the Board to InLumon, copies of which were maintained by Board staff submitting these tickets. The potentially relevant Account Activity Logs are attached as Bates Nos. 00019-00060.

REQUEST FOR PRODUCTION NO. 4:

All comparative, anonymized system data, database exports, or statistical reporting showing the total number of Nevada dental licensees whose online renewal portals were subjected to automated document upload requirements for laser certification documentation during the 2026 renewal cycle, including the average administrative processing duration for such portal holds across all impacted licensees.

Response: The Board is not in legal custody of any document responsive to this request, as all responsive documents related to this request, if any, would have been created, generated, maintained, and housed with the Board's licensing software vendor, InLumon. This said, ALL licensees seeking laser certification in 2026 were required to upload laser certification documents as a result of InLumon software processes.

REQUEST FOR PRODUCTION NO. 5:

The complete, unredacted administrative file, algorithm criteria, random-selection computer code, or staff directives utilized to select Respondent for a Continuing Education (CE) audit covering the audit period of 2023 through the present.

Response: Excluding any documents protected by attorney/client privilege as outlined in Objections 4 and 5 above; and excluding any documents not in the legal custody of the Board and instead in the custody and control of the Board's licensing software vendor, InLumon; and excluding any documentation that does not exist and would have to be created anew, what few potentially relevant documents that exist in the Board's legal custody are attached as Bates Nos. 00026-00054. (Note that any emails or correspondence copying the Board's General Counsel or drafted by the Board's General Counsel that do not contain legal advice shall not be deemed a waiver of attorney/client privilege as to any other document.)

This said, the CE audit requirement for Dr. [REDACTED] was not part of the Board's annual randomized audit. Rather, the audit occurred because, in order to respond to Dr. [REDACTED] attorney's first set of Public Records Requests and initial demand letter, the Board had to review Dr. [REDACTED] file and, in the course of that, learned her license had expired with no renewal. Also revealed was that Dr. [REDACTED] had been late three times in renewing her registration and, because she had been a year late on one occasion, her license cycle was automatically switched by the licensing software to the wrong cycle (i.e., instead of still having her license deadline be in odd-numbered years along with other dentists, she is stuck on even-numbered years along with dental hygienists.) This led to concerns she may be off a year on her CE requirements, which motivated the CE audit. Note that NAC 631.177(d) allows the Board to conduct "additional follow-up audits, as necessary, to ensure compliance" to ensure CE compliance.

REQUEST FOR PRODUCTION NO. 6:

All electronic system audit logs, database access records, user activity logs, and staff action trails generated by or within the Board's CE audit tracking software/database on July 28, 2026, or August 3,

2026, specifically including system records generated outside standard state business hours (e.g., between 5:00 PM and 9:00 PM).

Response: See the response to No. 5, above.

REQUEST FOR PRODUCTION NO. 7:

All communications, emails, text messages, and internal administrative notes between Board staff, investigators, General Counsel, and CE Audit Committee members discussing, referencing, or directing the initiation, expansion, or retroactive scope of Respondent's CE audit.

Response: See the response to No. 5, above.

REQUEST FOR PRODUCTION NO. 8:

All public records, written policies, standard operating procedures (SOPs), or internal administrative guidelines governing the historical retention period for licensee CE records, specifically including any policy authorizing or directing CE audits extending back beyond three (3) statutory biennial cycles.

Response: The request is objectionable due to vagueness, as it is unclear whether it is asking for the retention responsibility of the Board or the retention responsibility of the licensee.

To the extent the question means to ask about the retention responsibility of the State agency, the Board follows NRS and NAC Chapters 239 and the General Record Retention Schedule of the Nevada State Library, Archives, and Public Records, found at https://nsla.nv.gov/state_records_services/general-records-retention-schedule, as it relates to records retention. The relevant required records retention period is:

Licensing: Professional and Occupational Licensing- Renewals

Description - These records document the process and monitoring of persons receiving professional and occupational licenses, certifications, or registrations by a regulatory body pursuant to NRS Title 54, or any other agencies issuing licenses, regarding their renewal. The records may include but are not limited to renewal notices, renewal applications, fee documentation, continuing education and training verification documents, associated documentation, and related correspondence.

Retain - Retain the three most recent renewals for two (2) calendar years from the end of the calendar year in which the last renewal occurred.

(See pg. 25.).

Thus, the State Records Retention related CE documentation is 6 years (3 most recent biennial renewals).

To the extent the question means to ask about the retention responsibility of the State agency, the licensee's responsibility is outlined in NAC 631.177(2), which states:

Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist, dental therapist or dental hygienist at an approved course in continuing education must be retained by the dentist, dental therapist or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist, dental therapist or dental hygienist and must include at least the following information:

- (a) The name and location of the course;*
- (b) The date of attendance;*
- (c) The name, address and telephone number of its instructor;*
- (d) A synopsis of its contents; and*
- (e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.*

Thus, from the time of renewal when the licensee certifies they are completing the required CE for that renewal period, the licensee must keep the CE records related to that renewal application for three years.

Also potentially relevant to the request is the document attached as Bates No. 00061, though the part of that document about randomization does not apply here as outlined in response to Request No. 5.

REQUEST FOR PRODUCTION NO. 9:

All communications, internal notes, emails, and text messages exchanged between Board General Counsel, Executive Leadership, Board Investigators, and Board Members mentioning or referencing Respondent, Respondent's legal counsel, or formal statutory discovery/public records demands submitted on behalf of Respondent from July 1, 2026, to the present.

Response: Excluding any documents protected by attorney/client privilege as outlined in Objections 4 and 5 above and excluding any documents not in the legal custody of the Board and instead in the custody and control of the Board's licensing software vendor, InLumon, what few potentially relevant documents that exist in the Board's legal custody are attached as Bates Nos. 00062-00199. (Note that any emails or correspondence copying the Board's General Counsel or drafted by the Board's General Counsel that do not contain legal advice, or documents between attorneys authored by Board General

Counsel, shall not be deemed a waiver of attorney/client privilege as to any other document Also note that production for Requests 9 and 10 are interchangeably responsive.)

REQUEST FOR PRODUCTION NO. 10:

All documents, calendar entries, administrative logs, or internal emails referencing the timing of the dismissal or modification of clinical/malpractice allegations against Respondent relative to the initiation date of the Respondent's CE audit and laser certification portal hold.

Response: The request is objectionable due to vagueness, as it is unclear what is being asked as there never was a dismissal or modification of any allegations related to the Complaint submitted by patient Donna Loudon, which remains active and currently unnegotiated/not settled for any lesser or modified violation. Further, the Complaint itself was never modified; to the extent the request is referring to potential negotiation changes to the language of the original stipulation, the procedural history of that is as follows:

- *First version of the Proposed Stipulation was sent to Dr. [REDACTED] counsel on about April 10, 2026*
- *First response received from Mr. Trinh on April 23, 2026*
- *Initial Request for Reconsideration submitted around April 30, 2026*
- *Notice of Unfavorable Reconsideration sent to Dr. [REDACTED] counsel May 27, 2026; first time Board counsel stated she could negotiate finding language to something more specific, two options were discussed.*
- *Stipulation revised to newer more specific finding as sent May 28, 2026; never accepted and no further revisions requested*
- *Dr. [REDACTED] submits renewal application online and her laser certification status is automatically, per the InLumon software, held for laser certification requirements on July 23, 2026*
- *First inquiry as to Dr. [REDACTED] license status and CE given it was out of synch with odd numbered years emailed July 24, 2026*
- *Directive to reach out to Dr. [REDACTED] to check CE compliance was on July 28, 2026*

That said, excluding any documents protected by attorney/client privilege as outlined in Objections 4 and 5 above, and excluding any documents not in the legal custody of the Board and instead in the custody and control of the Board's licensing software vendor, InLumon, what few potentially relevant documents that exist in the Board's legal custody are attached as Bates Nos. 00201-00401. (Note that any emails or correspondence copying the Board's General Counsel or drafted by the Board's General Counsel that do not contain legal advice, or documents between attorneys authored by Board General Counsel, shall not be deemed a waiver of attorney/client privilege as to any other document.)

REQUEST FOR PRODUCTION NO. 11:

All public records, database schema documentation, user interface specs, and historical portal screenshots for the Board's online annual/biennial renewal system from 2017 through 2025, demonstrating whether the portal permitted, required, or provided a document upload function for one-time CE requirements (*Bioterrorism and Screening, Brief Intervention, and Referral to Treatment*), as distinguished from an electronic "Yes/No" attestation box.

Response: Almost all responsive documents related to this request are outside on the Board's legal custody and control, as they are created, generated, maintained, and housed with the Board's licensing software vendor, InLumon. Potentially responsive to this request are a few Account Activity Logs sent by the Board to InLumon, copies of which were maintained by Board staff submitting these tickets. The potentially relevant Account Activity Logs are attached as Bates Nos. 00402-00404.

REQUEST FOR PRODUCTION NO. 12:

All electronic database records, time-stamped user submission logs, and historical renewal application data showing the exact dates on which Respondent completed the online renewal attestations confirming completion of all mandatory one-time CE courses under NAC Chapter 631 across all prior renewal cycles.

Response: Almost all responsive documents related to this request are outside on the Board's legal custody and control, as they are created, generated, maintained, and housed with the Board's licensing software vendor, InLumon. Potentially responsive to this request are attached as Bates Nos. 00405-00407.

REQUEST FOR PRODUCTION NO. 13:

All internal administrative policies, staff directives, legal memos, or written guidelines establishing the standard operating procedure for verifying one-time CE compliance for licensees who were licensed prior to the implementation of mandatory document upload requirements in the online renewal portal.

Response: The request is objectionable due to vagueness, as it is unclear what is meant by "one-time CE compliance." Thus, the response to Request No. 8 may be potentially responsive.

As set forth in documents responsive to Request No. 5, the Board submitted the Account Activity Logs to InLumon to change documentation upload protocols in 2025. When the Ticket was submitted, and in response thereto, no distinguishment was made between people who were already licensed in 2025 and those would become licensed thereafter with regard to who would have to upload documentation/proof of meeting licensure requirements—everyone was subject to the same upload protocol.

Thus, there is no document responsive to this request because it rests an incorrect fact, i.e., that those licensed before 2025 and those licensed after were or would be treated differently in how they or if

they had to upload documentation into the license renewal platform. But even removing this distinction and presuming the request is for a policy on verifying CEs, the only potentially responsive document is already produced in response to Request No. 8.

The Board will now close this Public Records Request.

Sincerely,

A handwritten signature in blue ink that reads "Andree Barnackough". The signature is written in a cursive, flowing style.

General Counsel
Nevada State Board of Dental Examiners

GARRY B. TRINH, ESQ.
Nevada Bar No. 14289
TRINH LEGAL GROUP
281 W. Centennial Parkway, #101
North Las Vegas, NV 89084
Phone: (725) 238-0112
Fax: (702) 425-7048
garry@TrinhLegalGroup.com

Attorney for
Plaintiff Licensee

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAINTIFF LICENSEE, an individual,

Plaintiff,

vs.

Case No.:

ADAM HIGGINBOTHAM, individually and in
his official capacity as executive director of the
Nevada State Board of Dental Examiners;
ANDREA BARRACLOUGH, individually and
in her official capacity as general counsel of the
Nevada State Board of Dental Examiners;
ARIELLE CYMERMAN, individually and in
her official capacity as administrative manager
of the Nevada State Board of Dental Examiners;
and DOES 1 through X, inclusive,

Defendants.

EXHIBIT COVER SHEET

EXHIBIT I

August 10 and September 9, 2026 Formal Oversight Disclosure Memorandums Submitted to Nevada
Legislative Leadership and September 24, 2026 Public Comment Before the Nevada Legislative
Commission



TRINH LEGAL GROUP

- ATTORNEYS AT LAW -

August 10, 2026

VIA ELECTRONIC MAIL ONLY

Speaker Steve Yeager, Majority Leader Sandra Jauregui,
Senator Ira Hansen, Assemblywoman Alexis Hansen,
Chair Elaine Marzola, and Vice Chair Julie Pazina
Nevada Legislature
401 S. Carson Street
Carson City, NV 89701

**RE: FORMAL OVERSIGHT DISCLOSURE: SYSTEMIC DATA FALSIFICATION
(NRS 622.100), UNLAWFUL FEE ASSESSMENTS (NRS 622.400), AND LCB
AUDIT ESCALATION REGARDING THE NEVADA STATE BOARD OF DENTAL
EXAMINERS (NSBDE)**

<i>Supplemental Evidence to Active LCB Risk Assessment (Opened 07/16/2026 by Legislative Auditor Daniel Crossman)</i>	
<i>Primary Violations</i>	<i>Submission of Falsified Performance Metrics (NRS 622.100), Retaliatory CE Audits, Arbitrary Cost-Recovery (NRS 622.400), Proposed Fee Expansion (NAC 631.029 / LCB File No. R050-26), and Two-Tiered Fast-Tracking</i>

Dear Speaker Yeager, Majority Leader Jauregui, Senator Ira Hansen, Assemblywoman Alexis Hansen,
Chair Marzola, and Vice Chair Pazina:

My office represents a licensee in administrative proceedings before the Nevada State Board of Dental
Examiners (NSBDE and/or the Board). We submit this formal cover memorandum and attached evidentiary
exhibits (Exhibits A–E) ahead of the August 20, 2026 Legislative Commission meeting to bring to your
immediate attention verified, timestamped evidence of severe organizational risk, bad-faith administrative
delays, record manipulation, the knowing submission of false performance metrics to the Legislative
Counsel Bureau (LCB) by NSBDE executive leadership, arbitrary cost-recovery, and insider fast-tracking.

This filing directly supplements the **active LCB Risk Assessment** opened on **July 16, 2026, by Legislative
Auditor Daniel Crossman** following our office’s transmission of forensic audit payloads uncovering
multi-year case backlogs and systematic database manipulation.

EXECUTIVE SUMMARY OF SYSTEMIC COMPLIANCE FAILURES

- Procedural History and Due Process Violations:** Procedurally, the instant matter has dragged on
for nearly 22 months—a timeline marked by the Board repeatedly substituting allegations as prior
ones were dismantled (four in total). This case involves zero patient harm, stemming instead from
a patient’s voluntary abandonment of care and subsequent threats of extortion against the licensee.
Notably, while the Board formally dropped its claim under NRS 631.3475 (professional
incompetence), it continues to prosecute the licensee over an alleged missing radiograph *without
statutory authority*.

2. **Knowing Transmission of False Metrics to LCB After Written Notice (NRS 622.100):** On July 14, 2026, my office served a complete 61-case forensic audit payload directly upon Board General Counsel Andrea Barraclough. On that same day, Counsel explicitly confirmed in writing that she received and reviewed these audit documents (**Exhibit A**). Despite this explicit written acknowledgment of metric falsification and software manipulation, the Board proceeded on July 20, 2026—just six days later—to **knowingly transmit false and manipulated performance metrics** to the LCB for statutory reporting.
 - a. Despite being cited in Legislative Audit Report LA16-14 for lack of tracking integrity, cryptographic analysis of the Board's May 2026 database export reveals that the agency has backdated digital entries in an attempt to **retroactively manufacture statutory compliance**.
3. **Written Admission of Defective LCB Reporting:** On July 22, 2026, Board Counsel CC'd Legislative Auditor Daniel Crossman and Deputy Director Nikki Haag (Governor's Office) on an email explicitly conceding that NSBDE staff had been calculating LCB "Final End Dates" incorrectly under NRS 622.100 until our discovery exposed the defect (**Exhibit C**). This admission confirms that historical case turnaround metrics previously submitted to the Legislature are inherently unreliable and conceal an average **3-year case backlog** (with severe clinical complaints dragged out **5.5 to over 6 years**).
 - a. *Board Counsel: "[I]t was not until you yourself in the Request for Production... pointed out to new staff that prior staff had been calculating the Final End Date for LCB reporting purposes incorrectly that we realized an issue existed. We are now revisiting and correcting Final End Dates..."*
4. **Silent Post-Discovery Website Alterations & Date Corrections:** Directly following my office's submission of forensic audits and Board Counsel's written admissions of non-compliance, the Board quietly altered its public website and online portal to display corrected statutory dates—**matching the exact discrepancies and portal manipulation pointed out in my forensic audit payloads**. This unannounced retroactive alteration confirms the accuracy of my forensic findings while demonstrating an ongoing attempt to reshape public records after being caught in non-compliance.
5. **Instruction to "Sanitize" Review Panel Templates:** Concurrently on July 22, 2026, in a side-email removing Auditor Crossman and Deputy Director Haag, Board Counsel directed staff to scrub case files and ensure meeting templates were left blank so new panel reviewers would have *"no clue that the case was considered previously"* (**Exhibit C**).
 - a. *Board Counsel: "Prep the case as though it has not already been reviewed... make sure the template where I take notes of the review panel meeting is blank for case 2471 so it does not contain any clue that the case was considered previously."*
6. **Pretextual, Retaliatory 3-Year CE Audit:** Following our disclosures and the collapse of the Board's clinical claims, the Board launched a retroactive 3-year Continuing Education (CE) audit against the licensee on July 28, 2026, and demanding certificates back to 2018 under threat of license hold (**Exhibit D**).
7. **After-Hours License Release vs. Administrative Evasion:** After processing CE records after-hours at 8:02 PM on August 3, the Board approved the licensee's license renewal at 6:46 PM on August 4 (**Exhibit D**). Yet on August 6 and 7, the Board stonewalled direct inquiries regarding the Review Panel outcome, ultimately claiming on August 7 at 11:56 AM that the case was "tabled until September" to demand non-existent post-operative imaging—ignoring certified transcripts establishing patient abandonment and threats of extortion served on the Board in November 2024, April 2026, and July 2026 (**Exhibit C**).

SYNTHESIS OF CORE LEGAL & PROCEDURAL VIOLATIONS

1. Arbitrary Cost-Recovery and Financial Misconduct (NRS 622.400)

In its July 15, 2026 public records response, Board Counsel admitted that prior to August 2024, the Board maintained no itemized timecard tracking for legal or investigative hours. Instead, the agency assessed arbitrary flat fees (\$1,500 and \$2,500). When the agency implemented Airtable, it established baseline "average" charges (\$1,400 attorney fees based on a hardcoded 4-hour estimate; \$450 paralegal fees based on a 3-hour estimate) rather than tracking actual, itemized hours as required by NRS 622.400 (**Exhibit B**).

Board Counsel further conceded in writing that prior to Respondent's discovery requests, administrative costs and fee schedules were maintained internally within complaint software rather than being published to licensees, the public, or approved by public board vote (**Exhibit C**).

Board Counsel: "Similarly, it was your Request for Records that inspired us to actually publish the current version of administrative fees and costs to licensees and the public... instead of Board staff and the complaint management software being the only entities possessing the costs information."

In my client's zero-harm file, the Board assessed a record-high \$3,145.30 "investigative fee." Comparative analysis of the Board's public database reveals that this zero-harm fee is:

- Over **200% higher** than fees assessed in cases involving life-threatening emergencies and permanent physical injuries (\$1,000 in *Pilosyan, Mohtasham, and Golpa*).
- Nearly **1,400% higher** than cases involving actual, documented patient harm (\$211.33 in *Peterson*; \$241.33 in *Hill*).
- **100% higher** than the combined investigative fees of repeat offenders across multiple severe cases.

Workshop records from March 17, 2026, reveal Executive Director Higginbotham and General Counsel justifying fee increases by citing an unrecovered \$700,000 embezzlement from 2002 and software costs. Meanwhile, August 2025 closed-session minutes confirm the Board deployed \$40,000 in agency capital to settle an internal employment discrimination claim involving an affair between the Board's former Executive Director and a staff member. The Board is impermissibly using NRS 622.400 cost-recovery as a revenue mechanism to cover general operating deficits.

2. Pattern of "Insider" Fast-Tracking vs. Licensee Deprivation

The 61-case dataset uncovers a **two-tiered administrative structure**. In Case No. S2-112C-1830 (*Michel Daccache, DDS*), a complaint alleging severe deviations in oral surgery on a medically compromised patient sat dormant for 5.5 years (66 months). However, once **former NSBDE General Counsel John A. Hunt, Esq.** entered as defense counsel on January 30, 2025, the case was resolved via a non-reported stipulation within 2 business days of legal execution, placed on the February 12, 2025 Board agenda, and approved *despite public protest from the victim*. Eight months later, the Board voted to approve Dr. Daccache to teach a state-sanctioned CE course on "Emergencies in the Dental Office." (**Exhibit E**)

Conversely, standard licensees like in the instant matter face multi-year delays, shifting clinical allegations (repeatedly substituting allegations as prior ones were dismantled), arbitrary fee-scaling, and retaliatory CE audits.

EVIDENTIARY VAULT & SUBMITTED EXHIBITS

The complete evidentiary repository previously transmitted to Legislative Auditor Crossman is accessible at the secure link provided via email.

Attached hereto for the Commission's immediate review:

- **Exhibit A:** July 14, 2026 Written Confirmation from Board Counsel acknowledging receipt and review of Respondent's Forensic Audit payloads prior to the Board's July 20 LCB filing.
- **Exhibit B:** July 15, 2026 NSBDE Formal Admissions of Unitemized Cost-Recovery (NRS 622.400), Unbacked Flat-Fee Assessments, and Unaccessible Legal Records.
- **Exhibit C:** July 22, 2026 Formal Admissions Email from Board Counsel to Legislative Auditor Crossman and Deputy Director Haag, alongside Counsel's concurrent email directing staff to sanitize Review Panel note templates.
- **Exhibit D:** July 28, 2026 Retaliatory 3-Year CE Audit and 2018 Records Demand, August 3 After-Hours Processing Notice, and August 4 Portal Approval proving license clearance at 6:46 PM.
- **Exhibit E:** Critical Case Study Flowchart – Graphic Proof of Two-Tiered Administrative Dispositions and 48-Hour Insider Fast-Tracking.

REQUESTED LEGISLATIVE COMMISSION ACTION

Because the Board is currently before the Legislature seeking approval for permanent regulation changes under **LCB File No. R050-26 (NAC 631.029)** to increase licensee fee schedules while actively submitting flawed performance metrics, we respectfully request that the Legislative Commission:

1. **Issue an Emergency Audit Directive Pursuant to NRS 218G.120:** Direct the LCB Audit Division to expand its active risk assessment into a full operational, financial, and database audit of NSBDE cost-recovery practices under NRS 622.400, statutory metric reporting integrity under NRS 622.100, and case lifecycle tracking.
2. **Freeze / Object to Proposed Fee Increases (NAC 631.029 / LCB File No. R050-26):** Exercise statutory authority under NRS 233B.067(5) to object to and freeze any proposed regulation increasing licensee fees until the LCB Audit Division completes a comprehensive audit of agency expenditures, cost-allocation models, and database reporting.

We remain available to provide raw database exports, cryptographic metadata, or a formal briefing to Commission members and staff prior to the August 20th meeting.

Sincerely,



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TRINH LEGAL GROUP

- ATTORNEYS AT LAW -

September 09, 2026

VIA ELECTRONIC MAIL ONLY

Speaker Steve Yeager, Majority Leader Sandra Jauregui,
Senator Ira Hansen, Assemblywoman Alexis Hansen,
Chair Elaine Marzola, and Vice Chair Julie Pazina
Nevada Legislature
401 S. Carson Street
Carson City, NV 89701

RE: SUPPLEMENTAL FORMAL OVERSIGHT DISCLOSURE:
FIRST AMENDMENT RETALIATION (42 U.S.C. § 1983), FOURTEENTH
AMENDMENT PROCEDURAL DUE PROCESS VIOLATIONS, SYSTEMIC
DATA FALSIFICATION (NRS 622.100), AND UNLAWFUL FEE ASSESSMENTS
(NRS 622.400) REGARDING THE NEVADA STATE BOARD OF DENTAL
EXAMINERS (NSBDE)

<i>Second Supplement to Active LCB Risk Assessment (Opened 07/16/2026 by Legislative Auditor Daniel Crossman)</i>	
<i>Primary Violations</i>	<i>First Amendment Retaliation (42 U.S.C. § 1983), Fourteenth Amendment Procedural Due Process Denials & Mutating Allegations, Falsified Performance Metrics (NRS 622.100), Arbitrary Cost-Recovery (NRS 622.400), and Two-Tiered Enforcement</i>

Dear Speaker Yeager, Majority Leader Jauregui, Senator Ira Hansen, Assemblywoman Alexis Hansen, Chair Marzola, and Vice Chair Pazina:

This filing directly supplements the formal oversight disclosures submitted to your offices on August 10, 2026, and is a second supplement to the **active LCB Risk Assessment** opened on **July 16, 2026**, by **Legislative Auditor Daniel Crossman** following our office's transmission of forensic audit payloads uncovering multi-year case backlogs and systematic database manipulation.

This cover memorandum contains verified, timestamped evidence of severe organizational risk regarding the Nevada State Board of Dental Examiners (NSBDE and/or the Board). We submit this formal cover memorandum and attached evidentiary exhibits (**Exhibits F–H**) ahead of the September 24, 2026 Legislative Commission meeting.

EXECUTIVE SUMMARY OF CONSTITUTIONAL VIOLATIONS
AND PROCEDURAL DUE PROCESS ABUSES

1. FIRST AMENDMENT RETALIATION (42 U.S.C. § 1983)

My office represents a licensee in administrative proceedings before the Board. Following my firm's oversight disclosures on July 16, 2026, and the collapse of the Board's underlying clinical claims, the Board launched a retaliatory 3-year Continuing Education (CE) audit against the licensee on July 28, 2026,

demanding historical certificates dating back to 2018 under threat of a license hold (**Previously disclosed as Exhibit D**).

In response to my firm's second public records request on August 26, 2026 (**Exhibit F**), General Counsel Andrea Barraclough formally admitted in writing:

"[T]he CE audit requirement for [the licensee] was not part of the Board's annual randomized audit. Rather, the audit occurred because, in order to respond to [the licensee's] attorney's first set of Public Records Requests and initial demand letter, the Board had to review [the licensee's] file[.]"

Internal records produced by the Board establish that Board leadership—including Executive Director Adam Higginbotham and General Counsel Barraclough—orchestrated this retaliatory audit in response to our oversight disclosures and actively coordinated to leverage the ad-hoc audit as an administrative hurdle to hold the licensee's pending license renewal hostage (**Exhibit G**).

TIMELINE OF RETALIATION IN RESPONSE TO LICENSEE'S PETITIONING OF OVERSIGHT BODIES

- **July 14, 2026 – Rejection and PRR Service**
The licensee rejects the Board's revised disciplinary stipulation and issues a public records request pursuant to NRS 239.010 (previously disclosed as part of August 10th oversight disclosures).
- **July 16, 2026 – Legislative Oversight Initiated**
The licensee files disclosures with several oversight entities, including the LCB. Legislative Auditor Crossman opens an active risk assessment.
- **July 20, 2026 – Initial PRR Production**
The Board provides formal responses to the licensee's public records request (previously disclosed as Exhibit B).
- **July 22, 2026 – Written Animus and Falsified Metrics**
The Board becomes aware of active LCB risk assessment and General Counsel Barraclough sends email correspondence, CC'ing Executive Director Higginbotham, Legislative Auditor Crossman, and Deputy Director Nikki Haag (Governor's Office), admitting to falsified performance metrics under NRS 622.100 (previously disclosed as Exhibit C). General Counsel attacks protected speech as:
 - *"[T]hreats of tattling on us to the LCB."*
- **July 24, 2026 (12:11 PM) – Software Glitch and Targeted Pivot**
Executive Director Higginbotham initiates the email thread titled *"Dentist License with Incorrect Expiration Date."* (**Exhibit G**)
 - **Systemic Software Failure Acknowledged:** Executive Director Higginbotham acknowledges that an internal Board/InLumon software glitch assigned a dentist a hygienist expiration date:
 - *"Please see the pending renewal of a dentist that has a dental hygienist expiration date somehow. Are we able to figure out what the Board's staff may have done in 2022 or 2023 that would have generated her a license expiration date to dental hygienists?"*

- **Pivot to Targeted CE Audit:** Rather than correcting the known database error, Executive Director Higginbotham instructs staff to scrutinize the licensee's file:
 - *"I am curious as to these records that are like this an[d] whether their CE credits align with the regulations."*
- **July 28, 2026 (10:33 AM) – Animus Circulated Across Cabinet & Immediate Retaliation**

On July 28, 2026, at 10:33 AM, Executive Director Higginbotham forwarded General Counsel Barraclough's formal email response (previously disclosed as Exhibit C)—characterizing our petitioning of oversight bodies as *"extortive" and "threatening"*—to multiple cabinet-level oversight entities, including the Department of Administration, the Office of Boards and Commissions, the Attorney General's Office, and the Legislative Counsel Bureau (**Exhibit G**).

 - **Immediate Temporal Connection:** Exactly 17 minutes after circulating written correspondence across cabinet-level departments framing protected oversight petitioning as *"extortive" and "threatening,"* Board leadership launched the ad-hoc retaliatory 3-year CE audit process directed at the licensee at 10:50 AM (see below) (**Exhibit G**).
 - **Self-Defeating "Shield" Strategy:** While Board leadership disseminated this correspondence to frame petitioning of oversight bodies as improper pressure, doing so established a contemporaneous, cross-agency paper trail proving that top state officials acted in direct, immediate response to statutory legal filings.
 - **Irreconcilable Explanations:** The Board asserted three completely different explanations for the same audit initiated against the licensee:
 - To cabinet-level departments: The Board was resisting *"extortion"* and litigation tactics (**Exhibit G**).
 - To the licensee: The audit was due to three consecutive late renewals (previously disclosed as Exhibit D).
 - In formal public records disclosures: The audit occurred because staff reviewed the licensee's file to respond to legal public records requests (**Exhibit F & G**).
- **July 28, 2026 (10:50 AM – 2:03 PM) – Bespoke Audit Execution**

Executive Director Higginbotham and General Counsel Barraclough work in tandem directing Administrative Manager Arielle Cymerman to draft a customized audit notice. (**Exhibit G**)

 - **Hands-On Executive Drafting:** The exchange confirms Board leadership spent hours personally drafting, revising, and customizing a bespoke audit letter for an individual licensee. Rather than running a standard, automated compliance audit through lower-level staff, leadership manufactured an ad-hoc proceeding.
 - **General Counsel Barraclough:**
 - *"Here are my proposed edits...to account for the fact[] this is different [than] a typical audit and is tied to the license renewal."*
- **July 28, 2026 (4:39 PM – 7:45 PM) – Active Executive Surveillance and Hunt for Deficiency**

Executive Director Higginbotham personally tracks the active database record in real time, alerting staff the moment the licensee uploads CE documentation. (**Exhibit G**)

 - **Directive to Uncover Non-Compliance (7:45 PM):** Following initial staff review, Executive Director Higginbotham explicitly directs staff to search for a deficiency:
 - *"Can we please reach out to [the licensee] to ensure these are all her CE hours and that she does not have any hours in the renew periods that are currently not within the hour requirements?"*
- **August 4, 2026 (6:47 PM) – Unconditional Renewal Clearance Post-Audit Failure**

After failing to discover any statutory or regulatory deficiency, the Board releases the licensee's renewal. (**Exhibit G**)

2. RETALIATORY PROSECUTION AND FOURTEENTH AMENDMENT DUE PROCESS VIOLATIONS (42 U.S.C. § 1983)

Procedurally, the instant matter has dragged on for two years—a timeline marked by severe Fourteenth Amendment procedural due process denials and vindictive prosecution as the Board repeatedly substituted allegations whenever prior theories were dismantled (**Exhibit H**). This case involves zero patient harm, stemming instead from a patient's voluntary abandonment of care and subsequent threats of extortion against the licensee. **Notably, the Board formally dropped its claim under NRS 631.3475** (professional incompetence) on May 27, 2026.

On September 3, 2026, the Board revived NRS 631.3475 by asserting a fifth allegation against the licensee. (Exhibit H)

- **Initial Allegation:** Respondent engaged in professional incompetence pursuant to NRS 631.3475 due to an alleged "poorly performed extraction."
- **Second Allegation:** The Board drops charges under NRS 631.3475 and alleges the bone graft was "not correctly performed."
 - Notably, General Counsel states: *"I can also beef up section 10 to include a denial of any wrongdoing by your client, making it more "no contest" type language."* (Exhibit H).
 - General Counsel sends a revised stipulation wherein NRS 631.3475 is formally dropped and a "no contest" clause is added.
- **Third Allegation:** Respondent failed to obtain a post-extraction radiograph to confirm complete removal of root structures prior to graft placement.
- **Fourth Allegation:** The Review Panel's personal opinion that the standard of practice requires an "immediate post-operative x-ray before patient discharge" rather than follow-up imaging at a later date.
- **Fifth Allegation:** Respondent engaged in professional incompetence pursuant to NRS 631.3475 due to an alleged missing post-operative x-ray.

Moreover, in retaliation for the licensee's petitioning of oversight bodies and public records requests, the Board latest disciplinary recommendation on September 3rd mandates **more extensive CE requirements and more severe monetary fines**. General Counsel explicitly threatened to leverage public reputational harm to force a settlement, stating that if the licensee refuses to stipulate:

"I will draft a proposed, draft only Complaint....with the knowledge this is not final, and a copy will go in the Public Board Book and on the agenda for the next available Board meeting." (Exhibit H)

3. SILENT POST-DISCOVERY WEBSITE ALTERATIONS AND DATE CORRECTIONS

At the time of my firm's submission of forensic audit findings to the Board on July 14, 2026, the Board's public website and online portal displayed **61 active cases** with erroneous statutory dates. Within less than two months, the Board updated its system to reflect corrected statutory dates across **100 cases—matching the exact database discrepancies and portal manipulations identified in my forensic audit submissions**. This reactive data remediation validates the precision of our forensic findings while demonstrating an ongoing effort to alter public record representations after being confronted with systemic non-compliance.

SUBMITTED EXHIBITS

Attached hereto for the Commission's immediate review:

- **Exhibit F:** August 26, 2026 NSBDE Formal Admission of Retaliation for First Amendment Protected Speech
- **Exhibit G:** NSBDE Emails Establishing 3-Year CE Audit Conducted in Retaliation for Oversight Disclosures
- **Exhibit H:** NSBDE Five Shifting Disciplinary Allegations Violating Due Process

REQUESTED LEGISLATIVE COMMISSION ACTION

Whether by agency retreat or LCB review, the Board failed to adopt their proposed permanent regulation changes under **LCB File No. R050-26 (NAC 631.029)** to increase licensee fee schedules. We respectfully request that the Legislative Commission:

1. **Preemptively Freeze / Block Future Hearing of LCB File No. R050-26 (NAC 631.029):** Exercise statutory authority under NRS 233B.067 to place an immediate hold on calendaring, considering, or approving NSBDE's proposed permanent regulation increasing licensee fee schedules (LCB File No. R050-26) pending the LCB Audit Division's review of agency stator metric integrity (NRS 622.100) and cost-recovery practices (NRS 622.400).
2. **Issue an Emergency Audit Directive Pursuant to NRS 218G.120:** Direct the LCB Audit Division to expand its active risk assessment into a full operational, financial, and database audit of NSBDE cost-recovery practices under NRS 622.400, statutory metric reporting integrity under NRS 622.100, case lifecycle tracking, and retaliatory conduct.

We remain available to provide raw database exports, cryptographic metadata, or a formal briefing to Commission members and staff prior to the September 24th meeting.

Sincerely,



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TRINH LEGAL GROUP

- ATTORNEYS AT LAW -

September 24, 2026

VIA PUBLIC COMMENT ONLY

Members of the Legislative Commission
Nevada Legislature
401 S. Carson Street
Carson City, NV 89701

RE: PUBLIC COMMENT REGARDING THE NEVADA STATE BOARD OF DENTAL EXAMINERS (NSBDE)

<i>The Legislative Commission's September 24, 2026 Meeting</i>	
<i>May be viewed here:</i>	https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2025/Meeting/35186

Good morning, Members of the Commission,

My name is Garry Trinh, counsel for a licensee facing active administrative retaliation and due process violations by the Nevada State Board of Dental Examiners.

In a zero-harm, two-year case, the Board has cycled through **five shifting factual allegations**—dropping and reviving charges to force a settlement. When we rejected their stipulation, Counsel threatened to publish an unvoted draft complaint to coerce compliance under threat of mounting costs.

Upon notice of reporting these abuses, General Counsel Andrea Barraclough dismissed legislative oversight on July 22nd as merely:

“[T]hreats of tattling on us to the LCB[.]”

Counsel also admitted to submitting **falsified LCB performance metrics under NRS 622.100** and maintaining secret fee schedules—**correcting these practices only after we exposed them.**

Six days later, on July 28th, Executive Director Adam Higginbotham characterized our petitioning of oversight bodies as **“extortive” and “threatening”**—**and just 17 minutes later**, leadership launched a retaliatory 3-year CE audit against my client. Holding the license as leverage, leadership instructed staff to hunt for a deficiency **within 3 minutes of record submission.**

Counsel explicitly admitted retaliatory motivation, stating:

"The CE audit requirement...was not part of the Board's annual randomized audit. Rather, the audit occurred [in response] to... Public Records Requests[.]"

Weaponizing administrative audits against citizens for public records requests and petitioning oversight bodies constitutes **First Amendment retaliation**, violating 42 U.S.C. Section 1983.

Whether by agency retreat or LCB review, the Board's fee expansion was forced off today's agenda. This Commission must enforce accountability before granting this agency future regulatory power.

We formally request this Commission:

- **Flag and object to LCB File R050-26 under NRS 233B authority on any future agenda;**
- **Direct Legislative Auditor Crossman to conduct a Special Performance Audit under NRS 218G.120; and**
- **Hold executive leadership accountable for metric falsification, statutory non-compliance, and retaliation.**

Thank you,



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