

Nevada State Board of Dental Examiners

Tony Guillen, D.D.S.
President



William G. Pappas, D.D.S.
Secretary-Treasurer

6010 S. Rainbow Boulevard, Building A, Suite 1 • Las Vegas, Nevada 89118 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

May 1, 2007

Legislative Counsel Bureau
Lorne J Maikiewich, Director
401 S. Carson Street
Carson City, NV 89701-9800

Dear Director of the Legislative Counsel:

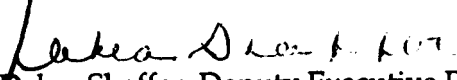
Pursuant to Nevada Revised Statute (NRS) 622.100, enclosed is our disciplinary report for the Nevada State Board of Dental Examiners. This report is for the quarter ending April 20, 2007. I have listed the disciplinary action against the following licensees below. Enclosed for your convenience are copies of the stipulation agreements/ decision.

<u>License #</u>	<u>Name</u>	<u>Disciplinary Date</u>
2386	James R Carter, DDS	01/30/2007
*3201	Hamid R Ahamdi, DDS	02/24/2007

*Hearing held on 02/24/2007 - Request to Reinstate Revoked Dental License - Decision Denied

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

Sincerely,


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

nsbde@nsbde.nv.gov

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF
DENTAL EXAMINERS,

Complainant,

vs.

JAMES R. CARTER, D.D.S.,

Respondent.

Case No.: 06-1330

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between JAMES D. CARTER, D.D.S. (hereinafter "Respondent"), by and through his legal counsel, KATHLEEN JANSSEN, ESQ. and DOMINIC P. GENTILE, ESQ. of the law firm of GENTILE DePALMA, LTD., and THE NEVADA STATE BOARD OF DENTAL EXAMINERS (hereinafter "Board") by and through Disciplinary Screening Officer, DONNA HELLWINKEL, D.D.S. and the Board's counsel, JOHN A. HUNT, ESQ., of the law firm of WINNER, HUNT & CARSON, P.C. as follows:

1. Currently, the Board is conducting an investigation into the dental practice of Respondent.

2. On January 1, 2003, Respondent entered into a Management Services Agreement (hereinafter "Management Agreement") with Premier Dental Management Services, Inc. (hereinafter "Premier") a California corporation. Respondent believed the Management Agreement was in compliance with NRS 631 and NAC 631.

3. On August 1, 2004, Respondent entered into a Medical Director Agreement ("hereinafter "Director Agreement") with Premier. Respondent believed the Director Agreement was in compliance with NRS 631 and NAC 631.

4. NRS 631.3465 provides, in relevant part, the following acts, among others, constitute unprofessional conduct.

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1 3. Associating with or being employed by a person not licensed
2 pursuant to this chapter if that person exercises control over the
3 services offered by the dentist, owns all or part of the dentist's practice
4 or receives or shares the fees received by the dentist who associates
5 with or is employed by a person who owns or controls a dental practice
6 pursuant to NRS 631.385.

7
8 5. NRS 631.395 provides, in relevant part, a person is guilty of the illegal practice
9 of dentistry or dental hygiene who:

10 10. Except as otherwise provided in NRS 631.385, owns or controls
11 a dental practice, shares in the fees received by a dentist or controls or
12 attempts to control the services offered by a dentist if the person is not
13 himself licensed pursuant to this chapter, or

14 11. Aids or abets another in violating any of the provision of this
15 chapter.

16 6. Since Respondent entered into the Management Agreement and Medical
17 Director Agreement, the Board has addressed similar issues wherein various factors were
18 discussed in relation to NRS 631.3465(3) and/or NRS 631.395(10). Respondent recognizes
19 the following non-exhaustive list of factors may be considered in determining whether these
20 sections have been violated:

- 21 A. Where a non-licensed person, entity, manager owns or controls patient
22 records;
- 23 B. The non-licensed person, entity, manager is given a power of attorney
24 or is a signatory to the financial account(s) of a Nevada licensee who
25 owns a Nevada dental practice, or where the non-licensed person,
26 entity, manager controls the majority, if not all, of the financial aspects
27 of the dental practice;
- 28 C. Where the compensation paid to the Nevada licensee is based upon
production or where the non-licensed person, entity, manager receives
the majority of the compensation generated by the dental practice;
- D. The non-licensed person, entity, manager receives or holds title or

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- ownership and has or exercised control over all or substantially all of the tangible assets, leaseholds, and/or goodwill of the dental practice;
- E. The non-licensed person, entity, manager agrees to provide and/or controls dental practice management services, i.e., employing the dental practice's office's non-professional staff, providing payroll, business systems and procedures, purchasing, information system, supplies, marketing, planning, accounts receivable and deposits;
- F. The non-licensed person, entity, manager contracts with the Nevada licensee that the latter is required to provide dentistry services only through the non-licensed person, entity, or manager and/or to devote their full time and attention to such matters;
- G. The non-licensed person, entity, manager operates the dental offices, on a day to day basis, but is also required to maintain the offices.

7. On March 9, 2005, the Board notified Respondent that it had authorized an investigation regarding whether Respondent had violated NRS 631.395(10) by entering into a management agreement with Premier Dental Management Services, Inc., whose alleged owners are Baroutr A. Deirmenjian, D.D.S. and Farschad Mofakhar, D.D.S. Neither Dr. Deirmenjian or Dr. Mofakhar have been granted a license to practice dentistry in the State of Nevada.

8. On April 5, 2005, Lynn Kirsch, Esq., Respondent's former counsel, filed a written response to the Board's notification.

9. On or about June 13, 2006, the Board served Respondent with a subpoena seeking production of various documents pertaining to Respondent's dental practice and his agreements with Premier.

10. On July 7, 2006, Maria Natile, Esq. of Natile Law & Associates, Respondent's former counsel, responded to the Board's subpoena via a letter to the Board's counsel with attachments consisting of numerous documents relating to Respondent's dental practice and

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1 his agreements with Premier.

2 11. On August 21, 2006, the Board issued a subpoena to Respondent requesting
3 the patient and billing records for patients John and Pamela Tyler. During this time the
4 Board was conducting an investigation of a licensee employed by Respondent who had
5 treated patients John Tyler, Pamela Tyler and Judith Janson whose patient and billing records
6 indicated possible billing irregularities submitted to their respective insurers.

7 12. The Board subsequently obtained copies of the patient and billing records of
8 John Tyler, Pamela Tyler and Judith Janson.

9 13. On August 22, 2006, Respondent was given notice of an Amended Notice of
10 Informal Hearing scheduled for September 15, 2006. Subsequent to the issuance of the
11 Amended Notice of Informal Hearing opposing counsel requested a continuance, wherein
12 the Informal Hearing was rescheduled until January 26, 2007. However, as a result of
13 discussions between counsel for Respondent and counsel for the Board to seek a resolution
14 of this matter, the hearing has been postponed pending the Board's decision on this proposed
15 Stipulation.

16 14. On August 25, 2006, the Board issued a summary suspension prohibiting
17 Respondent from conducting the practice of dentistry at 307 West Winnie Lane #2, Carson
18 City, Nevada for failure to comply with the Order to Cease X-Ray machine operation issued
19 by the State of Nevada, Department of Health and Human Services, Health Division, Bureau
20 of Health Protection Services issued on July 26, 2006.

21 15. On September 7, 2006, Respondent's present counsel, Dominic Gentile and
22 Kathleen Janssen, provided written notification to the Board's counsel they had been retained
23 by Respondent to represent him in this matter.

24 16. On September 8, 2006, the Board adopted a stipulation with Respondent
25 resolving the violations identified in the Summary Suspension. On the same date an Order
26 was issued by the Board's Executive Director reinstating Respondent's privilege to conduct
27 dentistry at the 307 West Winnie Lane #2, Carson City, Nevada pursuant to the terms and
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conditions set forth in the adopted stipulation.

17. On November 28, 2006, Respondent notified Premier that he was terminating the Management Agreement, effective January 27, 2007, in accordance with the sixty (60) day notice provisions of the Agreement. The Medical Director Agreement can be automatically terminated by Premier on the same date as the Management Agreement.

18. To the best of Respondent's knowledge, Barouir "Barry" Deirmenjian and Farshad "Fred" Mofakhar, are the owners of Premier. To the best of Respondent's knowledge, both individuals are licensed by the State of California to practice dentistry in that state. Neither Dr. Deirmenjian or Dr. Mofakhar have been granted a license to practice dentistry in the State of Nevada.

19. Based upon the limited investigation conducted to date, Disciplinary Screening Officer Donna Hellwinkel, 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), & NRS 631.350(1) but not for any other purpose, finds there is substantial evidence from January 1, 2003, until Respondent terminated his relationship with Premier on January 27, 2007, Respondent unknowingly and without any requisite criminal intent violated NRS 631.3465(3) and NRS 631.395(10) & (11) when Respondent allowed Premier to control the following aspects of Respondent's dental practice:

- A. The managers for Premier were given control of patient records; and
- B. The managers for Premier were given a power of attorney and were signatory's to the financial account(s) of the Respondent including but not limited to Respondent's bank accounts; and
- C. Premier owned or otherwise had a collateral interest in the accounts receivable of the Respondent and controlled all of the daily financial

1 aspects of Respondent's dental practice; and

2 D. During the term of the Management Agreement for the taxable year
3 2003, Respondent generated \$3,249,995.00 in gross profit. Based upon
4 that amount Respondent reported zero (\$0-) taxable income. For the
5 taxable year 2003, Respondent paid to the Managers a management fee
6 of \$816,058.00. During the term of the Management Agreement for the
7 taxable year 2004, Respondent generated \$4,687,289.00 in gross profit.
8 Based upon that amount Respondent reported a taxable loss (\$506.00).
9 For the taxable year 2004, Respondent paid to the Managers a
10 management fee of \$427,408.00. In addition Respondent deducted
11 \$1,844,944.00 for outside labor. Who these amount were paid to and
12 for what services can not be determined from Respondent's 2004 tax
13 return. Therefore for the taxable years 2003 and 2004 the Managers
14 received all of the revenue generated by Respondent after expenses and
15 Respondent received nothing from Respondent conducting a dental
16 practice in the State of Nevada. However, Respondent did receive
17 compensation from Premier under the Medical Director Agreement in
18 the amount of \$3,500.00 per month for the calendar years 2003 and
19 2004; and

20 E. Premier holds title or ownership and has exercised control over all or
21 substantially all of the tangible assets and leaseholds of Respondent's
22 dental practice.

23 F. Premier provided management services wherein Premier employed all
24 of the non-licensed personnel at all of the dental practices owned by
25 Respondent. Premier was also responsible for determining any refunds
26 requested by patients. Premier was also responsible for hiring, paying
27 and resolving disputes with dentist and hygienists either employed or
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1 working as an independent contractors for Respondent. Premier was
2 responsible for the hiring and terminating the dental practice's office's
3 non-professional staff, providing payroll, business systems and
4 procedures, purchasing, information system, supplies, marketing,
5 planning, accounts receivable and deposits.
6

7 20. Based upon the limited investigation conducted to date, Disciplinary Screening
8 Officer, Donna Hellwinkel, D.D.S., applying the administrative burden of proof of
9 substantial evidence as set forth in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608,
10 729 P.2d 497, 498 (1986); and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060,
11 881 P.2d 1339 (1994), see also NRS 233B.135(3)(c) & NRS 631.350(1), but not for any
12 other purpose, finds there is substantial evidence that Respondent unknowingly and without
13 any requisite criminal intent submitted a false claim for payment to an insurer for dental
14 services rendered for patients Pamela Tyler, John Tyler and Judith Janson, in violation of
15 NRS 631.348 (6).

16 21. Applying the administrative burden of proof of substantial evidence as set forth
17 in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); see
18 also NRS 233B.135, and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881
19 P.2d 1339 (1994), see also NRS 233B.135(3)(c), & NRS 631.350(1), but not for any other
20 purpose, Respondent admits and stipulates the Management Agreement he entered into with
21 Premier unbeknownst to him and without any requisite criminal intent was in violation on
22 NRS 631.3465(3) and NRS 631.395(10). Premier's previous legal counsel had advised
23 Respondent the Management Agreement was in compliance with all applicable Nevada
24 statutes and regulations pertaining to the practice of dentistry.

25 22. Applying the administrative burden of proof of substantial evidence as set forth
26 in *State, Emp. Security v. Hilton Hotels*, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986); see
27 also NRS 233B.135, and see *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 881
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1 P.2d 1339 (1994), see also NRS 233B.135(3)(e), but not for any other purpose, Respondent
 2 admits he unknowingly and without any requisite criminal intent submitted false claims for
 3 payment to an insurer for dental services rendered to patients, Pamela Tyler, John Tyler and
 4 Judith Janson, in violation of NRS 631.348(6).

5 23. Based upon the admissions contained in Paragraphs 21 and 22, Respondent
 6 agrees to the following terms and conditions:

7
 8 A. Respondent's dental practice shall be monitored for a period of one (1)
 9 year from the adoption of this Stipulation. During the one (1) year
 10 monitoring period, Respondent shall allow either the Executive
 11 Director of the Board and/or the agent appointed by the Executive
 12 Director of the Board to inspect Respondent's records during normal
 13 business hours to insure compliance of this Stipulation.

14 B. Should Respondent enter into a management agreement in the future
 15 and should the Board subsequently find the agreement violates either
 16 NRS 631.3465(3) and/or NRS 631.395(10), Respondent agrees such a
 17 finding pursuant to NRS 631.3485(1) would be deemed to be a willful
 18 violation of either NRS 631.3465(3) and/or NRS 631.395(10)

19 C. Pursuant to NRS 631.330(1), Respondent agrees to reimburse Pamela
 20 Tyler, John Tyler and Judith Janson as follows:

Pamela Tyler	\$345.00
John Tyler	\$1,109.00
Judith Janson	\$1,085.00

21 Respondent agrees within sixty (60) days of execution of this
 22 agreement he shall deliver to the Board checks in the amounts stated
 23 above made payable to Pamela Tyler, John Tyler and Judith Janson.
 24 These checks will only be delivered to Ms. Tyler, Mr. Tyler and Ms.
 25 Janson in the event the Board adopts this Stipulation. In the event the
 26 Board does not adopt this Stipulation the checks will be returned to
 27 Respondent.

28 D. Respondent agrees to reimburse the Board for costs of the investigation
 and to monitor this Stipulation in the amount of Seven Thousand Five
 Hundred (\$7,500.00) Dollars. This amount shall be deposited with the
 Board within ninety (90) days of execution of this Stipulation. If the
 Board does not adopt this Stipulation the amount of of Seven Thousand
 Five Hundred (\$7,500.00) Dollars will be returned in full to
 Respondent.

E. Respondent agrees should the Board receive a complaint anytime
 within twelve (12) months from the date the Board approves this

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Stipulation regarding either treatment or a claim is made for monies paid wherein the services were not rendered which occurred between January 1, 2003 and January 27, 2007, the time which Respondent operated under the management agreement with Premier, Respondent agrees after having an opportunity to file and answer to the complaint, should a Disciplinary Screening Officer finds there is substantial evidence either the treatment rendered was below the standard of care or the complainant paid for services not rendered, Respondent agrees to reimburse the complainant within (30) days of a written decision issued by the Disciplinary Screening Officer. In the event Respondent fails to reimburse the complainant within thirty (30) days of a written decision by the Disciplinary Screening Officer, Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than the issuance of an order by the Board's Executive Director suspending Respondent's license. The Board acknowledges Respondent's willingness to provide reimbursement pursuant to this paragraph is in no way an acknowledgment or agreement that Respondent personally rendered dental care below the standard of care or that Respondent personally failed to provide dental services for which payment was made by the patient.

F. In the event Respondent fails to make any of the payments set forth in either paragraph 23(C), and/or paragraph 23(D), and/or paragraph 23(E), Respondent agrees his license to practice dentistry in the State of Nevada shall be automatically suspended without any further action of the Board other than the issuance of an order by the Board's Executive Director suspending Respondent's license. Respondent agrees to the payment of Twenty-Five (\$25.00) Dollars for each day Respondent is in default of any of the payments required by either paragraph 23(C), and/or paragraph 23(D), and/or paragraph 23(E). Respondent may cure any default regarding the payments set forth in either paragraph 23(C), and/or paragraph 23(D), and/or paragraph 23(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 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 either paragraph 23(C), and/or paragraph 23(D), and/or paragraph 23(E). 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.

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H. Respondent waives any right to have the amounts owed pursuant Paragraphs 23(C), 23(D) and 23(E) discharged in bankruptcy.

I. Respondent acknowledges as of the execution of this Stipulation, Respondent has not sold his dental practices located in Nevada to any other dentist licensed in the State of Nevada.

J. Respondent acknowledges in the event he no longer practice dentistry in the State of Nevada at his current locations, Respondent shall notify patients that they may retrieve their records and receive a refund from Premier for any prepaid services which have not been rendered.

CONSENT

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

25. 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.

26. 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.

27. Respondent has reviewed the Stipulation with his attorney, Kathleen Jansen, Esq., who has explained each and every provision contained in this Stipulation to the Respondent.

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

29. 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.

30. 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.

31. The parties agree that neither party shall be deemed to be dra

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Stipulation and, in the event this Stipulation is ever 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 acknowledge that both parties have contributed substantially and materially to the preparation of this Stipulation.

32. 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.

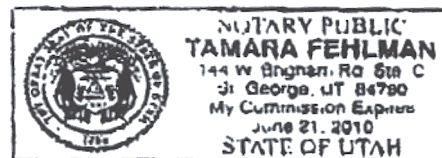
33. This Stipulation will be considered by the Board in an open meeting. It is understood and stipulated the Board is free to accept or reject the Stipulation and, if the Stipulation is rejected by the Board, further disciplinary action may be implemented. This Stipulation will only become effective 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. Respondent acknowledges and agrees this Stipulation shall be made available to the public inspection and copying. Respondent acknowledges and agrees copies of this Stipulation may be disseminated by the Board to the public, or any licensing board or any agency which is investigating Respondent, including but not limited to any law enforcement agency. Respondent agrees and acknowledges this Stipulation shall be reported to the National Practitioners Data Bank.

DATED this 25 day of January, 2007.

JAMES R. CARTER, D.D.S.
Respondent

SUBSCRIBED and SWORN to before me
this 25th day of January, 2007.

Tamara Fehلمان
NOTARY PUBLIC



FROM :

02/01/2007 08:13 FAX 702 475-0110

FAX NO. : 775-423-4100

WINNER HUNT CARSON

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1 APPROVED AS TO FORM & CONTENT

2 *[Signature]*
3 DOMINICK P. GENTILE, D.D.S. AND
4 KATHLEEN JANSSEN, D.D.S.

5 APPROVED AS TO FORM & CONTENT

6 *[Signature]*
7 JOHN & HUNT, RESIDENTS
8 WINNER, HUNT & CARSON, P.C.
9 Board Counsel

APPROVED AS TO FORM & CONTENT

[Signature]
DONNA HELLWINKEL, D.D.S.,
D.S.O.
Disciplinary Screening Officer/Informal
Hearing Officer

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

12 DATED this 20 day of JAN., 2007.

13
14 NEVADA STATE BOARD OF DENTAL EXAMINERS

15 *[Signature]*
16 TONY GENTILE, D.D.S.
17 President

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BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

NEVADA STATE BOARD OF
DENTAL EXAMINERS,

CASE NO: 04-1038

Complainant,

vs.

HAMID R. AHMADI, D.D.S.

Respondent.

NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION
(re: Hearing on Respondent's Petition to Reinstate License)

TO: HAMID R. AHMADI, D.D.S., by and through his counsel of record, AFSHIN
TADAYON, ESQ., of the law office of HAIRE GAZDA TADAYON:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Findings of Fact,
Conclusions of Law, and Decision was entered in the above-entitled matter on February 24,
2007, a copy of which is attached hereto.

DATED this 13 day of March, 2007.

WINNER, HUNT & CARSON P.C.

By

JOHN A. HUNT, ESQUIRE

Nevada Bar #1888

510 South Eighth Street

Las Vegas, Nevada 89101

ph. (702) 471-111; fax (702) 471-0110

Attorney for Complainant

CERTIFICATE OF MAILING

The undersigned, an employee of WINNER, HUNT & CARSON, P.C., hereby certifies that on the 13TH day of March, 2007, I deposited in the U.S. Mail, via U.S. Regular Mail, a true and correct copy of the Notice of Entry of Findings of Fact, Conclusions of Law, and Decision and Order addressed as follows:

Afshin Tadayon, Esq.
HAIRE GAZDA TADAYON
2600 So. Rainbow Blvd., Suite 200
Las Vegas, NV 89146
Attorney for Respondent
HAMID R. AHMADI

Robbie Ross

An employee of Winner, Hunt & Carson, P.C.

1
2 **BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS**
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4 NEVADA STATE BOARD OF)
5 DENTAL EXAMINERS,)

6 Complainant,)

CASE NO: 04-1038

7 vs.)

8 HAMID R. AHMADI, D.D.S.)

9 Respondent.)
10

11 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**
12 (re: Hearing on Respondent's Petition to Reinstate License)

13 **WHEREAS**, on February 24, 2007, at 0:30 a.m., at a properly notice meeting the
14 Nevada State Board of Dental Examiners (hereinafter referred to as the "Board") held a hearing
15 relative to Respondent's Petition to Reinstatement his license filed which was filed with the
16 Board on November 2, 2006 (hereinafter sometimes referred to as Respondent's "Petition")
17 The Board hereby issues the following Findings of Fact, Conclusion of Law, and Decision
18 (hereinafter sometimes referred to as "Order").
19

20 **I.**
INTRODUCTION/GENERAL MATTERS

21 **A.** Board members present were: Shari G. Peterson, R.D.H., M.Ed.; Bonnie Bryan; William
22 G. Pappas, D.D.S.; Tony Guillen, D.D.S.; Michael C. Lloyd, D.D.S.; Missy Matthew,
23 R.D.H.; Donna J. Hellwinkel, D.D.S.; William P. O'Gara, D.D.S.; and Joel T. Glover,
24 D.D.S.. John A. Hunt, Esq. of the law firm Winner, Hunt & Carson, P.C. was present
25

1 and appeared as prosecutor for the Board. Cameron Vandenberg, Deputy Attorney
2 General, was present and appeared as counsel for the Board. Respondent, Hamid R.
3 Ahmadi, D.D.S. (hereinafter "Respondent" or "Dr. Ahmadi"), was present and was
4 represented by Afshin Tadayon, Esq. of the law firm Haire Gazda Tadayon.
5

6 B. During the course of the petition hearing Respondent was the sole witness who gave
7 sworn testimony. Respondent was cross examined by the Board's prosecutor John A.
8 Hunt, Esq. and various members of the Board.
9

10 C. The Board offered the following exhibits which were admitted into evidence:
11

- 12 1. Temporary Restraining Order filed on December 30, 2003 (re: Eighth
13 Judicial District Court, Clark County, Nevada, case no. A478292; dept.
VII; NSBDE v. Ahmadi);
- 14 2. Stipulation and Order filed on January 14, 2004 (re: Eighth Judicial
15 District Court, Clark County, Nevada, case no. A478292; dept. VII;
NSBDE v. Ahmadi);
- 16 3. Notice of Entry of Findings of Fact, Conclusions of Law and Decision
17 (Case no. 04-1038; NSBDE v. Ahmadi - Regarding the Formal Hearing
held by the Board on September 17, 2004).
- 18 4. Documents obtained from the Dental Board of California relative to the
19 License status of Respondent;
- 20 5. Notice of Formal Hearing/Acceptance of Service dated January 20, 2007
21 & January 23, 2007 respectively (re: Case no. 04-1038; NSBDE v.
Ahmadi - Petition for Reinstatement of Licensure to be heard on February
22 24, 2007);
- 23 6. Subpoena Duces Tecum to Respondent requesting any and all complaints,
24 stipulations, accusations, pleadings and correspondence between
Respondent and the dental licensing board for the State of California.
- 25 7. Documents produced pursuant to the Subpoena Duces Tecum served upon

counsel for Respondent; and

8. The transcript of the formal hearing on September 7, 2004.

D. Respondent offered the following exhibit which was admitted into evidence:

Notice of and Petition to reinstate Respondent's license to practice dentistry in the State of Nevada.

II. FINDINGS OF FACT

The Board, having heard and considered all the evidence presented by the parties and arguments of counsel, for good cause appearing, finds as follows by substantial evidence (see N.R.S. § 631.350):

A. The Board is empowered to enforce the provisions of Chapter 631 of the Nevada Revised Statutes N.R.S. § 631.190.

B. Dr. Ahmadi, at all relevant times herein, was a resident of the County of Clark, State of Nevada; is an individual over the age of majority; not in the service of the United States military; and not an incompetent.

C. The Board, pursuant to N.R.S. § 631.190(6), keeps a register of all dentists and dental hygienists licensed in the State of Nevada; said register contains the names, addresses, license numbers, and renewal certificate numbers of said dentists and dental hygienists. Dr. Ahmadi possessed license number 320101 issued on January 21, 1998, with same being revoked pursuant to the Order from the September 17, 2004, formal hearing (see

1 further discussion/reference below).

2
3 D. Respondent was licensed by the Board and, therefore, submitted himself to the
4 disciplinary jurisdiction of the Board.

5
6 E. On December 24, 2003, the Board filed a Verified Complaint, Ex Parte Application for
7 Temporary Restraining Order and Preliminary Injunction with the Eighth Judicial
8 District Court, Case No. A478292 seeking an Order preventing Dr. Ahmadi from
9 practicing dentistry in the state of Nevada. On December 30, 2003, the Court issued a
10 Temporary Restraining Order. On January 5, 2004, Respondent was duly served with
11 the above.

12
13
14 F. On December 30, 2003, the Temporary Restraining Order and an Order Setting Hearing
15 for Motion for Preliminary Injunction was issued by the Eighth Judicial District Court.
16 Id. The Preliminary Injunction hearing in the matter was scheduled for January 13,
17 2004. Id.

18
19 G. On January 14, 2004, a Stipulation and Order was entered by the Eighth Judicial District
20 Court wherein Dr. Ahmadi agreed not to practice dentistry in the state of Nevada until
21 such time as either approved to do so by the Board or by Order of the Honorable Stewart
22 A. Bell, Eighth Judicial District Court, County of Clark, State of Nevada.

23
24
25 H. On December 7, 2004, a Notice of Entry of Findings of Fact, Conclusions of Law and

Decision (Case no. 04-1038; NSBDE v. Ahmadi - Regarding the Formal Hearing held by the Board on September 7, 2004). (See Exhibit "1") was served wherein the Board ordered the following:

- 1 **IT IS HEREBY ORDERED**, pursuant to N.R.S. § 631.350(1)(l), Dr. Ahmadi reimburse any and all patients of the Practice who prepaid Dr. Ahmadi for services which Dr. Ahmadi has not rendered.
- 2 **IT IS FURTHER ORDERED**, pursuant to N.R.S. § 631.350(1)(c), that Dr. Ahmadi pay a fine to the Board of FIFTY THOUSAND and XX/100 DOLLARS (\$50,000.00).
3. **IT IS FURTHER ORDERED**, pursuant to N.R.S. § 631.350(1)(b), Dr. Ahmadi's license to practice dentistry in the State of Nevada be hereby revoked. Dr. Ahmadi is informed that should he undergo rehabilitation, he may then petition the Board for reinstatement of the license.
4. **IT IS FURTHER ORDERED** that Dr. Ahmadi reimburse the Board all costs, including investigative and attorney's fees, incurred by Board in connection with the above-captioned matter. The Board's staff is directed to tally the costs and fees and to advise Dr. Ahmadi of the total amount due for such costs and fees.

Id., at 10:20 to 10.

On August 18, 2005, Respondent was convicted of two (2) felony counts of low-level trafficking of a controlled substance (category B felony) and sentenced to imprisonment in the Nevada Department of Prisons for the terms of 2-30 months. From August 18, 2005, until March 27, 2006, Respondent was incarcerated in the Nevada State Prison

J. On March 27, 2006, Respondent was paroled by the Nevada Board of Parole Commissioners after being incarcerated for approximately nine (9) months.

K. On April 7, 2006, Amy Stevens CADCA met with Respondent for the first and only

time for approximately one (1) hour and thirty (30) minutes and concluded Respondent did not need any further substance abuse treatment.

- L. On September 20, 2006, Robert Hedrick in his capacity as the Executive Officer of the Dental Board of California, Department of Consumer Affairs filed a First Amended Accusation, Case No. DBC 2005-68, against the Respondent alleging the following:

FIRST CAUSE FOR DISCIPLINE
(Conviction of a Substantially Related Crime)

16. Respondent is subject to disciplinary action under section 1670 of the Code on the grounds of unprofessional conduct, as defined in section 1670.1 and 490 of the Code and California Code of Regulations, title 16, section 1019, in that Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a dentist. The circumstances are as follows:
- a. On or about May 19, 2004, Respondent was convicted by the Court on a plea of nolo contendere for one count of violating Health and Safety Code section 11352(a), a felony, (transport Cocaine), in the superior Court of California, County of San Bernardino, Barstow District, Case No. FBA 007672, entitled *The People of the State of California v. Hamid Resza Ahamadi*.
 - b. The circumstances surrounding the conviction are that on or about December 15, 2003, during a patrol of Interstate-15, the California Highway Patrol Officer observed Respondent's vehicle on the right shoulder with its four-way flashing lights activated; the vehicle appeared to be disabled. Respondent was asleep in the driver's seat and his passenger slumped forward. After several attempts, the officer was able to wake Respondent up. The Highway patrol officer noted that Respondent's speech was extremely slow and slurred and appeared to be disoriented. In conducting a search of Respondent's vehicle, the officers found "rock" cocaine and drug paraphernalia. The officers determined that Respondent was under the influence of a controlled substance.
 - c. On or about August 30, 2005, Respondent was convicted by the Court on a plea of guilty for one count of violating Nevada Revised Statutes Annotated section 453.3385(1), a felony, (Trafficking in Controlled Substance - Low Level), in the District Court of

2 Nevada, Clark County, Case No. C202276, entitled The People of
3 the State of Nevada v. Hamid Reza Ahmadi, aka Hamid Reza
4 Amhadi.

5 d. The circumstances surrounding the conviction are that on or about
6 February 29, 2004, Respondent possessed 12.99 grams of Cocaine.

7 e. On or about September 15, 2005, Respondent was convicted by the
8 Court on a plea of guilty for one count of violating Nevada Revised
9 Statutes Annotated section 453.3385, a felony, (Trafficking in
10 Controlled Substance - Low level), in the District Court of Nevada,
11 Clark County, Case No. C212106, entitled *The People of the State
12 of Nevada v. Hamid Reza Ahmadi*.

13 f. The circumstances surrounding the conviction are that on or about
14 December 23, 2004, Respondent possessed 9.4 grams of Cocaine.

15 **SECOND CAUSE FOR DISCIPLINE**
16 **(Obtain or Posses a Controlled Substance)**

17 7 Respondent is subject to disciplinary action under sections 1670 and 1681,
18 subdivision (a), of the Code on the grounds of unprofessional conduct for
19 violating Health and Safety Code section 11173, subdivision (a), in that
20 on or about December 15, 2003, Respondent was in possession of a
21 controlled substance, Cocaine, and Nevada Revised Statutes Annotated
22 section 453.3385, in that on or about February 29, and December 23,
23 2004, Respondent was in possession of a controlled substance, Cocaine,
24 as more fully set forth in paragraph 16, above.

25 **THIRD CAUSE FOR DISCIPLINE**
(Use Controlled Substance In a Manner Dangerous or Injurious to Oneself)

18 18 Respondent is subject to discipline under sections 1670 and 1681,
19 subdivision (b), of the Code for violating health and Safety Code section
20 11055(b)(6) for having used a controlled substance, Cocaine, to an extent
21 or in a manner dangerous or injurious to himself, any other person, or the
22 public, as more fully set forth in paragraph 16, above.

23 **FOURTH CAUSE FOR DISCIPLINE**
24 **(Revocation of a License Issued, or Discipline Imposed, by Another State)**

25 19 Respondent is subject to disciplinary action under section 1680,
subdivision), of the Code on the grounds of unprofessional conduct in that
on December 1, 2004, the Nevada State Board of Dental Examiners, in its

Findings of Fact, Conclusions of Law, and Decision, in Case No. 04-1038, entitle "The Nevada State Board v. Hamid R. Ahamadi, D.D.S.", revoked Respondent's Nevada dental license for unprofessional conduct for violating Nevada Revised Statutes. The Nevada State Board of Dental Examiners made the following findings in support of the discipline:

- a. Failure to make himself available to his patients and abandoned them, in violation of N.R.S. section 631.075.
- b. Incompetence, in violation of N.R.S. section 631.3475(2).
- c. Addiction to a controlled substance to such an extent as to render him unsafe or unreliable as a practitioner, in violation of N.R.S. section 631.3475(6).
- d. Impaired physical or mental capacity and his indulgence in the use of controlled substance, in violation of N.R.S. sections 631.095(2) and 631.095(3).
- e. Failure to make health care records of patients available for inspection and copying, in violation of N.R.S. section 631.3485(4).
- f. Administering himself a controlled substance without a prescription, in violation of N.R.S. section 453.411(2).

Id., at 6:12 to 8:26

M. On December 15, 2006, a hearing was conducted before the Dental Board of California by an Administrative Law Judge of the Office of Administrative Hearings, upon the charges made in the Accusation No. 02-2003-2748 served upon the Respondent. As of the execution of this Order the Administrative Law Judge assigned has not rendered a decision.

N. Respondent, as of the execution of this Order, has not paid the fine of \$50,000.00 previously ordered by the Board on September 17, 2004.

- 1 O. Respondent, as of the execution of this Order, has not reimbursed the Board all costs,
2 including investigative and attorneys fees, incurred in connection with the formal hearing
3 of September 17, 2004.

4
5 **III.**
CONCLUSIONS OF LAW

6 Having made the aforementioned findings of fact, the Board, upon substantial evidence
7 (see N.R.S. § 631.350(1)) hereby makes the following conclusions of law:

- 8
9 A. By virtue of the foregoing findings, Respondent, subsequent to the formal hearing of
10 September 17, 2004, has been convicted of two (2) felony counts of low-level trafficking
11 of a controlled substance (category B felony) and was sentenced to imprisonment in the
12 Nevada Department of Prisons for the terms of 12-30 months. The two (2) count felony
13 conviction is a sufficient basis in and of itself for the denial of Respondent's Petition.
14
15 B. By virtue of the foregoing findings, Respondent has failed to provide the Board with
16 substantial evidence Respondent's rehabilitation is sufficient to warrant the reinstatement
17 of Respondent's license to practice dentistry in the State of Nevada. This conclusion is
18 sufficient in and of itself for the denial of Respondent's Petition.
19
20 C. By virtue of the foregoing findings, Respondent's failure to pay the fine of \$50,000.00
21 and reimburse the Board is also, in and of itself, substantial evidence justifying the denial
22 of Respondent's Petition.
23
24
25

**IV.
ORDER**

Having found by substantial evidence the Findings of Fact and Conclusions of Law set forth herein,

A. **IT IS HEREBY ORDERED**, Respondent's Petition to reinstate his license to practice dentistry in the State of Nevada is hereby denied by unanimous vote the Board member present at the petition hearing held on February 24, 2007.

* DATED & DONE this 24th day of FEB, 2007

NEVADA STATE BOARD OF DENTAL EXAMINERS


TONY GUILLEN, D.D.S.
PRESIDENT

Nevada State Board of Dental Examiners vs. Hamid R. Ahmadi, D.D.S.
Before the Nevada State Board of Dental Examiners; Case No. 04-1038
Findings of Fact, Conclusions of Law, and Decision (re: Hearing on Respondent's Petition to Reinstatement License)