

Nevada State Board of Dental Examiners

Tony Guillen, D.D.S.
President



Rick B. Thiriot, D.D.S.
Secretary-Treasurer

6010 S. Rainbow Blvd., Bldg. A, Ste. • Las Vegas, NV 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

April 27, 2006

Legislative Counsel Bureau
Marilyn White
Assistant to the Director
401 S. Carson Street
Carson City, NV 89701-9800

Dear Director of the Legislative Counsel:

Pursuant to Nevada Revised Statute (NRS) 622.100, enclosed is our disciplinary report for the Nevada State Board of Dental Examiners. This report is for the quarter ending April 20, 2006. I have listed the disciplinary action against the following licensees below. Enclosed for your convenience are copies of the stipulation agreements.

| <u>License #</u> | <u>Name</u> | <u>Disciplinary Action Date</u> |
|------------------|-------------------|---------------------------------|
| 3781 | Liem Vu, DDS | January 24, 2006 |
| 2357 | Duff Kaster, DDS | January 24, 2006 |
| 4368 | Tri Nguyen, DDS | January 24, 2006 |
| 3710 | Young K Dill, DMD | March 23, 2006 |

If you have any questions regarding this matter, please feel free to contact me at (702) 486-7044 ext. 23.

Sincerely

A handwritten signature in cursive script, appearing to read "Debra Shaffer".

Debra Shaffer Deputy Executive Director
Nevada State Board of Dental Examiners

Cc: John A. Hunt, Esq., Board Legal Counsel
Department of Health & Human Services
File

N.S.B.D.E.
FEB 03 2006

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD
OF DENTAL EXAMINERS,

Complainant,

CASE NO.: 05-1219

STIPULATION

vs.

LIEM VU, D.D.S.,


Respondent

IT IS HEREBY STIPULATED AND AGREED by and between LIEM VU, D.D.S. (Hereinafter "Respondent"), and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through Disciplinary Screening Officer, J. STEPHEN SILL, D.M.D., and the Board's counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows

On March 25, 2005, the Board notified Respondent of a verified complaint received from Phawn Payton. On or about April 13, 2005, Respondent filed an answer to the complaint with the Board

2 Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Stephen Sill, D.M.D., applying the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986), and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e) and NRS 631.350(1), but not for any other purpose, finds there is substantial evidence that Respondent rendered treatment below the standard of care to Phawn Payton in violation of NRS 631.3475(

3 Applying the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);, and see *Minton*


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Law Office
RALEIGH, HUNT & MCGARRY, P.C.
112 GARCES AVENUE
SUITE 300
LAS VEGAS, NEVADA 89101
(702) 386-4842

v. *Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e) and NRS 631.350(1), but not for any other purpose, Respondent admits the treatment rendered to Phawn Payton was below the standard of care in violation of NRS 631.3475(1)

4. Based upon the limited investigation conducted to date, the findings of Disciplinary Screening Officer, J. Stephen Sill, D.M.D., and the admission contained in paragraph three (3) the parties have agreed to resolve the pending disciplinary action pursuant to the following terms and conditions.

a. Respondent dental practice shall be monitored for a period of two (2) years from the adoption of this Stipulation. During the two (2) years, Respondent shall allow either the Executive Director of the Board and/or the agent appointed by the Executive Director of the Board to inspect and observe Respondent's dental practice without notice during normal business hours to insure Respondent's compliance with the following:

i. Respondent agrees to use a biologic monitor for sterilization approved by either this Disciplinary Screening Officer or the Executive Director.

ii. Respondent agrees to post written infection control guidelines and policies approved by either this Disciplinary Screening Officer or the Executive Director of the Board at a location in Respondent's office which is accessible to all employees.

b. In the event the Executive Director receives substantial evidence Respondent is not using a biologic monitor for sterilization approved by either this Disciplinary Screening Officer or the Executive Director or that Respondent is not posting written infection control guidelines and policies approved by either this Disciplinary Screening Officer or the Executive Director of the Board at a location in Respondent's office which is accessible to all employees, Respondent agrees his license to practice dentistry in the State of Nevada shall automatically be suspended without any further action of the Board other than the issuance of an Order by the Executive Director. Respondent agrees to waive any right to seek injunctive relief from any Federal or State of Nevada District Court to prevent the automatic suspension of Respondent's license to practice dentistry in the State of Nevada due to Respondent violations of either paragraph 4(a)(i) or 4(a)(ii). Thereafter Respondent may request a full Board hearing to reinstate his license to practice dentistry in the State of Nevada. Respondent shall also be responsible for any costs or attorney's fees incurred in the event the Board has to seek injunctive relief to prevent Respondent from practicing dentistry during the period Respondent's license is automatically suspended.

c. Pursuant to NRS 631.350(1), Respondent agrees to reimburse Ms. Phawn Payton, the amount of ~~ONE HUNDRED TEN~~ Dollars (\$ 110⁰⁰).

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- 1 d. Respondent agrees to reimburse the Board for costs of the investigation and
2 to monitor this Stipulation in the amount of Seven Hundred and Fifty
3 (\$750.00) Dollars. The reimbursement amount set forth in this paragraph shall
4 be delivered to the Board office within seven (7) days after execution of the
5 Stipulation by Respondent. The payment will be deposited by the Board upon
6 receipt. If this Stipulation is not adopted, the Board will issue a check in the
7 amount of Seven Hundred and Fifty (\$750.00) Dollars to Respondent.
- 8 e. In the event Respondent fails to deliver to the Board the payment as required
9 by Paragraph 4(c) or 4(d), Respondent agrees his license to practice dentistry
10 in the State of Nevada shall be automatically suspended without any further
11 action of the Board other than the issuance of an order by the Board's
12 Executive Director suspending Respondent's license. Respondent agrees to
13 the payment of Twenty-Five Dollars (\$25.00) for each day Respondent fails
14 to deliver payment required by Paragraph 4(c) or 4(d). Respondent may cure
15 any default regarding the payment set forth in Paragraph 4(c) or 4(d) by
16 delivering to the Board's Executive Director the total amount in default, plus
17 the Twenty-Five Dollar (\$25.00) per day assessment. Upon receipt of payment
18 in full of any amount in default, plus the Twenty-Five Dollar (\$25.00) per day
19 assessment, the Executive Director shall issue an Order reinstating
20 Respondent's license to practice dentistry in the State of Nevada without any
21 further action necessary by the Board. Respondent agrees to waive any right
22 to seek injunctive relief from any Federal or State of Nevada District Court to
23 prevent the automatic suspension of Respondent's license to practice dentistry
24 in the State of Nevada due to Respondent's failure to comply with Paragraph
25 4(c) or 4(d). Respondent shall also be responsible for any costs or attorney's
26 fees incurred in the event the Board has to seek injunctive relief to prevent
27 Respondent from practicing dentistry during the period Respondent's license
28 is automatically suspended.
- 5 f. In the event Respondent fails to cure any default in payment within forty-five
(45) days of the default, Respondent agrees the amount may be reduced to
judgment.
- 6 g. Respondent waives any right to have the amounts owed pursuant Paragraph
4(c) or 4(d) discharged in bankruptcy.

CONSENT

5 Respondent has read all of the provisions contained in this Stipulation and agrees with
them in their entirety.

6 Respondent is aware by entering into this Stipulation he is waiving certain valuable
due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B

Respondent expressly waives any right to challenge the Board for bias in deciding
whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board hearing.

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8 Respondent acknowledges he has read the Stipulation. Respondent acknowledges
2 he has been advised he has the right to have this matter reviewed by independent counsel and he
3 has had ample opportunity to seek independent counsel. Respondent has been specifically informed
4 he should seek independent counsel and advice of independent counsel would be in Respondent's best
5 interest. Having been advised of his right to independent counsel, as well as had the opportunity to
6 seek independent counsel, Respondent hereby acknowledges, by his own free will, he is consenting
7 to the Stipulation without independent counsel. LV

8 9. Respondent acknowledges he is consenting to this Stipulation voluntarily, without
9 coercion or duress and in the exercise of his own free will.

10 10. Respondent acknowledges no other promises in reference to the provisions contained
11 in this Stipulation have been made by any agent, employee, counsel or any person affiliated with the
12 Nevada State Board of Dental Examiners.

13 Respondent acknowledges the provisions in this Stipulation contain the entire
14 agreement between Respondent and the Board and the provisions of this Stipulation can only be
15 modified, in writing, with Board approval

16 12 Respondent agrees in the event the Board adopts this Stipulation he hereby waives any
17 and all rights to seek judicial review or otherwise to challenge or contest the validity of the provisions
18 contained in the Stipulation

19 3 This Stipulation will be considered by the Board in an open meeting. It is understood
20 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
21 by the Board, further disciplinary action may be implemented. This Stipulation will only become
22 effective when the Board has approved the same in an open meeting. Should the Board adopt this
23 Stipulation, such adoption shall be considered a final disposition of a contested case and will become
24 a public record and shall be reported to the National Practitioners Data Bank

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1 DATED this 22 day of Nov, 2005.

2 [Signature]
3 LIEM VU, D.D.S.
4 Respondent

5 SUBSCRIBED and SWORN to before me
6 this 12 day of December, 2005.

7 [Signature]
8 NOTARY PUBLIC



9 APPROVED AS TO FORM & CONTENT

10 [Signature]
11 JOHN A. HUNT, ESQUIRE
12 Raleigh, Hunt & McGarry, P.C.
Board Counsel

APPROVED AS TO FORM & CONTENT

13 [Signature]
14 STEPHEN SILL, D.M.D., D.S.O.
Disciplinary Screening Officer/Informal
Hearing Officer

15 The foregoing Stipulation was approved/disapproved by a vote of the Nevada State Board of
16 Dental Examiners at a properly noticed meeting.

17 DATED this 25 day of Jan, 2006

NEVADA STATE BOARD OF DENTAL EXAMINERS

18 [Signature]
19 TONY GUILLEN, D.D.S.
20 President

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FEB 03 2006

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD OF
DENTAL EXAMINERS,

Complainant,

-vs-

DUFF W. KASTER, D.D.S

Respondent.

Case No. 05-1258

FORTH AMENDED
STIPULATION

IT IS HEREBY STIPULATED AND AGREED between DUFF W. KASTER, D.D.S., (hereinafter "Respondent"), in Proper Person, and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through its counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

On May 9, 1997, at a properly noticed meeting, Respondent entered into a Stipulation with the Nevada State Board of Dental Examiners.

2. On June 1, 2000, at a properly noticed meeting, Respondent entered into an Amended Stipulation with the Nevada State Board of Dental Examiners.

3 On June 14, 2001, at a properly noticed meeting, Respondent entered into the Second Amended Stipulation with the Nevada State Board of Dental Examiners

4 On November 15, 2002 at a properly noticed meeting, Respondent entered into the Third Amended Stipulation with the Nevada State Board of Dental Examiners. See Exhibit "1".

5 Since the Board adopted the Third Amended Stipulation, Respondent has been in full compliance.

6 On August 1, 2005, Respondent requested the Board place his license on inactive status

7. In consideration for granting Respondent's request to have his license to practice dentistry in the State of Nevada placed on inactive status, Respondent acknowledges and agrees to


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1 the following.

- 2 a. The Third Amended Stipulation was adopted by the Board on
3 November 15, 2002. Currently, the Third Amended Stipulation
4 would expire on November 15, 2007, assuming Respondent is in
5 compliance upon the expiration of the Third Amended Stipulation.
6 Respondent agrees in the event he requests that his license to practice
7 dentistry in the State of Nevada be reinstated to active status,
8 Respondent agrees as a condition of reinstatement he would have to
9 comply with the provisions paragraph 24 of the Third Amended
10 Stipulation for an additional three (3) years upon the Board
11 reinstating Respondent license to active status.
12
- 13 b. Respondent agrees upon adoption of this Fourth Amended Stipulation
14 to reimburse the Board the sum of Five Hundred (\$500.00) Dollars
15 for the preparation and monitoring this Fourth Amended Stipulation.
16 In the event Respondent fails to pay the agreed upon amount,
17 Respondent agrees his license to practice dentistry in the State of
18 Nevada shall be automatically suspended without any further action
19 of the Board other than issuance of an order by the Executive
20 Director. Upon payment of any default, Respondent's license to
21 practice dentistry in the State of Nevada will be automatically
22 reinstated.

23 CONSENT

24 8. Respondent has read all of the provisions contained in this Stipulation and agrees with
25 them in their entirety.

26 9. Respondent is aware by entering into this Stipulation he is waiving certain valuable
27 due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B

28 10. Respondent expressly waives any right to challenge the Board for bias in deciding
whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board
hearing.

11 Respondent acknowledges he has read the Stipulation. Respondent acknowledges
he has been advised he has the right to have this matter reviewed by independent counsel and he
has had ample opportunity to seek independent counsel. Respondent has been specifically
informed he should seek independent counsel and advice of independent counsel would be in
Respondent's best interest. Having been advised of his right to independent counsel, as well as
having had the opportunity to seek independent counsel, Respondent hereby acknowledges, by his

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1 own free will, he is consenting to the Stipulation without independent counsel.


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2 12. Respondent acknowledges he is consenting to this Stipulation voluntarily, without
3 coercion or duress and in the exercise of his own free will

4 13 Respondent acknowledges no other promises in reference to the provisions contained
5 in this Stipulation have been made by any agent, employee, counsel or any person affiliated with the
6 Nevada State Board of Dental Examiners.

7 14. Respondent acknowledges the provisions in this Stipulation contain the entire
8 agreement between Respondent and the Board and the provisions of this Stipulation can only be
9 modified, in writing, with Board approval

10 15 Respondent agrees in the event the Board adopts this Stipulation he hereby waives
11 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
12 provisions contained in the Stipulation.

13 16. This Stipulation will be considered by the Board in an open meeting. It is understood
14 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
15 by the Board, further disciplinary action may be implemented. This Stipulation will only become
16 effective when the Board has approved the same in an open meeting. Should the Board adopt this
17 Stipulation, such adoption shall be considered a final disposition of a contested case and this
18 Stipulation shall become a public record. Respondent acknowledges and agrees of this Stipulation
19 shall be made available for public inspection and copying. Respondent acknowledges and agrees
20 copies of this Stipulation may be disseminated by the Board to the public, or any licensing board
21 or any agency which is investigating Respondent, including but not limited to any law enforcement
22 agency Respondent agrees and acknowledges this Stipulation shall be reported to the National
23 Practitioners Data Bank.

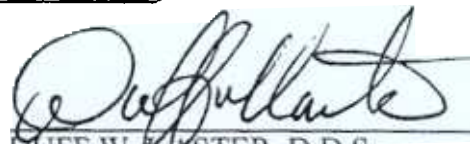
24 DATED this 8 day of Dec, 2005

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DUFF W. KASTER, D.D.S.
Respondent

1 SUBSCRIBED and SWORN to before me
2 this 25 day of Jan, 2005.

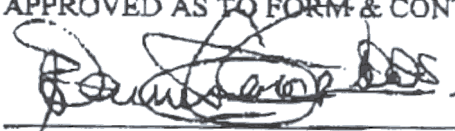


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4 NOTARY PUBLIC

5 APPROVED AS TO FORM & CONTENT

APPROVED AS TO FORM & CONTENT

6 
7 JOHN A. HUNT, ESQUIRE
8 Raleigh, Hunt & McGarry, P.C.
9 Board Counsel


DENNIS J. ARCH, D.D.S.
Disciplinary Screening Office/Informal
Hearing Officer

10 The foregoing Stipulation was approved/disapproved by a vote of the Nevada State Board
11 of Dental Examiners at a properly noticed meeting.

12 DATED this 25 day of Jan, 2005.

13 NEVADA STATE BOARD OF DENTAL EXAMINERS

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15 TONY GUILLEN, D.D.S.
16 President

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FEB 06 2006

STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD
OF DENTAL EXAMINERS,

Complainant,

CASE NO.: 05-1212

STIPULATION

vs

TRI M. NGUYEN, D.D.S.

Respondent

IT IS HEREBY STIPULATED AND AGREED between TRI M. NGUYEN, D.D.S., (hereinafter "Respondent"), and the NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through Disciplinary Screening Officer, LARRY FRUGOLI, D.M.D., and Board's counsel, JOHN A. HUNT, ESQ. of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows

1 On October 15, 2004, the Board notified Respondent of a verified complaint received from Mr. Chester Patterson. On November 17, 2004, Respondent filed an answer to the complaint with the Board

Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Larry Frugoli, D.M.D., applying the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986), and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e), but not for any other purpose, finds there is substantial evidence that Respondent rendered treatment below the standard of care to Chester Patterson in violation of NRS 631.3475(1)

3 Applying the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986);, and see *Minton*

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v. *Board of Medical Examiners*, 10 Nev. 1060, 881 P.2d 1339 (1994), see also NRS
2 233B.135(3)(e), but not for any other purpose, Respondent admits the treatment rendered to Chester
3 Patterson was below the standard of care in violation of NRS 631.3475(1)

4 4 Based upon the limited investigation conducted to date, the findings of Disciplinary
5 Screening Officer, Larry Frugoli, D.M.D., and the admission contained in paragraph three (3) the
6 parties have agreed to resolve the pending disciplinary action pursuant to the following terms and
7 conditions

- 8 a. Pursuant to NRS 631.350(d), Respondent's dental practice shall be placed on
9 probation for a period of one (1) year from the adoption of this Stipulation. During the one (1) year probationary period, Respondent shall allow either
10 the Executive Director of the Board and/or the agent appointed by the Executive Director of the Board to inspect Respondent's records during
11 normal business hours to insure compliance of this Stipulation. During the one (1) year probationary period, Respondent's endodontic patient charts and
12 records will be subject to review. Such review shall include, but will not be limited to, personally observing the treatment rendered by Respondent as well
13 as contacting patients who have received endodontic treatment. During the probationary period Respondent shall have available and will maintain pre
14 and post operative x-rays on all endodontic patients. In the event Respondent does not actively practice dentistry in the State of Nevada. The probationary
15 period shall be tolled for the period of inactive practice.
- 16 b. Pursuant to NRS 631.350(k), in addition to completing the required continuing education, Respondent shall obtain a total of fourteen (14)
17 additional hours in supplemental education. The supplemental educational must be received in the area of endodontics. All supplemental education
18 must be completed within twelve (12) months of the approval of this Stipulation by the Board. The supplemental education must be submitted in
19 writing to the Executive Director of the Board for approval prior to attendance. Upon receipt of a written request to attend supplemental
20 education the Executive Director of the Board shall notify Respondent in writing whether the requested supplemental education is approved for
21 attendance. All costs associated with this supplemental education shall be paid by Respondent. In the event Respondent fails to complete all of the
22 supplemental education within twelve(12) months, Respondent agrees his license to practice dentistry in the state of Nevada shall automatically be
23 suspended without any further action of the Board other than the issuance of an Order by the Executive Director. Upon submitting written proof of
24 completion of the supplemental education, Respondent's license to practice dentistry in the state of Nevada will be automatically reinstated. Respondent
25 agrees to waive any right to seek injunctive relief from any Federal or State of Nevada District Court to prevent the automatic suspension of
26 Respondent's license to practice dentistry in the State of Nevada due to Respondent failure to comply with Paragraph 4(b). Respondent shall also be

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2 responsible for any costs or attorneys' fees incurred in the event the Board
3 has to seek injunctive relief to prevent Respondent from practicing dentistry
4 during the period Respondent's license is automatically suspended.

5 c. Pursuant to NRS 631.350(1), Respondent shall reimburse to a dentist of Mr.
6 Patterson's choosing, Two Thousand Seven Hundred Dollars (\$2,700.00).
7 The amount shall be made payable to a dentist of Mr. Patterson's choosing
8 and delivered to the Board within seven (7) days of Respondent executing
9 this Stipulation. The payment will not be delivered to Mr. Patterson unless
10 this Stipulation is adopted by the Board. If this Stipulation is not adopted by
11 the Board, the payment shall be returned to Respondent.

12 d. Respondent agrees to reimburse the Board for costs of the investigation and
13 to monitor this Stipulation in the amount of Seven Hundred and Fifty
14 (\$750.00) Dollars. The reimbursement amount set forth in this paragraph
15 shall be delivered to the Board office within seven (7) days after execution
16 of the Stipulation by Respondent. The payment will be deposited by the
17 Board upon receipt. If this Stipulation is not adopted, the Board will issue
18 a check in the amount of Seven Hundred and Fifty (\$750.00) Dollars to
19 Respondent.

20 e. In the event Respondent fails to deliver to the Board the payment as required
21 by Paragraph 4(c) or 4(d), Respondent agrees his license to practice dentistry
22 in the State of Nevada shall be automatically suspended without any further
23 action of the Board other than the issuance of an order by the Board's
24 Executive Director suspending Respondent's license. Respondent agrees to
25 the payment of Twenty-Five Dollars (\$25.00) for each day Respondent fails
26 to deliver payment required by Paragraph 4(c) or 4(d). Respondent may
27 cure any default regarding the payment set forth in Paragraph 4(c) or 4(d) by
28 delivering to the Board's Executive Director the total amount in default, plus
the Twenty-Five Dollar (\$25.00) per day assessment. Upon receipt of
payment in full of any amount in default, plus the Twenty-Five Dollar
(\$25.00) per day assessment, the Executive Director shall issue an Order
reinstating Respondent's license to practice dentistry in the State of Nevada
without any further action necessary by the Board. Respondent agrees to
waive any right to seek injunctive relief from any Federal or State of Nevada
District Court to prevent the automatic suspension of Respondent's license
to practice dentistry in the State of Nevada due to Respondent's failure to
comply with Paragraph 4(c) or 4(d). Respondent shall also be responsible for
any costs or attorneys' fees incurred in the event the Board has to seek
injunctive relief to prevent Respondent from practicing dentistry during the
period Respondent's license is automatically suspended.

f. In the event Respondent fails to cure any default in payment within forty-five
(45) days of the default, Respondent agrees the amount may be reduced to
judgment.

g. Respondent waives any right to have the amounts owed pursuant Paragraph
4(c) or 4(d) discharged in bankruptcy.

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CONSENT

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2 5 Respondent has read all of the provisions contained in this Stipulation and agrees with
3 them in their entirety.

4 6 Respondent is aware by entering into this Stipulation he is waiving certain valuable
5 due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B

6 7 Respondent expressly waives any right to challenge the Board for bias in deciding
7 whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board
8 hearing.

9 8 Respondent acknowledges he has read the Stipulation. Respondent acknowledges
10 he has been advised he has the right to have this matter reviewed by independent counsel and he
11 has had ample opportunity to seek independent counsel. Respondent has been specifically informed
12 he should seek independent counsel and advice of independent counsel would be in Respondent's
13 best interest. Having been advised of his right to independent counsel, as well as had the
14 opportunity to seek independent counsel, Respondent hereby acknowledges, by his own free
15 will, he is consenting to the Stipulation without independent counsel.

16 9 Respondent acknowledges he is consenting to this Stipulation voluntarily, without
17 coercion or duress and in the exercise of his own free will.

18 10 Respondent acknowledges no other promises in reference to the provisions contained
19 in this Stipulation have been made by any agent, employee, counsel or any person affiliated with the
20 Nevada State Board of Dental Examiners.

21 11 Respondent acknowledges the provisions in this Stipulation contain the entire
22 agreement between Respondent and the Board and the provisions of this Stipulation can only be
23 modified, in writing, with Board approval.

24 12 Respondent agrees in the event the Board adopts this Stipulation he hereby waives
25 any and all rights to seek judicial review or otherwise to challenge or contest the validity of the
26 provisions contained in the Stipulation.

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13 This Stipulation will be considered by the Board in an open meeting. It is understood
2 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
3 by the Board, further disciplinary action may be implemented. This Stipulation will only become
4 effective when the Board has approved the same in an open meeting. Should the Board adopt this
5 Stipulation, such adoption shall be considered a final disposition of a contested case. Respondent
6 acknowledges and agrees of this Stipulation shall be made available to the public for inspection and
7 copying. Respondent acknowledges and agrees copies of this Stipulation may be disseminated by
8 the Board to the public, or any licensing board or any agency which is investigating Respondent,
9 including but not limited to any law enforcement agency. Respondent agrees and acknowledges this
10 Stipulation shall be reported to the National Practitioners Data Bank.

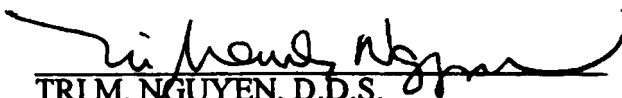
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12 DATED this 19 day of November, 2005

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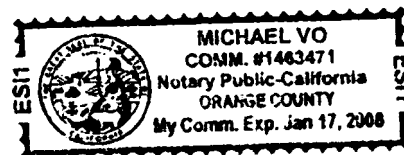

TRI M. NGUYEN, D.D.S.
Respondent

16 SUBSCRIBED and SWORN to before me
17 this 19th day of November, 2005.

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NOTARY PUBLIC



20 APPROVED AS TO FORM & CONTENT

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22 
JOHN A. HUNT, ESQUIRE
Raleigh, Hunt & McGarry, P.C.
23 Board Counsel

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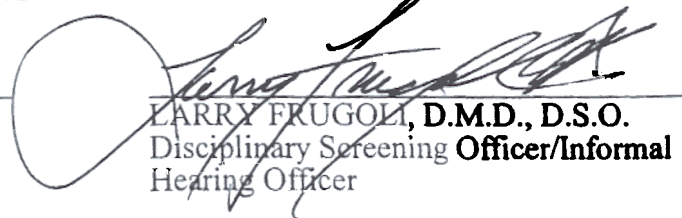
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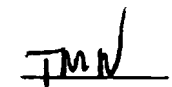
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APPROVED AS TO FORM & CONTENT


LARRY FRUGOLI, D.M.D., D.S.O.
Disciplinary Screening Officer/Informal
Hearing Officer


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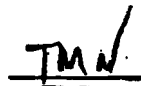
The foregoing Stipulation was approved/disapproved by a vote of the Nevada State Board of Dental Examiners at a properly noticed meeting.

DATED this 25 day of JAN., 2006

NEVADA STATE BOARD OF DENTAL EXAMINERS


TONY GUILLEN, D.D.S.
President

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STATE OF NEVADA

BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

NEVADA STATE BOARD
OF DENTAL EXAMINERS,

Complainant,

vs.

YOUNG K. DILL, D.D.S.,

Respondent.

CASE NO.: 05-1216

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between YOUNG K. DILL, D.D.S. (hereinafter "Respondent"), by and through his counsel of record, RANDA REIFF SHEA, ESQUIRE, and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board"), by and through Disciplinary Screening Officer, VERNON LAMBORN, D.D.S., and the Board's counsel, JOHN A. HUNT, ESQ., of the law firm of RALEIGH, HUNT & McGARRY, P.C. as follows:

1 On May 6, 2005, the Board notified Respondent of a verified complaint received from Jo-Ann Duggan. On May 16, 2005, Respondent filed an answer to the complaint with the Board

2 On July 27, 2005, the Board notified Respondent of a verified complaint received from Ms. Caroline Springer. On August 1, 2005, Respondent filed an answer to the complaint with the Board.

3 Based upon the limited investigation conducted to date, Disciplinary Screening Officer, Vernon Lamborn, D.D.S., applying the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e) & NRS 631.350(1), but not for any other purpose, finds there is substantial evidence that Respondent rendered treatment below the standard of care to Jo-Ann Duggan in

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violation of NRS 631.3475(1)

4. Applying the administrative burden of proof of substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881 P.2d 1339 (1994), see also NRS 233B.135(3)(e) & NRS 631.350(1), Respondent admits, but not for any other purpose, including any subsequent civil action, the treatment rendered to Jo-Ann Duggan was below the standard of care in violation of NRS 631.3475(1)

5 Based upon the limited investigation conducted to date, the findings of Disciplinary Screening Officer, Vernon Lamborn, D.D.S., and the admissions contained in paragraph 4, the parties have agreed to resolve the pending disciplinary action pursuant to the following terms and conditions

a Pursuant to NRS 631.350(d)(h), Respondent shall be placed on probation and his dental practice shall be supervised for a period of eighteen (18) months from the adoption of this Stipulation. During the eighteen (18) month probationary period, Respondent shall allow either the Executive Director of the Board and/or the agent appointed by the Executive Director of the Board to inspect Respondent's records during normal business hours to insure compliance of this Stipulation. During the eighteen (18) month probationary period, Respondent's practice shall be monitored regarding those patients who receive care and treatment for dental implants. Such monitoring shall include, but will not be limited to, personally observing the treatment rendered to patients who will receive dental implants after Respondent complies with the provisions of paragraph 5(b) and 5(c) of this Stipulation. Respondent further acknowledges the Disciplinary Screening Officer and or an agent appointed by the Executive Director may contact patient(s) who have received dental implants in the event the agent assigned believes there is substantial evidence the treatment received was below the standard of care. During the eighteen (18) months probationary period Respondent shall maintain a list of patients who receive dental implants for inspection during normal business hours. In the event Respondent does not actively practice dentistry in the State of Nevada, the probationary period shall be tolled for the period of inactive practice.

b Pursuant to N.R.S. 631.350(1)(f), Respondent, upon adoption of this Stipulation shall not provide dental treatment(s) to patients requiring implants until Respondent has completed the supplemental education as set forth in paragraph 5(c) of this Stipulation. Upon completion of the supplemental education set forth in paragraph 5(c), Respondent shall request in writing to the Executive Director of the Board permission to resume treatment of patients requiring dental implants. Upon receiving written permission from the Executive Director, Respondent may commence treating patients requiring dental implants pursuant to all the terms and conditions set forth in this

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- 2 c. Pursuant to NRS 631.350(k), in addition to completing the required continuing
3 education, Respondent shall obtain a total of forty-eight (48) additional hours
4 in supplemental education. The forty-eight (48) hours of supplemental
5 education must be received in the area of implants. All supplemental education
6 must be completed within eighteen (18) months of the approval of this
7 Stipulation by the Board. The supplemental education must be submitted in
8 writing to the Executive Director of the Board for approval prior to attendance.
9 Upon receipt of a written request to attend supplemental education the
10 Executive Director of the Board shall notify Respondent in writing whether
11 the requested supplemental education is approved for attendance. All costs
12 associated with this supplemental education shall be paid by Respondent.
13 Upon completion of the supplemental education, Respondent may request
14 permission from the Executive Director to reinstate his privileges to treat
15 patients requiring dental implants as set forth in paragraph 5(a) and 5(b). In
16 the event Respondent fails to complete all of the supplemental education
17 within eighteen (18) months, Respondent agrees his license to practice
18 dentistry in the State of Nevada shall automatically be suspended without any
19 further action of the Board other than the issuance of an Order by the
20 Executive Director. Upon submitting written proof of completion of the
21 supplemental education, Respondent's license to practice dentistry in the State
22 of Nevada will be automatically reinstated. Respondent agrees to waive any
23 right to seek injunctive relief from any Federal or State of Nevada District
24 Court to prevent the automatic suspension of Respondent's license to practice
25 dentistry in the State of Nevada due to Respondent failure to comply with
26 Paragraph 5(c). Respondent shall also be responsible for any costs or
27 attorney's fees incurred in the event the Board has to seek injunctive relief to
28 prevent Respondent from practicing dentistry during the period Respondent's
license is automatically suspended.
- d. Respondent agrees to reimburse the Board for costs of the investigation and
to monitor this Stipulation in the amount of Two Thousand (\$2,000.00)
Dollars. This amount shall be deposited with the Board within seven (7) days
of execution of this Stipulation. If the Board does not adopt this Stipulation
the amount of Two Thousand (\$2,000.00) Dollars will be returned in full to
Respondent.
- e. Pursuant to NRS 631.350(l), Respondent agrees to reimburse Ms. Duggan in
the amount of Nine Thousand Seven Hundred (\$9,700.00) Dollars, plus
forgive an alleged outstanding balance of Four Thousand Five Hundred
Dollars (\$4,500.00) owed by Ms. Duggan. Within seven (7) days of execution
of this agreement Respondent shall deliver to the Board a check in the amount
of Nine Thousand Seven Hundred (\$9,700.00) Dollars made payable to Ms.
Jo-Ann Duggan. This check will only be delivered to Ms. Duggan in the event
the Board adopts this Stipulation. In the event the Board does not adopt this
Stipulation the check will be returned to Respondent. Further Ms. Duggan
will not receive the check until such time as she delivers the dentures to the
Board. Thereafter the dentures shall be maintained at the Board for a period
of five (5) years. At the end of the five (5) year period the dentures shall be
release to Respondent.

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f. In the event Respondent fails to deliver any of the payments required pursuant to Paragraph 5(d) or 5(e), Respondent agrees his license to practice dentistry in the State of Nevada shall automatically be suspended without any further action of the Board other than issuance of an order by the Executive Director. Failure to deliver payment would include any checks returned for insufficient funds. Respondent agrees to the payment of twenty-five dollars (\$25.00) for each day Respondent fails to deliver any of the payments required by Paragraph(s) 5(d) or 5(e). Respondent may cure any default regarding the payments set forth in Paragraph 5(d) or 5(e), by delivering to the Board's Executive Director the total amount in default, plus the twenty-five dollar (\$25.00) per day assessment. Upon receipt of payment in full of any amount in default, plus the twenty-five dollar (\$25.00) per day assessment, the Executive Director shall without any further action of the Board reinstate Respondent's license to practice dentistry in the State of Nevada, assuming there are no other violations of any of the provisions contained in this Stipulation. Respondent agrees to waive any right to seek injunctive relief from either the Nevada Federal District Court or the Nevada State District Court to reinstate his license prior to curing any default on the amounts due and owing. Respondent shall also be responsible for any costs or attorney's fees incurred in the event the Board has to seek injunctive relief to prevent Respondent from practicing dentistry during the period Respondent's license is automatically suspended.

g. In the event Respondent fails to cure any default in payment within forty-five (45) days of the default, Respondent agrees the amount may be reduced to judgment.

h. Respondent waives any right to have the amounts owed pursuant Paragraphs 5(d) or 5(e), discharged in bankruptcy.

CONSENT

6 Respondent has read all of the provisions contained in this Stipulation and agrees with them in their entirety.

7 Respondent is aware by entering into this Stipulation he is waiving certain valuable due process rights contained in, but not limited to, NRS 631, NAC 631, NRS 233B and NAC 233B

8 Respondent expressly waives any right to challenge the Board for bias in deciding whether or not to adopt this Stipulation in the event this matter was to proceed to a full Board hearing

9 Respondent and the Board agree any statements and/or documentation made or considered by the Board during any properly notice open meeting to determine whether to adopt or reject this Stipulation are privileged settlement negotiations and therefore such statements or documentation may not be used in any subsequent Board hearing or judicial review, whether or judicial review is sought in either the State or Federal District Court(s).

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10. Respondent has reviewed the Stipulation with his attorney, Randa Reiff Shea Esquire, who has explained each and every provision contained in this Stipulation to the Respondent

11. Respondent acknowledges he is consenting to this Stipulation voluntarily, without coercion or duress and in the exercise of his own free will.

12. Respondent acknowledges no other promises in reference to the provisions contained in this Stipulation have been made by any agent, employee, counsel or any person affiliated with the Nevada State Board of Dental Examiners.

13. Respondent acknowledges the provisions in this Stipulation contain the entire agreement between Respondent and the Board and the provisions of this Stipulation can only be modified, in writing, with Board approval.

14. Respondent agrees in the event the Board adopts this Stipulation he hereby waives any and all rights to seek judicial review or otherwise to challenge or contest the validity of the provisions contained in the Stipulation.

15. Respondent and the Board agree that neither party shall be deemed the drafter of this Stipulation and, in the event this Stipulation is construed by a court of law or equity, such court shall not construe this Stipulation or any provision hereof against either party as the drafter of the Stipulation. The parties hereby acknowledge that both parties have contributed substantially and materially to the preparation of this Stipulation. The parties acknowledge and agree that this Stipulation is the joint effort of each of the parties and that in the event of any dispute regarding the construction of any terms herein, it shall not be construed strictly in favor or against either party.

16. Respondent specifically acknowledges by his signature herein and his initials at the bottom of each page of this Stipulation, he has read and understands its terms and acknowledges that he has signed and initialed of his own free will and without undue influence, coercion, duress, or intimidation.

17. Respondent acknowledges in the event the Board adopts this Stipulation, the Stipulation may be considered in any future Board proceeding(s) or judicial review, whether such judicial review is preformed by either the State or Federal District Court(s).

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18 This Stipulation will be considered by the Board in an open meeting. It is understood
2 and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected
by the Board, further disciplinary action may be implemented. This Stipulation will only become
effective when the Board has approved the same in an open meeting. Should the Board adopt this
Stipulation, such adoption shall be considered a final disposition of a contested case and will become
a public record and shall be reported to the National Practitioners Data Bank.

DATED this 8th day of February, 2006.

Young K. Dill
YOUNG K. DILL, D.M.D.
Respondent

SUBSCRIBED and SWORN to before me
this 8th day of Feb., 2006.

Marianne Silva
NOTARY PUBLIC



APPROVED AS TO FORM & CONTENT

John A. Hunt
JOHN A. HUNT, ESQUIRE
Raleigh, Hunt & McGarry, P.C.
Board Counsel

APPROVED AS TO FORM & CONTENT

[Signature]

APPROVED AS TO FORM & CONTENT

Randa Reiff Shea
RANDA REIFF SHEA, ESQUIRE
Patton, Shea & Kiraly
Attorney for Respondent

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1 The foregoing Stipulation was approved/disapproved by a vote of the Nevada State Board
2 of Dental Examiners at a properly noticed meeting.

3 DATED this 24 day of MARCH, 2006.

5 NEVADA STATE BOARD OF DENTAL EXAMINERS

6 
7 TONY GUILLEN, D.D.S.
8 President

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