

BEFORE THE
MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

IN RE:

MSBDE BOARD MEETING, JUNE 13, 2025

BOARD MEETING

Held before the
Mississippi State Board of Dental Examiners,
715 S. Pear Orchard Road, Suite 200 (Plaza I)
Ridgeland, MS 39157
On Friday, June 13th, 2025,
Beginning at approximately 8:33 a.m.

REPORTED BY:

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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 BOARD OF DENTAL EXAMINERS:</p> <p>4 Mark D. Williams, DMD, President</p> <p>5 Marion Lewis Grubbs, DMD, Vice-President</p> <p>6 Alexa Le'Kia Lampkin, DMD, Secretary</p> <p>7 David K. Curtis, DMD</p> <p>8 Wade C. Bishop, DMD</p> <p>9 Stephen W. Joe, DMD</p> <p>10 Haley Harrison Birmingham, RDH</p> <p>11</p> <p>12 BOARD ATTORNEY:</p> <p>13 Westley Mutziger, Esquire</p> <p>14 Senior Attorney, In-House Counsel</p> <p>15</p> <p>16 DENTAL EXAMINERS STAFF MEMBERS:</p> <p>17 Denny Hydrick, Executive Director</p> <p>18 Tiffany Vaughn, Deputy Director</p> <p>19 Lou Randia Sims, Licensing Representative</p> <p>20 Nick Hardwick, Senior Investigator</p> <p>21 Sherese Redmond, Investigator</p> <p>22</p> <p>23 ALSO PRESENT:</p> <p>24 Phillips Strickland, Hearing Officer</p> <p>25 Special Assistant Attorney General</p>	<p>1 EXHIBITS:</p> <p>2 *****</p> <p>3 B-1 - EXHIBIT LIST.....37</p> <p>4 B-2 - MSBDE LICENSE INFORMATION.....37</p> <p>5 B-3 - COMPLAINT & NOTICE OF HEARING.....37</p> <p>6 B-4 - MSBDE MEMO RE: SERVICE OF PROCESS.....37</p> <p>7 B-5 - CHRONOLOGY.....37</p> <p>8 B-6 - MSBDE CONSENT ORDER DATED 01/17/2025.....37</p> <p>9 B-7 - DELIVERY OF CONSENT ORDER - EMAIL & USPS</p> <p>10 TRACKING.....37</p> <p>11</p> <p>12 B-8 - MSBDE NOTIFICATION OF SUSPENSION FOR</p> <p>13 NON-COMPLIANCE DATED 02/19/2025.....37</p> <p>14 B-9 - MSBDE NOTIFICATION OF SUSPENSION FOR</p> <p>15 NON-COMPLIANCE DATED 04/18/2025.....37</p> <p>16</p> <p>17 B-10 - MSBDE NOTIFICATION OF COMPLETION OF</p> <p>18 REQUIREMENTS DATED 05/05/2025.....37</p> <p>19 B-11 - ASPEN DENTAL E-MAIL DATED 04/24/2025</p> <p>20 PROCEEDINGS.....37</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p style="text-align: right;">Page 6</p> <p>1 like for the guests in the room to introduce 2 themselves. Ma'am, will you start? 3 MS. WILSON: Hi, I'm Elizabeth Wilson. 4 I'm here for Capitol Resources today. 5 MS. CASEY: And I'm Ashley Casey with 6 Smiles to Go. 7 MS. LUMLEY: I'm Theresa Lumley, court 8 reporter. 9 MR. MORGAN: Noel Morgan with RE Care. 10 BOARD PRESIDENT DR. WILLIAMS: Thank 11 you, all. We have an agenda before us, and I 12 would like to maybe amend this to say that we 13 will move the Number 2, the disciplinary 14 hearing, down a bit until the Respondent gets 15 here. So we will adjust this as needed, but 16 otherwise, could we get a motion to approve this 17 agenda with that slight amendment as presented? 18 BOARD MEMBER DR. CURTIS: So move. 19 BOARD PRESIDENT DR. WILLIAMS: We've 20 got a motion. Is there a second? 21 BOARD MEMBER BIRMINGHAM: Second. 22 BOARD PRESIDENT DR. WILLIAMS: All in 23 favor, say "aye." 24 THE BOARD: Aye. 25 BOARD PRESIDENT DR. WILLIAMS: Any</p>	<p style="text-align: right;">Page 8</p> <p>1 favor for approving the minutes as submitted for 2 the April 25th meeting, say "aye." 3 THE BOARD: Aye. 4 BOARD PRESIDENT DR. WILLIAMS: Any 5 opposed? 6 THE BOARD: (No audible response.) 7 BOARD PRESIDENT DR. WILLIAMS: 8 Dr. Curtis. 9 BOARD MEMBER DR. CURTIS: Yes, sir. 10 BOARD PRESIDENT DR. WILLIAMS: I 11 planned on reviewing some of this stuff a bit 12 later in the morning. Since it's -- it's time. 13 Do you have a report from the rules and reg 14 committee? 15 BOARD MEMBER DR. CURTIS: I do. Thank 16 you very much. Thanks, everybody, for being 17 here. Today I will put forth on the table a 18 recommendation that we adopt new language for 19 the general supervision of dental hygienists. 20 The rules and regs committee met last 21 night. And most of you in the room were here, 22 so that's a good thing. We don't have to 23 completely rehash everything that was discussed. 24 The proposed regulations did have one 25 amendment, and that was page 3, C2, "The</p>
<p style="text-align: right;">Page 7</p> <p>1 opposed? 2 THE BOARD: (No audible response.) 3 BOARD PRESIDENT DR. WILLIAMS: Thank 4 you. 5 So we have the minutes from the 6 meeting that was conducted on April the 25th. 7 You've had an opportunity to review those. Does 8 anybody -- could I get a motion to approve those 9 minutes or get a motion to amend those minutes, 10 one of the two? 11 BOARD SECRETARY DR. LAMPKIN: So move. 12 BOARD PRESIDENT DR. WILLIAMS: Which 13 one? 14 BOARD SECRETARY DR. LAMPKIN: Sorry. 15 That we approve the previous -- 16 BOARD PRESIDENT DR. WILLIAMS: Approve 17 the minutes from the previous meeting? 18 BOARD SECRETARY DR. LAMPKIN: Correct. 19 BOARD PRESIDENT DR. WILLIAMS: We have 20 a motion. Can I get a second? 21 BOARD VICE-PRESIDENT GRUBBS: Second. 22 BOARD PRESIDENT DR. WILLIAMS: Any 23 discussion? 24 THE BOARD: (No audible response.) 25 BOARD PRESIDENT DR. WILLIAMS: All in</p>	<p style="text-align: right;">Page 9</p> <p>1 supervising dentist shall provide written 2 treatment protocols for each patient seen under 3 general supervision, and the dental hygienist 4 shall adhere to such protocol." The amendment 5 was to drop the word "each" and that amendment 6 was approved. 7 So I would like to put on the table at 8 this point from the chair of rules and regs that 9 we adopt Regulation 13. What is it, regulation 10 -- 11 EXECUTIVE DIRECTOR HYDRICK: That's 12 it. 13 BOARD MEMBER DR. CURTIS: It is 14 Regulation 13. With regard to the general 15 supervision of dental hygienists. 16 BOARD PRESIDENT DR. WILLIAMS: So I 17 have a motion on the floor. Can I get a second 18 so we can discuss it? 19 BOARD VICE-PRESIDENT DR. GRUBBS: 20 Second. 21 BOARD PRESIDENT DR. WILLIAMS: Is 22 there any discussion about the recommendation 23 from the rules and reg committee? 24 EXECUTIVE DIRECTOR HYDRICK: This is 25 just the amended version on the screen by the</p>

<p style="text-align: right;">Page 10</p> <p>1 way.</p> <p>2 BOARD PRESIDENT DR. WILLIAMS: I know</p> <p>3 it's a matter of semantics, Westley, but in that</p> <p>4 word "patients," should the "S" be in</p> <p>5 parentheses, "for a patient or patients"?</p> <p>6 Whatever. You know, it's a matter of semantics,</p> <p>7 I know, but is that even worth mentioning?</p> <p>8 We're assuming multiple patients, but it could</p> <p>9 be a patient.</p> <p>10 MR. MUTZIGER: I don't think it's</p> <p>11 necessary.</p> <p>12 BOARD PRESIDENT DR. WILLIAMS: Okay.</p> <p>13 Very good.</p> <p>14 Anything else about the -- I had</p> <p>15 suggested last night that I would like to see</p> <p>16 something added to say that the -- I think it's</p> <p>17 6 -- no, I'm sorry, Item 5, C5 that -- right</p> <p>18 there. "Patients seen under general supervision</p> <p>19 must receive advanced notification that</p> <p>20 supervising dentists will not be present."</p> <p>21 I would like to see --</p> <p>22 EXECUTIVE DIRECTOR HYDRICK: So this</p> <p>23 is additional language you were discussing last</p> <p>24 night.</p> <p>25 BOARD PRESIDENT DR. WILLIAMS:</p>	<p style="text-align: right;">Page 12</p> <p>1 right. Any discussion on this C13 regulation?</p> <p>2 THE BOARD: (No audible response.)</p> <p>3 BOARD PRESIDENT DR. WILLIAMS: Hearing</p> <p>4 none, could I get a motion -- we have a motion</p> <p>5 on the floor to discuss. We have an amendment</p> <p>6 to that. So we don't have to have a new motion.</p> <p>7 We just call for the vote, right?</p> <p>8 MR. MUTZIGER: Correct.</p> <p>9 BOARD PRESIDENT DR. WILLIAMS: All</p> <p>10 right. So all in favor of approving Reg 13 with</p> <p>11 the two amendments that have been mentioned</p> <p>12 today, one from last night and one from this</p> <p>13 morning, say "aye."</p> <p>14 THE BOARD: Aye.</p> <p>15 BOARD PRESIDENT DR. WILLIAMS: Any</p> <p>16 opposed?</p> <p>17 BOARD MEMBER BIRMINGHAM: I oppose.</p> <p>18 BOARD PRESIDENT DR. WILLIAMS: I'm so</p> <p>19 sorry.</p> <p>20 BOARD MEMBER BIRMINGHAM: That's okay.</p> <p>21 BOARD PRESIDENT DR. WILLIAMS: Thank</p> <p>22 you, Ms. Birmingham, for voicing your opinion.</p> <p>23 EXECUTIVE DIRECTOR HYDRICK: Do we</p> <p>24 need to have a motion and a vote to do an</p> <p>25 emergency rule on this?</p>
<p style="text-align: right;">Page 11</p> <p>1 "Advanced notification cannot be same day</p> <p>2 notification," right. So that's been added as</p> <p>3 well?</p> <p>4 EXECUTIVE DIRECTOR HYDRICK: But it</p> <p>5 needs to be voted on.</p> <p>6 BOARD PRESIDENT DR. WILLIAMS:</p> <p>7 Correct. Yeah. I would like to submit that as</p> <p>8 a potential amendment as 5B, A and B, "Such</p> <p>9 notification be documented and advanced</p> <p>10 notification cannot be same day notification."</p> <p>11 BOARD MEMBER DR. CURTIS: I'll second</p> <p>12 that.</p> <p>13 BOARD PRESIDENT DR. WILLIAMS: So I</p> <p>14 have a motion and a second. Any discussion</p> <p>15 about that?</p> <p>16 THE BOARD: (No audible response.)</p> <p>17 BOARD PRESIDENT DR. WILLIAMS: Hearing</p> <p>18 no discussion, I'll call for a vote. All in</p> <p>19 favor of amending Reg 13 C5 as submitted, say</p> <p>20 "aye."</p> <p>21 THE BOARD: Aye.</p> <p>22 BOARD PRESIDENT DR. WILLIAMS: Any</p> <p>23 opposed?</p> <p>24 THE BOARD: (No audible response.)</p> <p>25 BOARD PRESIDENT DR. WILLIAMS: All</p>	<p style="text-align: right;">Page 13</p> <p>1 BOARD PRESIDENT DR. WILLIAMS: Yes.</p> <p>2 That was going to be --</p> <p>3 MR. MUTZIGER: That would be</p> <p>4 appropriate effective July 1.</p> <p>5 BOARD PRESIDENT DR. WILLIAMS:</p> <p>6 Correct. Because this legislation was approved</p> <p>7 by the governor in late April, and we have</p> <p>8 worked diligently to -- I will commend our staff</p> <p>9 and those on the rules and reg committee for</p> <p>10 working diligently to get this regulation to a</p> <p>11 form where we could potentially approve it.</p> <p>12 This law is mandated to go into effect on</p> <p>13 July the 1st, so I would propose that the board</p> <p>14 vote an emergency regulation approval so that</p> <p>15 this could become effective immediately. So...</p> <p>16 BOARD MEMBER DR. CURTIS: So moved.</p> <p>17 BOARD VICE-PRESIDENT DR. GRUBBS:</p> <p>18 Second.</p> <p>19 BOARD PRESIDENT DR. WILLIAMS: Show a</p> <p>20 motion and a second to make this an emergency</p> <p>21 implementation of Rule -- Reg --</p> <p>22 MR. MUTZIGER: Effective July 1.</p> <p>23 BOARD PRESIDENT DR. WILLIAMS: Yes,</p> <p>24 I'm sorry, effective July 1, yes. That will</p> <p>25 correlate with the date the law will go into</p>

<p style="text-align: right;">Page 14</p> <p>1 effect.</p> <p>2 Any discussion about invoking the</p> <p>3 emergency regulation approval?</p> <p>4 THE BOARD: (No audible response.)</p> <p>5 BOARD PRESIDENT DR. WILLIAMS: Any</p> <p>6 discussion?</p> <p>7 THE BOARD: (No audible response.)</p> <p>8 BOARD PRESIDENT DR. WILLIAMS: All in</p> <p>9 favor, say "aye."</p> <p>10 THE BOARD: Aye.</p> <p>11 BOARD PRESIDENT DR. WILLIAMS: Any</p> <p>12 opposed?</p> <p>13 THE BOARD: (No audible response.)</p> <p>14 BOARD PRESIDENT DR. WILLIAMS: I know</p> <p>15 your committee has been really busy. Do you</p> <p>16 have anything else to bring?</p> <p>17 BOARD MEMBER DR. CURTIS: I do not.</p> <p>18 Thank you, sir.</p> <p>19 BOARD PRESIDENT DR. WILLIAMS: Not</p> <p>20 today? All right. Very good. All right.</p> <p>21 So those in the audience, we were</p> <p>22 expecting some time to lapse before we got to</p> <p>23 this point in the meeting.</p> <p>24 Good morning, Ms. Sims. I appreciate</p> <p>25 you being here. But I know you're well</p>	<p style="text-align: right;">Page 16</p> <p>1 application for Dr. Zeb?</p> <p>2 BOARD MEMBER DR. CURTIS: So move.</p> <p>3 BOARD PRESIDENT DR. WILLIAMS: We have</p> <p>4 a motion. Can I get a second?</p> <p>5 BOARD MEMBER DR. BISHOP: Second.</p> <p>6 BOARD PRESIDENT DR. WILLIAMS: A</p> <p>7 motion and a second to approve this application</p> <p>8 for Dr. Zeb. Any discussion?</p> <p>9 THE BOARD: (No audible response.)</p> <p>10 BOARD PRESIDENT DR. WILLIAMS: Hearing</p> <p>11 none, all in favor say "aye."</p> <p>12 BOARD MEMBERS: Aye.</p> <p>13 BOARD PRESIDENT DR. WILLIAMS: Any</p> <p>14 opposed?</p> <p>15 THE BOARD: (No audible response.)</p> <p>16 BOARD PRESIDENT DR. WILLIAMS: All</p> <p>17 right. I just got notification that the</p> <p>18 Respondent is here. Mr. Mutziger, are you</p> <p>19 prepared to proceed?</p> <p>20 MR. MUTZIGER: I am.</p> <p>21 BOARD PRESIDENT DR. WILLIAMS: I would</p> <p>22 like to go back in the agenda -- thanks, Ms.</p> <p>23 Lou, for being here.</p> <p>24 I would like to go back in our agenda</p> <p>25 to Item Number 2, which is a disciplinary</p>
<p style="text-align: right;">Page 15</p> <p>1 prepared, right?</p> <p>2 MS. SIMS: I guess.</p> <p>3 BOARD PRESIDENT DR. WILLIAMS: Well,</p> <p>4 we will proceed at the rate that's comfortable</p> <p>5 for you.</p> <p>6 MS. SIMS: Okay. We can go in the</p> <p>7 order that it's in. I don't have it in order --</p> <p>8 BOARD PRESIDENT DR. WILLIAMS: Okay.</p> <p>9 So we have applications for some licensures.</p> <p>10 First is -- so we'll continue with this one and</p> <p>11 we'll stop, okay?</p> <p>12 Do you have the application for this</p> <p>13 dental license for Ariana Zeb?</p> <p>14 MS. SIMS: Yes.</p> <p>15 BOARD PRESIDENT DR. WILLIAMS: Okay.</p> <p>16 Good. Can you discuss that one for us?</p> <p>17 MS. SIMS: So Ariana, she is a</p> <p>18 Mississippi resident, so she would qualify for</p> <p>19 the UROLA reciprocity application. She has been</p> <p>20 licensed in another state for more than a year,</p> <p>21 in Alabama, since 2021. And she has moved to</p> <p>22 Mississippi. As you see, the lease date is</p> <p>23 attached to her application.</p> <p>24 BOARD PRESIDENT DR. WILLIAMS: So can</p> <p>25 I get a motion to approve the licensure</p>	<p style="text-align: right;">Page 17</p> <p>1 hearing. And, Nick, would you invite our</p> <p>2 Respondent in.</p> <p>3 (Dr. Bigelow enters board room.)</p> <p>4 DR. BIGELOW: Wow.</p> <p>5 BOARD PRESIDENT DR. WILLIAMS: If</p> <p>6 you'll have a seat at that computer right there.</p> <p>7 DR. BIGELOW: You guys have got quite</p> <p>8 a thing going on here, don't you?</p> <p>9 Can I take a look across to see who's</p> <p>10 on here or can you introduce yourselves?</p> <p>11 BOARD PRESIDENT DR. WILLIAMS: We've</p> <p>12 introduced ourselves at the beginning of the</p> <p>13 meeting. This is Mr. Phillips Strickland. He's</p> <p>14 going to be the hearing officer for the day.</p> <p>15 I'm Mark Williams, president of the board. I</p> <p>16 will recuse myself at this point in the hearing.</p> <p>17 Would you -- we have had all guests introduce</p> <p>18 themselves. Would you introduce yourself, Dr.</p> <p>19 Bigelow.</p> <p>20 DR. BIGELOW: Tod Bigelow.</p> <p>21 BOARD PRESIDENT DR. WILLIAMS: Very</p> <p>22 good. All right. I will defer to the hearing</p> <p>23 officer at this point.</p> <p>24 DR. BIGELOW: You said you recuse</p> <p>25 yourself?</p>

<p style="text-align: right;">Page 18</p> <p>1 BOARD PRESIDENT DR. WILLIAMS: Yes, 2 sir. 3 DR. BIGELOW: Why is that? 4 BOARD PRESIDENT DR. WILLIAMS: Because 5 I was the investigating dentist back in 2022, 6 and I cannot sit in on the rest of what's going 7 to happen. Just one of policy. 8 DR. BIGELOW: I just wanted to know 9 what's going on. 10 BOARD PRESIDENT DR. WILLIAMS: I'll be 11 here. I'll be in the room until you have 12 questions for me. 13 DR. BIGELOW: Is this being recorded? 14 EXECUTIVE DIRECTOR HYDRICK: It is. 15 DR. BIGELOW: And what is the purpose 16 of this meeting? Being my consent form has been 17 reviewed by the board, I paid by the board, and 18 I've been cleared, and my license is active. 19 Are those correct statements? 20 EXECUTIVE DIRECTOR HYDRICK: This is a 21 public hearing. I can't answer any additional 22 questions. 23 DR. BIGELOW: Why are we having -- is 24 a public hearing a regular hearing? 25 HEARING OFFICER STRICKLAND: Mr. --</p>	<p style="text-align: right;">Page 20</p> <p>1 My name is Phillips Strickland. I'll 2 be the hearing officer today. My role during 3 this proceeding is to rule on objections to 4 questions or evidence that were raised by the 5 parties, to see to the orderly administration of 6 these proceedings, to ensure that the hearing is 7 conducted in accordance with the applicable laws 8 and rules. 9 At this time I'm going to ask members 10 of the board to introduce themselves for the 11 record for this hearing. 12 BOARD MEMBER DR. CURTIS: David 13 Curtis, District 1. 14 BOARD MEMBER BIRMINGHAM: Haley 15 Birmingham, dental hygienist. 16 BOARD MEMBER DR. GRUBBS: Lewis 17 Grubbs. 18 BOARD SECRETARY DR. LAMPKIN: Alexa 19 Lampkin. 20 BOARD MEMBER DR. JOE: Stephen Joe. 21 BOARD MEMBER DR. BISHOP: Wade Bishop. 22 HEARING OFFICER STRICKLAND: All 23 right. Thank you, all. And I will note as 24 board president, Dr. Mark Williams was an 25 investigating board member on a portion of this</p>
<p style="text-align: right;">Page 19</p> <p>1 DR. BIGELOW: Do I need to have an 2 attorney? 3 HEARING OFFICER STRICKLAND: Let me -- 4 we're about to go into all of that. 5 Dr. Bigelow, did you receive a copy of 6 the notice? 7 DR. BIGELOW: Yeah, of this hearing. 8 HEARING OFFICER STRICKLAND: Okay. 9 And the complaint as well? 10 DR. BIGELOW: Well, the consent order. 11 HEARING OFFICER STRICKLAND: Well, let 12 me -- 13 DR. BIGELOW: Is there a complaint 14 above and beyond? 15 HEARING OFFICER STRICKLAND: We'll get 16 to that in just a moment. Let me start over. 17 Now before the State Board of -- the 18 Mississippi State Board of Dental Examiners, 19 today's date is Friday, June 13th, 2025. And 20 the time is now 8:48 a.m. 21 And we are here in the matter of 22 Dental License Number 2759-93, Tod A. Bigelow. 23 We're here at the board offices on South Pear 24 Orchard Road, Suite 200. This may be -- this is 25 their conference room.</p>	<p style="text-align: right;">Page 21</p> <p>1 case -- the history of the case, and he will be 2 recusing himself. He will be in the room today, 3 but he won't take part in any of the 4 deliberations or the vote on any action that 5 might take place after this hearing. 6 Will the attorney for the board state 7 your name for the record. 8 MR. MUTZIGER: Yes. My name is 9 Westley Mutziger. 10 HEARING OFFICER STRICKLAND: Thank 11 you. And the licensee, Dr. Bigelow, you're 12 here, correct? 13 DR. BIGELOW: Yes. 14 HEARING OFFICER STRICKLAND: And are 15 you represented by counsel? 16 DR. BIGELOW: No, I'm not. No one 17 suggested that or told me I should be. 18 HEARING OFFICER STRICKLAND: And do 19 you understand you have the right to an 20 attorney? 21 DR. BIGELOW: No. I don't understand 22 why we're having this meeting. No clue why 23 we're having this meeting when the consent order 24 is signed by the board that fulfilled the 25 requirements that you required me to do and I've</p>

<p style="text-align: right;">Page 22</p> <p>1 done it. So why are we here?</p> <p>2 HEARING OFFICER STRICKLAND: Well, I</p> <p>3 believe that is what's at issue today is whether</p> <p>4 or not -- and I can't -- I'm not going to get</p> <p>5 into the board's case for them. They're going</p> <p>6 to be more than welcome to do that.</p> <p>7 DR. BIGELOW: Well, it's been</p> <p>8 requested by me to do that. I guess I'm acting</p> <p>9 as my own attorney at least until this point.</p> <p>10 HEARING OFFICER STRICKLAND: I just</p> <p>11 need to go through these few items for the</p> <p>12 record. Do you understand you have a right to</p> <p>13 an attorney?</p> <p>14 DR. BIGELOW: Yeah. Now I do.</p> <p>15 HEARING OFFICER STRICKLAND: Do you</p> <p>16 understand you have the right to have witnesses</p> <p>17 testify on your behalf?</p> <p>18 DR. BIGELOW: I do now. I didn't know</p> <p>19 that I was going to be undergoing a microscopic</p> <p>20 hearing today. No one has told me that the</p> <p>21 board needs to understand that very clearly.</p> <p>22 That information has not been conveyed to me.</p> <p>23 HEARING OFFICER STRICKLAND:</p> <p>24 Dr. Bigelow, one second, please. In order to</p> <p>25 clear this up, I would like to ask the board's</p>	<p style="text-align: right;">Page 24</p> <p>1 procedure that govern these proceedings, all of</p> <p>2 which has been provided; again, according with</p> <p>3 the 30-day notice requirement law. So it would</p> <p>4 be the board's position that all required notice</p> <p>5 has been given to Dr. Bigelow for these</p> <p>6 proceedings today.</p> <p>7 HEARING OFFICER STRICKLAND: Thank</p> <p>8 you.</p> <p>9 DR. BIGELOW: That wasn't my question.</p> <p>10 The board has done nothing wrong. The board has</p> <p>11 done exactly what he said, but what does that do</p> <p>12 for me?</p> <p>13 Nick came to my house, gave me this,</p> <p>14 and said, "By the way, you've got to come up</p> <p>15 here at a hearing."</p> <p>16 I said, "Why?"</p> <p>17 He said, "It's just normal routine</p> <p>18 procedure." And he gave me this, everything,</p> <p>19 including the complaint and the signature by</p> <p>20 Nick stating that it's been delivered, but also</p> <p>21 stating in here, I'm assuming -- I haven't</p> <p>22 looked at it that close -- that I fulfilled all</p> <p>23 of the requirements that the board has asked me</p> <p>24 to do to this point.</p> <p>25 So the question is if I fulfilled</p>
<p style="text-align: right;">Page 23</p> <p>1 attorney about -- could you tell us about</p> <p>2 provision of notice to Dr. Bigelow?</p> <p>3 MR. MUTZIGER: Yes, I can. Attached</p> <p>4 in the proposed exhibits today, which,</p> <p>5 Mr. Strickland, I believe, you have a copy of</p> <p>6 those available to you, you'll find Exhibit B-3.</p> <p>7 Exhibit B-3 is the notice of hearing as well as</p> <p>8 the formal complaint.</p> <p>9 Within that notice of hearing, we are</p> <p>10 providing notice in accordance with the Dental</p> <p>11 Practice Act of the board's case for violations</p> <p>12 of that Dental Practice Act against Dr. Bigelow</p> <p>13 which would have notified him to appear. You</p> <p>14 will find at the bottom of that page the</p> <p>15 signature of Dr. Bigelow signifying his receipt</p> <p>16 on May 12th, 2025, which would comport with the</p> <p>17 30-day notice requirement found in Part 2302,</p> <p>18 the board's rules and procedure.</p> <p>19 Further, down from the notice of</p> <p>20 hearing, you'll find the formal complaint. And</p> <p>21 following the formal complaint -- let's see, I</p> <p>22 believe it's going to be Exhibit B-4, there is a</p> <p>23 memo from the board staff indicating delivery of</p> <p>24 the formal complaint and notice of hearing as</p> <p>25 well as a print copy of the board's rules of</p>	<p style="text-align: right;">Page 25</p> <p>1 everything the board has asked me to do and the</p> <p>2 executive director signed off on it, why am I</p> <p>3 here? And the second question is: Does this</p> <p>4 happen to everybody that has a board complaint?</p> <p>5 HEARING OFFICER STRICKLAND:</p> <p>6 Dr. Bigelow, the answers to all those questions</p> <p>7 are contained in the documents that you were</p> <p>8 given.</p> <p>9 DR. BIGELOW: Where?</p> <p>10 HEARING OFFICER STRICKLAND: It's</p> <p>11 incumbent upon you to read those documents.</p> <p>12 DR. BIGELOW: Well, I did read them.</p> <p>13 I have read them. I didn't read them at the</p> <p>14 time he gave --</p> <p>15 HEARING OFFICER STRICKLAND: Now,</p> <p>16 we're here today -- please, let me continue.</p> <p>17 We're here today to have a formal</p> <p>18 hearing on the charges contained in those</p> <p>19 documents.</p> <p>20 DR. BIGELOW: Okay. So --</p> <p>21 HEARING OFFICER STRICKLAND: You've</p> <p>22 been provided notice.</p> <p>23 DR. BIGELOW: Would you please point</p> <p>24 out to me what page we're on?</p> <p>25 HEARING OFFICER STRICKLAND: No, we're</p>

<p style="text-align: right;">Page 26</p> <p>1 not there. We're not there yet. The way these 2 hearings work -- and I'll go through that now. 3 DR. BIGELOW: May I ask another 4 question? You said this is being recorded? 5 Okay. This is being recorded. Is there a 6 public record? 7 HEARING OFFICER STRICKLAND: Yes, sir. 8 DR. BIGELOW: So I have the right to 9 the recording as well? 10 HEARING OFFICER STRICKLAND: Of 11 course. 12 DR. BIGELOW: Well, you say that "of 13 course" like you think that at 70 years old that 14 I go to court every day or something. 15 HEARING OFFICER STRICKLAND: I'm not 16 trying to be insulting at all. 17 DR. BIGELOW: Well, but "Of course" -- 18 I've never even had a speeding ticket that I've 19 had to go to court for. So I have no idea how 20 this works. 21 HEARING OFFICER STRICKLAND: And I'm 22 not trying to be belittling. I'm trying to 23 assist with this process. 24 DR. BIGELOW: Well, understand where 25 I'm coming from, too.</p>	<p style="text-align: right;">Page 28</p> <p>1 call you Wes? 2 MR. MUTZIGER: Sure. 3 DR. BIGELOW: I mean, since you're the 4 board attorney. 5 MR. MUTZIGER: Wes is fine. 6 HEARING OFFICER STRICKLAND: I'll 7 explain the typical process and then I'll ask 8 that question again. How about that? 9 All right. So the board hearing, the 10 way they typically are structured, will have 11 opening statements from both parties. The 12 board's attorney -- will you please pronounce 13 your name one more time? 14 MR. MUTZIGER: Sure. Mut -- like the 15 television -- ziger. 16 HEARING OFFICER STRICKLAND: Mutziger. 17 Thank you. Attorney Mutziger will give an 18 opening statement, and you'll have the option to 19 provide an opening statement as well. We will 20 hear arguments from the board's attorney, and 21 then you'll be able to cross-examine the board's 22 attorney or their witnesses. And you'll also be 23 able to testify on your own behalf. 24 DR. BIGELOW: Now, I didn't bring an 25 attorney because I didn't realize that I was</p>
<p style="text-align: right;">Page 27</p> <p>1 HEARING OFFICER STRICKLAND: Well, let 2 me keep going here. There's certain things I 3 have to have on the record. 4 DR. BIGELOW: Okay. 5 HEARING OFFICER STRICKLAND: All 6 right. You understand you have the right to 7 have witnesses testify on your behalf? Do you 8 understand that? 9 DR. BIGELOW: Well, once I see the 10 charges, I'll know whether I need to have -- 11 HEARING OFFICER STRICKLAND: Well, you 12 have that right. 13 DR. BIGELOW: Yes, I understand the 14 right. But I don't know the need. 15 HEARING OFFICER STRICKLAND: You 16 further understand that you have the right to 17 have subpoenas issued by the board on your 18 behalf in accordance with the board's rules? 19 DR. BIGELOW: Yeah. 20 HEARING OFFICER STRICKLAND: And 21 notwithstanding all that, do you wish to proceed 22 without counsel today? 23 DR. BIGELOW: Well, since we have the 24 board attorney here, I'm not -- I'm still not 25 clear on the charges, Wes. Is it okay for me to</p>	<p style="text-align: right;">Page 29</p> <p>1 being scrutinized for -- I know what I've been 2 accused of breaking, and I agree to the consent 3 order to fulfill my responsibility to the board 4 and to the State of Mississippi, which I feel 5 like I have done. 6 When somebody goes to jail and then 7 gets released after their prescribed punishment, 8 what people say is, "He's paid his just dues." 9 That's where I feel -- I've done what the board 10 has asked me to do. 11 HEARING OFFICER STRICKLAND: I'm 12 sorry. I don't mean to cut you off. Now is not 13 the time to tell your side of the story. I told 14 you the general outline of the hearing process. 15 Are you prepared to proceed today without 16 counsel? 17 DR. BIGELOW: If I proceed today 18 without counsel, where does this go? 19 HEARING OFFICER STRICKLAND: On the 20 hearing. If you're asking for a continuance -- 21 DR. BIGELOW: No, I'm asking at the 22 end of -- if I'm going to be found guilty of 23 what -- if I'm found guilty of what, what am I 24 going to be found guilty of? I have no idea. 25 HEARING OFFICER STRICKLAND: It's in</p>

<p style="text-align: right;">Page 30</p> <p>1 all the materials you were given.</p> <p>2 DR. BIGELOW: I don't see it, sir. I</p> <p>3 don't see where in here it says if you're found</p> <p>4 guilty, you have to wash 15 cars.</p> <p>5 BOARD VICE-PRESIDENT DR. GRUBBS: Can</p> <p>6 I say something? Am I allowed to say something?</p> <p>7 Because he's getting to say everything. You're</p> <p>8 asking him specific questions, and he's not</p> <p>9 answering.</p> <p>10 HEARING OFFICER STRICKLAND: I agree.</p> <p>11 BOARD VICE-PRESIDENT DR. GRUBBS: And</p> <p>12 we can be all day if we're going to do this.</p> <p>13 Either he wants counsel or he doesn't want</p> <p>14 counsel. Can we get to the chase?</p> <p>15 HEARING OFFICER STRICKLAND: Fair</p> <p>16 point.</p> <p>17 DR. BIGELOW: My chase is what's the</p> <p>18 worst case scenario here?</p> <p>19 MR. HYDRICK: That's an attorney</p> <p>20 question.</p> <p>21 HEARING OFFICER STRICKLAND: What</p> <p>22 we're talking about right now -- and you've been</p> <p>23 provided notice. You've been given copies of</p> <p>24 the complaint. It's your responsibility to know</p> <p>25 what's at stake. Now, either you want to</p>	<p style="text-align: right;">Page 32</p> <p>1 HEARING OFFICER STRICKLAND: Sir. You</p> <p>2 want to do what?</p> <p>3 DR. BIGELOW: What if I don't want to</p> <p>4 continue at any point in time, do I have that</p> <p>5 right to say so?</p> <p>6 HEARING OFFICER STRICKLAND: You've</p> <p>7 had ample notice, and you are -- you don't have</p> <p>8 to be in here. You can leave the room, but</p> <p>9 we're going to have the hearing today one way or</p> <p>10 the other.</p> <p>11 Now, if you would like to be a witness</p> <p>12 for yourself when it's time for you to put on</p> <p>13 your case in chief and speak on your own behalf,</p> <p>14 then that's what we'll do. If you would like to</p> <p>15 move for a continuance so that you can acquire</p> <p>16 representation, the board will consider that</p> <p>17 motion. I have not yet heard a motion of that</p> <p>18 nature.</p> <p>19 DR. BIGELOW: Okay. I think I want to</p> <p>20 continue, but I have one last legal question for</p> <p>21 our attorney.</p> <p>22 HEARING OFFICER STRICKLAND: I'll</p> <p>23 allow it. And I would like to clarify, he's not</p> <p>24 your attorney; he's the board's attorney. And</p> <p>25 this is an adversarial process; but please ask</p>
<p style="text-align: right;">Page 31</p> <p>1 proceed today without counsel or you would like</p> <p>2 to ask for a continuance and that will be taken</p> <p>3 under consideration by the board.</p> <p>4 DR. BIGELOW: I'm not trying to</p> <p>5 stretch anything out or waste anybody's time,</p> <p>6 including mine and all of yours, but I practice</p> <p>7 dentistry, and I would like to continue</p> <p>8 practicing dentistry, so if there's a chance</p> <p>9 that you can take my license today, then I guess</p> <p>10 I probably need somebody that knows what's going</p> <p>11 on to protect myself because I'm not. I'm not</p> <p>12 an attorney.</p> <p>13 HEARING OFFICER STRICKLAND: In the</p> <p>14 interest of conservation of administrative</p> <p>15 resources, I'm going to proceed with the hearing</p> <p>16 today. You've had ample notice. You could have</p> <p>17 had an attorney here, and I feel like this is</p> <p>18 honestly just getting out of hand. So I'm going</p> <p>19 to allow opening statements at this time.</p> <p>20 DR. BIGELOW: May I ask one other</p> <p>21 question?</p> <p>22 HEARING OFFICER STRICKLAND: Please no</p> <p>23 more interruptions.</p> <p>24 DR. BIGELOW: Well, what if I want to</p> <p>25 stop?</p>	<p style="text-align: right;">Page 33</p> <p>1 your question, and we'll see if we can get to</p> <p>2 the bottom of it to get you the information you</p> <p>3 need.</p> <p>4 DR. BIGELOW: I would like to get this</p> <p>5 over with, too. I mean, these types of things</p> <p>6 drag on in a person's life. They're very</p> <p>7 negative with family, wife, et cetera. So I</p> <p>8 think we ought to go ahead, and I will, but if</p> <p>9 we get to where at the end of it, Wes, if</p> <p>10 there's a decision by the board, is there --</p> <p>11 what is it where there -- all I know is on TV,</p> <p>12 they say, "Well, we're going to have a" -- where</p> <p>13 they get to go back and do it again. What's</p> <p>14 that term?</p> <p>15 HEARING OFFICER STRICKLAND: Appeal?</p> <p>16 DR. BIGELOW: Appeal, yes. There must</p> <p>17 be an appeal policy, I'm assuming.</p> <p>18 HEARING OFFICER STRICKLAND: There</p> <p>19 are.</p> <p>20 DR. BIGELOW: It doesn't say anything</p> <p>21 in here. And I don't want to give you the</p> <p>22 perception that I didn't read it. I've read it,</p> <p>23 but just not that first day.</p> <p>24 MR. MUTZIGER: I will reiterate what</p> <p>25 Mr. Strickland said. I want you to please be</p>

<p style="text-align: right;">Page 34</p> <p>1 aware, Dr. Bigelow, my position is adverse to 2 yours. I am not your personal legal counsel, so 3 you cannot accept what I say as your personal 4 legal advice. 5 There is an appeal process. It's 6 found in Part 2302, what we provided to you, the 7 board's rules of procedures. And that is 8 standard across administrative law. I'm sure 9 Mr. Strickland could advise you of those rights 10 as well. There is a defined appeal process for 11 this board. 12 DR. BIGELOW: Okay. Thank you for 13 your answer. 14 HEARING OFFICER STRICKLAND: All 15 right. At this time we're going to move forward 16 with opening statements. 17 MR. MUTZIGER: Thank you, 18 Mr. Strickland. And good morning, members of 19 the board. 20 Today we have before you the case of 21 Dr. Tod Bigelow, Docket Numbers 2020-070, 22 2025-072, 2025-073. 23 The complaint that has been filed in 24 this matter alleges three violations of the 25 Mississippi Dental Practice Act. Now, this is a</p>	<p style="text-align: right;">Page 36</p> <p>1 hostility in the form of a threat in that he was 2 advised by Dr. Bigelow if any one of the board 3 staff were to appear at his office, they ought 4 to bring a gun. 5 After that, two days later, with 6 suspension in hand, Dr. Bigelow proceeded to 7 continue to practice dentistry in direct 8 violation of the suspension imposed by that 9 January 17th order. 10 Unfortunately, Dr. Bigelow has 11 displayed a pattern of behavior that represents 12 defiance for this board's authority. And I ask 13 today that you consider all evidence duly 14 admitted and render a decision regarding a 15 violation of the Dental Practice Act that takes 16 into consideration his defiance, and impose 17 appropriate sanctions. Thank you. 18 HEARING OFFICER STRICKLAND: Thank 19 you. I'm going to take just one second. 20 Attorney Mutziger, in your board 21 rules, does it outline the process for 22 requesting a continuance? 23 MR. MUTZIGER: It does. 24 HEARING OFFICER STRICKLAND: I thought 25 that it did.</p>
<p style="text-align: right;">Page 35</p> <p>1 straightforward case, members of the board. 2 Those charges are that he committed 3 unprofessional conduct, that he violated an 4 order of the board, and that he practiced 5 dentistry while his license was suspended. 6 Dr. Bigelow entered into a consent 7 order with this board that was approved 8 January 17th of this year. There were 9 requirements, simple, straight-forward 10 requirements: A fine within a time frame, a 11 cost within a time frame, complete five CEs 12 regarding documentation, and pass the 13 Mississippi jurisprudence examination. 14 Dr. Bigelow failed to comply fully 15 with those requirements. He was late in paying 16 his fine. That resulted in a period of 17 suspension. Then he failed to timely submit his 18 CEs. That, too, resulted in a period of 19 suspension. After the second period of 20 suspension -- or, excuse me -- after the first, 21 the board's investigator personally served 22 Dr. Bigelow with the notice of suspension. 23 Delivered it to him in hand on a Monday of the 24 work week to which it was to commence. 25 Our board investigator was met with</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. MUTZIGER: It's going to be Roman 2 Numeral 9. It looks to be page 7. 3 HEARING OFFICER STRICKLAND: All 4 right. Thank you. I appreciate that opening 5 statement. 6 At this time, I would also like to ask 7 in the board packet, are there any exhibits that 8 the board would like to have entered into the 9 record? I believe they're in the packet, but 10 those are exhibits -- 11 MR. MUTZIGER: Yes, the board would 12 move that Exhibits B-1 through B-11 be admitted 13 into evidence. 14 HEARING OFFICER STRICKLAND: All 15 right. Those exhibits have been admitted into 16 the record as evidence, Board Exhibits B-1 17 through B-11. 18 (Exhibits No. B-1 through B-11 were 19 admitted.) 20 HEARING OFFICER STRICKLAND: All 21 right. At this time I'm going to allow -- 22 Dr. Bigelow, you may make an opening statement. 23 An opening statement is not your full testimony. 24 It's an opportunity to provide an outline of 25 your defenses you will be presenting on your own</p>

<p style="text-align: right;">Page 38</p> <p>1 behalf later in the hearing. Would you like to 2 make an opening statement? 3 DR. BIGELOW: I don't disagree with 4 anything that you said other than the gun 5 comment that we need to -- 6 HEARING OFFICER STRICKLAND: And 7 you'll be able to testify about that. 8 DR. BIGELOW: So I just want to bring 9 that out. The rest of it, I was late. There 10 were reasons for me being late, some of which 11 Mr. Hydrick knows I was having trouble getting 12 the required continuing education located. And 13 I didn't get it located in time, and I asked for 14 your help. And thank you, you helped me. You 15 provided me with five -- is that correct, sir? 16 HEARING OFFICER STRICKLAND: Well, 17 he's not going to be able to -- 18 DR. BIGELOW: Anyway, he provided me 19 with five continuing education things, which I 20 did, and I had three of them completed in time. 21 I paid my fine. I think it was late. I don't 22 remember why. Life goes on. We all have things 23 we do. Somehow it was late. I don't know if it 24 was me or the post office or what, but I'm not a 25 late person. I don't do things late. So that's</p>	<p style="text-align: right;">Page 40</p> <p>1 attorney to put on their case in chief. Do you 2 have any witnesses you would like to call today? 3 MR. MUTZIGER: I do. And actually, I 4 will begin with Mr. Nick Hardwick, the board's 5 investigator. 6 HEARING OFFICER STRICKLAND: And will 7 there be any additional witnesses that you'll be 8 calling? 9 MR. MUTZIGER: There will not. 10 HEARING OFFICER STRICKLAND: 11 Investigator Hardwick, I'm going to swear you in 12 for the record. Please raise your right hand. 13 NICK HARDWICK, 14 having first been duly sworn, was examined and 15 testified on his oath as follows, to-wit: 16 DIRECT EXAMINATION BY MR. MUTZIGER: 17 Q. Would you please state your name for 18 the record? 19 A. Nick Hardwick. 20 Q. And what's your occupation, 21 Mr. Hardwick? 22 A. I'm an investigator with the state 23 dental board. 24 Q. Okay. And just briefly, would you 25 describe your background?</p>
<p style="text-align: right;">Page 39</p> <p>1 unusual. But I got it paid. 2 I got three of the five done. You do 3 those at night usually or during the day, but a 4 couple of them were set up such that you 5 couldn't -- you had to get -- I had to get a 6 certificate. 7 So my opening statement is I had three 8 done. Only two left. I was working on it. I 9 talked to Mr. Hydrick again, and he helped me 10 find the other two. I was working on them. I 11 thought they were going to be done. I had a job 12 with Aspen Dental Thursday morning, and I 13 thought they would be done and turned in with 14 the certificate. It did not happen because it 15 happened too late that night, couldn't get 16 through to the business, so my intention was not 17 to be -- 18 HEARING OFFICER STRICKLAND: And we 19 can get into the details -- 20 DR. BIGELOW: -- disrespectful. No 21 disrespect to dentistry or the board as I've 22 been an ADA member for 44 years and believe in 23 it. That's my opening statement. 24 HEARING OFFICER STRICKLAND: Thank 25 you. At this time I'll allow the board's</p>	<p style="text-align: right;">Page 41</p> <p>1 A. I have over 30-plus years in law 2 enforcement, which includes investigations. 3 Q. And how long have you been employed 4 here at the board? 5 A. I have been employed with the state 6 dental board since 2019. 7 Q. So since 2019. So let's start, 8 Mr. Hardwick, what is your connection to the 9 matter presently before the board? 10 A. I am, of course, the investigator on 11 the initial complaint. 12 Q. So is that the case 2020-070? 13 A. That's correct. 14 Q. And, Mr. Hardwick, what was the result, 15 to your knowledge, of that case, 2020-070? 16 A. In the end of the investigation in the 17 aggreance with the board's decision, there was a 18 consent order presented to Dr. Bigelow. 19 Q. I want to draw your attention to 20 Exhibit B-6. Is that the consent order that 21 you're referring to, Mr. Hardwick? 22 A. B-6? 23 Q. Yes, sir. 24 A. It's the cover letter to the consent 25 order.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. And then the page following?</p> <p>2 A. It's actually Document Number 2020-070</p> <p>3 consent order.</p> <p>4 Q. Very good. All right. And just to be</p> <p>5 clear, you are not the compliance officer that's</p> <p>6 been assigned for this consent order, are you?</p> <p>7 A. I am not.</p> <p>8 Q. That would be a separate staff member;</p> <p>9 is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. So is it fair to say it's not your job</p> <p>12 to monitor compliance with the order. Your job</p> <p>13 was complete with the investigation.</p> <p>14 A. Correct.</p> <p>15 Q. I just want to be clear. Thank you.</p> <p>16 So that being the case, how did you</p> <p>17 become involved with the noncompliance issues</p> <p>18 that are presently addressed in the complaint?</p> <p>19 A. I was notified by the compliance -- our</p> <p>20 compliance officer that he was not in --</p> <p>21 Dr. Bigelow was not in compliance with the</p> <p>22 requirements of the consent order.</p> <p>23 Q. Okay. And I'm going to point you to</p> <p>24 Exhibit B-7. Excuse me. Let's go with B-8. If</p> <p>25 you'll turn to Exhibit B-8, please.</p>	<p style="text-align: right;">Page 44</p> <p>1 that consent order.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And track on down to the bottom.</p> <p>4 You'll find something that says "penalties." Do</p> <p>5 you see that?</p> <p>6 A. I do.</p> <p>7 Q. You'll find some bold terms there that</p> <p>8 identify the penalties of the consent order.</p> <p>9 Would you please identify those for the hearing</p> <p>10 panel today?</p> <p>11 A. It would be 8(a), "Fine: For the</p> <p>12 violations enumerated above, Respondent shall pay</p> <p>13 a total fine of \$1,000."</p> <p>14 Q. Okay. And flipping over to the next</p> <p>15 page, is there a time frame that that was to be</p> <p>16 received?</p> <p>17 A. It does state within 30 -- to be paid</p> <p>18 within 30 calendar days.</p> <p>19 Q. Okay. The next provision, please.</p> <p>20 8(b).</p> <p>21 A. 8(b), this is the cost pursuant to</p> <p>22 Mississippi Code. "Respondent shall pay the</p> <p>23 reasonable cost of proceedings in the amount</p> <p>24 determined by the board within 30 calendar days</p> <p>25 from the date of the board issuing notification."</p>
<p style="text-align: right;">Page 43</p> <p>1 Would you identify that for the record</p> <p>2 once you arrive at that, please.</p> <p>3 A. B-8?</p> <p>4 Q. Yes, sir.</p> <p>5 A. B-8 is a letter dated February 19,</p> <p>6 2025. It is a letter addressed to Dr. Bigelow</p> <p>7 detailing that his license is suspended.</p> <p>8 Q. Does it identify -- does it identify</p> <p>9 why his license was suspended?</p> <p>10 A. It does. In violation of the consent</p> <p>11 order.</p> <p>12 Q. Can you be more specific?</p> <p>13 A. Failure to provide CE credit. His</p> <p>14 license would be suspended for a minimum of seven</p> <p>15 days.</p> <p>16 Q. Now, I'm looking at Exhibit B-8. Which</p> <p>17 one are you looking at?</p> <p>18 A. Oh, I'm sorry. Excuse me. This is the</p> <p>19 first letter suspending Dr. Bigelow's license for</p> <p>20 lack of payment, of which payment was imposed of</p> <p>21 the consent order.</p> <p>22 Q. And so that we're clear, Mr. Hardwick,</p> <p>23 let's take a look together at Exhibit B-6, that</p> <p>24 consent order. And if you will, go with me to</p> <p>25 page -- you'll see page 3 of 6 on the top left of</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. And 8(c), please.</p> <p>2 A. 8(c), Jurisprudence exam shall be taken</p> <p>3 within 30 days from the date the board executed</p> <p>4 the consent order.</p> <p>5 Q. And 8(d)?</p> <p>6 A. 8(d), "Remedial Education - Patient</p> <p>7 Records/Documentation shall be completed within</p> <p>8 90 days from the date of the board approved</p> <p>9 executed consent order."</p> <p>10 Q. Go ahead and read, for the record,</p> <p>11 please, 8(f).</p> <p>12 A. 8(f), "Suspension for Noncompliance.</p> <p>13 In the event the Respondent fails to comply with</p> <p>14 any terms or conditions of the consent order, the</p> <p>15 Respondent's license shall be suspended</p> <p>16 immediately for a period of no less than 7 days."</p> <p>17 Q. Thank you, Mr. Hardwick. So now that</p> <p>18 we've established the penalties that were imposed</p> <p>19 in that consent order for the case that you</p> <p>20 investigated, I would ask you, how did you become</p> <p>21 involved yet again with Dr. Bigelow, and you</p> <p>22 mentioned an issue of noncompliance.</p> <p>23 Let's go back to Exhibit B-8, please,</p> <p>24 sir. So if you would again, just so that we can</p> <p>25 all track, Exhibit B-8, that letter of</p>

<p style="text-align: right;">Page 46</p> <p>1 noncompliance, just again, if you'll identify the 2 date and the reason for that noncompliance. 3 A. The date is February 19, 2025, the 4 dental license suspension notice. And it is -- 5 Q. For what reason? 6 A. For failure to comply with the consent 7 order in that he did not pay his fine. 8 Q. Excellent. Thank you. Now, to your 9 understanding, was that the only issue of 10 noncompliance? 11 A. No. 12 Q. Well, what else was there? 13 A. There was also a noncompliance of 14 continuing education. This is addressed in the 15 Exhibit 9, B-9. 16 Q. Okay. Great. Let's look at Exhibit 17 B-9, Mr. Hardwick. Once again, if you'll just 18 identify that for the record, what Exhibit B-9 is 19 as well as the date, please. 20 A. This is an additional letter dated 21 April 18th, 2025. Reference to dental license 22 suspended and pursuant to the consent order, 23 failure to complete continuing education. 24 Q. So failure to complete the continuing 25 education timely, Dr. Bigelow's license was</p>	<p style="text-align: right;">Page 48</p> <p>1 with the letter and the notice of suspension and 2 did identify and explained to him what it was. 3 Q. Okay. What was Dr. Bigelow's reaction? 4 A. Dr. Bigelow's reaction was somewhat 5 shocked. I would say that -- teetering on 6 disbelief. 7 Q. And so would you say that he was 8 confused as to why you were there or -- 9 A. No, I did explain in my words, and I 10 explained it a couple of times. 11 Q. Okay. And you explained what exactly, 12 Mr. Hardwick? 13 A. That his license was under suspension 14 and the reason why. 15 Q. Okay. Excellent. Did he voice any 16 understanding of that? 17 A. I felt he did. I don't know exactly 18 what words he said of that, but I felt he 19 understood that. 20 Q. It was your impression? 21 A. Right. 22 Q. Okay. All right. And anything else 23 noticeable happen during this interaction? 24 A. During this conversation, I did notice 25 that Dr. Bigelow was somewhat becoming agitated</p>
<p style="text-align: right;">Page 47</p> <p>1 suspended. Is that what you're telling me? 2 A. Correct. 3 Q. And you were brought in as the board's 4 investigator for what purpose? 5 A. To serve notice to -- to serve notice 6 to Dr. Bigelow of his license suspension and to 7 verify that he is not practicing dentistry. 8 Q. That he, in fact, was not practicing 9 while his license -- 10 A. Correct. 11 Q. Okay. All right. So the date of that 12 letter on April 18th, when did you serve this 13 notice of suspension to Dr. Bigelow? 14 A. That would be -- 15 Q. And if you need to take a look at your 16 notes, by all means. 17 A. Bear with me just a second. That 18 notice of suspension was delivered to Dr. Bigelow 19 on 4/21 of '25. 20 Q. Excellent. So would you please tell 21 the board about your delivery of this notice of 22 suspension to Dr. Bigelow? 23 A. I had -- I drove to Hattiesburg to 24 Dr. Bigelow's home residence in Hattiesburg. I 25 approached him at his residence. Presented him</p>	<p style="text-align: right;">Page 49</p> <p>1 of the notice from the board and his attitude was 2 getting escalated. 3 Q. How so? 4 A. Had a change in voice and questioning 5 why. 6 Q. I would imagine that's fair, getting a 7 little agitated when someone is telling you you 8 can't practice dentistry. Is that all that 9 happened? 10 A. No. Dr. Bigelow did get -- seemed, in 11 my opinion, based on my experience in these 12 proceedings and things in the past, was becoming 13 a little hostile toward me and made some 14 statements. 15 Q. What statements? 16 A. Well, the main one that sticks out is 17 the statement that -- as being hostile and his 18 voice was raised, that if I or any board member 19 comes -- or board staff comes to his place of 20 dentistry or where he's practicing, they had 21 better bring a firearm. His exact words to me 22 was they better bring guns. 23 Q. So if anybody -- let me make sure I 24 understood what you said. If anybody from the 25 board comes to his office -- an office where he</p>

<p style="text-align: right;">Page 50</p> <p>1 works, they better bring a gun; is that right?</p> <p>2 A. Correct.</p> <p>3 Q. Was he joking?</p> <p>4 A. I didn't take it as a joking threat. I</p> <p>5 don't take those type things lightly. I took it</p> <p>6 for what -- as it was stated to me.</p> <p>7 Q. Was he smiling when he said it to you?</p> <p>8 A. No.</p> <p>9 Q. Well, Mr. Hardwick, you stated earlier</p> <p>10 you got 30 years of law enforcement experience.</p> <p>11 I assume -- well, excuse me. I don't want to</p> <p>12 assume. Do you have experience dealing with</p> <p>13 hostile parties over your career?</p> <p>14 A. I do.</p> <p>15 Q. And based off of this interaction with</p> <p>16 Dr. Bigelow, is it your testimony today that you</p> <p>17 considered this a hostile interaction?</p> <p>18 A. I do consider it as being hostile in</p> <p>19 the nature of why I was there and delivering that</p> <p>20 notice. I considered it a threat to me</p> <p>21 personally and to members of the board.</p> <p>22 Q. What did you do as a result of that</p> <p>23 threat?</p> <p>24 A. I realized that Dr. Bigelow was upset</p> <p>25 and was escalating, and so I just explained to</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Upon Aspen Dental, it was probably 30,</p> <p>2 45 minutes before I arrived after leaving</p> <p>3 Dr. Bigelow's residence, I pulled in the parking</p> <p>4 lot, and within a few minutes or so, I observed</p> <p>5 Dr. Bigelow arriving at Aspen Dental in</p> <p>6 Hattiesburg.</p> <p>7 Q. Okay. And what action, if any, did you</p> <p>8 take?</p> <p>9 A. Upon him arriving, in lieu of the</p> <p>10 conversation, I sat back and just observed. My</p> <p>11 main reason was to determine if he was reporting</p> <p>12 to work having been told his license was</p> <p>13 suspended. So I just sat in the parking lot and</p> <p>14 observed.</p> <p>15 Q. And what did you observe?</p> <p>16 A. Dr. Bigelow drove up, went into the</p> <p>17 office of Aspen Dental, and was there for some</p> <p>18 time.</p> <p>19 Q. How long?</p> <p>20 A. Somewhere between 35 and 40 minutes.</p> <p>21 Q. Okay. And he was there -- so you left</p> <p>22 after 35, 40 minutes?</p> <p>23 A. He did. He did come out to his vehicle</p> <p>24 and went into the -- in his vehicle into the</p> <p>25 trunk of his car and go back in. Now, what he</p>
<p style="text-align: right;">Page 51</p> <p>1 him again why I was there, the appearance, and</p> <p>2 vacated, ended the conversation and left the</p> <p>3 premises.</p> <p>4 Q. So you got out of there?</p> <p>5 A. I did.</p> <p>6 Q. All right. And this was in</p> <p>7 Hattiesburg?</p> <p>8 A. This was in Hattiesburg at his place of</p> <p>9 residence.</p> <p>10 Q. Did that conclude your business in</p> <p>11 Hattiesburg that day?</p> <p>12 A. It did not.</p> <p>13 Q. What did you do next?</p> <p>14 A. In lieu of the situation, I proceeded</p> <p>15 to the Aspen Dental office in Hattiesburg. My</p> <p>16 purpose for doing that was to verify that</p> <p>17 Dr. Bigelow was on the schedule or was scheduled</p> <p>18 to work.</p> <p>19 Q. To be clear, are you suggesting that</p> <p>20 that's where he worked was Aspen Dental in</p> <p>21 Hattiesburg?</p> <p>22 A. That was the information I had, that he</p> <p>23 was practicing with Aspen Dental.</p> <p>24 Q. So what happened when you went to Aspen</p> <p>25 Dental in Hattiesburg?</p>	<p style="text-align: right;">Page 53</p> <p>1 retrieved, I don't know.</p> <p>2 Q. And -- okay. I want to be clear.</p> <p>3 You're saying he went into the trunk of his car,</p> <p>4 retrieved something, went back in. Did that</p> <p>5 occur immediately prior to him departing our was</p> <p>6 that when he first showed up?</p> <p>7 A. In between him going in and coming --</p> <p>8 when he first showed up and going back in.</p> <p>9 Q. Okay. So having left the scene then,</p> <p>10 did that conclude your business in Hattiesburg?</p> <p>11 A. It did not. After I was assured that</p> <p>12 Dr. Bigelow had left the premises and for a</p> <p>13 little bit of time was not coming back, I did go</p> <p>14 into the Aspen Dental office and identify myself.</p> <p>15 Q. Who did you speak with at the Aspen</p> <p>16 Dental office there in Hattiesburg?</p> <p>17 A. I spoke with the supervising dentist</p> <p>18 and -- give me just a second and I'll give you</p> <p>19 her name.</p> <p>20 DR. BIGELOW: Can I ask a question?</p> <p>21 A. Dr. Tracy Lee Williams.</p> <p>22 BY MR. MUTZIGER:</p> <p>23 Q. Dr. Tracy Williams. And what was her</p> <p>24 position with Aspen Dental in Hattiesburg?</p> <p>25 A. She was the attending dentist on duty</p>

<p style="text-align: right;">Page 54</p> <p>1 at that time, and she did tell me that she was 2 the territory supervising dentist of that area. 3 Q. Okay. And what information did you get 4 from her? 5 A. I explained to her why I was there and 6 inquiring about Dr. Bigelow, and she provided me 7 with tentative schedules for him to practice with 8 Aspen Dental. 9 Q. Okay. So schedules where he would -- 10 schedules evidencing where he was scheduled to 11 practice dentistry with Aspen Dental? 12 A. Correct. 13 Q. What did those schedules say? 14 A. The schedule said that he was on 15 schedule to practice in the Aspen Dental office 16 in Clinton. That would be on the following 17 Wednesday. And he was also on the schedule to be 18 back in Hattiesburg on Thursday and Friday. 19 Q. And to be clear, you said on that 20 Wednesday. You said you delivered that notice of 21 suspension April 21st. What day of the week was 22 that? 23 A. That was a Monday. 24 Q. That was a Monday. Okay. And so we're 25 talking Monday you're speaking to the doctor.</p>	<p style="text-align: right;">Page 56</p> <p>1 was informed his license were, in fact, suspended 2 and that I did observe him going into the Aspen 3 Dental office, and I was informed that he was 4 scheduled to work at the other -- Clinton dental 5 office. 6 Q. Did you also inform Mr. Hydrick -- is 7 Mr. Hydrick your supervisor? 8 A. He is. 9 Q. Did you also inform Mr. Hydrick about 10 the threat made against you? 11 A. I did. I did. Also talked in length 12 with him and, of course, the board attorney. 13 Q. Okay. To your knowledge, what actions 14 did the board take as a result of that threat? 15 A. At that point, it was made -- I was 16 informed it was made by Denny, our executive 17 director, that Dr. Bigelow would be put on notice 18 that he could not enter our offices without prior 19 notice and prior appointment, and it, of course, 20 put us all on alert. 21 Q. Okay. All right. So, Mr. Hardwick, so 22 you reported that information. What happened as 23 a result of you communicating that schedule 24 information that Dr. Bigelow was going to be on 25 the schedule for Aspen Dental in Clinton on</p>
<p style="text-align: right;">Page 55</p> <p>1 Tell me her name again, please. I apologize. 2 A. Williams, Dr. Williams. 3 Q. Thank you. And Dr. Williams provided 4 you schedule information that Wednesday, 5 Dr. Bigelow was scheduled to work at Aspen Dental 6 in Clinton. Did she provide any additional 7 schedule information? 8 A. Yes. That he was on the schedule to be 9 back in Hattiesburg on Thursday and Friday. 10 Q. Okay. Did this conclude your business 11 in Hattiesburg? 12 A. It did not. 13 Q. All right. What happened next? 14 A. I'm stunned what you're asking. 15 Q. Did that conclude your business in 16 Hattiesburg? 17 A. Basically it did as far as Dr. Bigelow 18 goes. 19 Q. Okay. And did you report back the 20 occurrences of that day to your supervisor? 21 A. I did. 22 Q. Okay. What was the result of that? 23 A. I reported that to our executive 24 director and, of course, our board attorney, that 25 the process was served, the notice, and that he</p>	<p style="text-align: right;">Page 57</p> <p>1 Wednesday? What happened next? 2 A. Upon that discussion, we decided that 3 we needed to verify or not whether he was going 4 to actually show up and report to practice. So 5 on that Wednesday, I prepared myself to go to 6 Aspen Dental in Clinton, and we'll get into that. 7 Q. It's your testimony, sir. But I will 8 ask this: So you're saying that you were to 9 personally visit and monitor whether or not he 10 was attempting to practice while suspended? 11 A. Well, it was our belief that -- 12 Q. Simply yes or no. 13 A. Yes. 14 Q. So that was your intent. Now, the 15 reason I ask that, as an investigator, you're 16 taking time out to physically go verify that he's 17 not practicing. Is that a standard practice with 18 the board to do that? 19 A. It is. 20 Q. Okay. Have you done that on other 21 cases? 22 A. I have. 23 Q. And -- okay. Thank you. I just wanted 24 to clarify that point. So you've done that on 25 more than two cases.</p>

<p style="text-align: right;">Page 58</p> <p>1 A. Yes.</p> <p>2 Q. Numerous times?</p> <p>3 A. Numerous times.</p> <p>4 Q. All right. Okay. So, Mr. Hardwick,</p> <p>5 you're going to verify that he's not practicing</p> <p>6 while suspended. What happened when you went to</p> <p>7 Clinton on Wednesday?</p> <p>8 A. On that Wednesday morning, I was in the</p> <p>9 Clinton area. I had arrived at the Aspen Dental</p> <p>10 office between around 8:30 that morning.</p> <p>11 Upon arrival, I did observe in the</p> <p>12 parking lot Dr. Bigelow's vehicle, which was the</p> <p>13 same vehicle that he was in when he went to Aspen</p> <p>14 Dental in Hattiesburg.</p> <p>15 Q. So seeing the vehicle, what did that</p> <p>16 mean to you?</p> <p>17 A. It automatically told me that</p> <p>18 Dr. Bigelow did report to work or he was there at</p> <p>19 that clinic.</p> <p>20 Q. So what action did you take as a</p> <p>21 result?</p> <p>22 A. I immediately notified my director that</p> <p>23 I did verify and that Dr. Bigelow was there,</p> <p>24 appeared to be at work, so it was decided that in</p> <p>25 lieu of the circumstances, in lieu of statements</p>	<p style="text-align: right;">Page 60</p> <p>1 was there to practice dentistry -- that he showed</p> <p>2 up because he was on the schedule, that he had to</p> <p>3 leave; he could not be practicing.</p> <p>4 Q. What was Dr. Bigelow's reaction when</p> <p>5 you showed up to the clinic?</p> <p>6 A. He appeared to be startled that I was</p> <p>7 there and then started questioning why. I did</p> <p>8 explain to him again the reason being there, that</p> <p>9 he could not treat patients, practice dentistry</p> <p>10 while his license was suspended.</p> <p>11 Q. So in response to you informing him</p> <p>12 that his license is suspended, that he cannot</p> <p>13 practice dentistry, he said "Why"?</p> <p>14 A. Correct. Not exactly those words.</p> <p>15 Q. Fair enough. Go with me again to</p> <p>16 Exhibit B-9, what we've previously identified.</p> <p>17 A. B-9?</p> <p>18 Q. B-9, the April 18th correspondence.</p> <p>19 A. Okay.</p> <p>20 Q. Again, this is what you delivered,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. What's the heading in caps there?</p> <p>24 A. It says, "Dental license suspended."</p> <p>25 Q. Okay. Now, will you go to the third</p>
<p style="text-align: right;">Page 59</p> <p>1 made, that we get assistance from the Clinton PD</p> <p>2 and request a Clinton PD officer --</p> <p>3 Q. In consideration of what circumstances?</p> <p>4 A. The circumstances of the threat, of the</p> <p>5 statement that was made prior to.</p> <p>6 Q. So was to go and get police assistance?</p> <p>7 A. Correct.</p> <p>8 Q. Please continue with what happened</p> <p>9 next.</p> <p>10 A. So I contacted the Clinton PD. They</p> <p>11 did send a uniformed officer at the location and</p> <p>12 met with me, and me and that officer entered the</p> <p>13 clinic and asked to speak to the office manager.</p> <p>14 And in a -- in the office manager's office,</p> <p>15 private office, I explained to her why I was</p> <p>16 there and inquired was Dr. Bigelow, in fact,</p> <p>17 there, reported to work, and he was. She stated</p> <p>18 he was. And he was -- at that time he was back</p> <p>19 in the clinic in operatory.</p> <p>20 Q. Okay. What happened next?</p> <p>21 A. I asked her if she would ask him to</p> <p>22 come forward to her office.</p> <p>23 Q. So you confronted Dr. Bigelow?</p> <p>24 A. I did. I did. And I explained to him</p> <p>25 why I was there and the reason why. That if he</p>	<p style="text-align: right;">Page 61</p> <p>1 paragraph with me starting with "as you have."</p> <p>2 Would you read that for the record, please?</p> <p>3 A. "As you have failed to comply with this</p> <p>4 term of the consent order, please be aware that</p> <p>5 your dental license" -- stated number -- "is</p> <p>6 suspended for a minimum of 7 days. This status</p> <p>7 will be reflected in the board's license</p> <p>8 verification system. During the time which your</p> <p>9 license is suspended, you are not authorized to</p> <p>10 practice dentistry in the State of Mississippi."</p> <p>11 Q. What does that mean to you?</p> <p>12 A. That means that he has no longer</p> <p>13 authority to practice based on his license being</p> <p>14 suspended.</p> <p>15 Q. Thank you. Okay. So you confront</p> <p>16 Dr. Bigelow. He asks you why he can't practice.</p> <p>17 Sounds like that you were explaining. What</p> <p>18 transpired next?</p> <p>19 A. At that point in time, Dr. Bigelow</p> <p>20 finally accepted -- I informed him that he could</p> <p>21 not be on the premises, that he needed to leave</p> <p>22 the clinic and not appear to be practicing</p> <p>23 dentistry. He asked to gather his stuff and his</p> <p>24 personal belongings, and I said yes. And I</p> <p>25 informed him that me or that officer was not</p>

<p style="text-align: right;">Page 62</p> <p>1 going to leave until he vacated the premises. 2 Q. Did he eventually vacate the premises? 3 A. At some -- eventually he did, yes. 4 Q. Are we talking hours later, within 5 15 minutes? 6 A. Probably within about a 25, 30-minute 7 time. 8 Q. Okay. All right. So him having exited 9 the clinic, did you take any subsequent action to 10 verify whether he was practicing? I believe you 11 stated Thursday and Friday at Aspen Dental in 12 Hattiesburg. Did you take any action to check up 13 on that? 14 A. I did. I placed phone calls to the 15 Hattiesburg office on those dates to verify if he 16 was there or -- and they told him that they 17 cancelled those schedules. 18 Q. Cancelled. So he had been taken off 19 the schedule for those dates? 20 A. Correct. 21 Q. Now, I want to draw your attention to 22 Exhibit B-11, please, Mr. Hardwick. And if you 23 would, identify that for the record, please. 24 A. This is an e-mail letter from the 25 manager of the Clinton office, Ms. Allison</p>	<p style="text-align: right;">Page 64</p> <p>1 A. This is a supplement to an 2 investigative report. 3 Q. And is this regarding the service of 4 the complaint and notice of hearing to 5 Dr. Bigelow? 6 A. It is. 7 Q. I want to draw your attention to the 8 final sentence under "Investigative Data." 9 Before I do that, who is the author of this 10 supplement? 11 A. The author is a former employee of the 12 staff who was an investigator. 13 Q. What was his name? 14 A. Chris Welch. 15 Q. Under "Investigative Data: I, CW and 16 NH" -- does that CW signify Chris Welch? 17 A. It does. 18 Q. Does that NH signify Nick Hardwick? 19 A. It does. 20 Q. You stated that Chris Welch, he was an 21 investigator for the board? 22 A. Yes. 23 Q. And he was the author? 24 DR. BIGELOW: Where is this? 25 MR. MUTZIGER: I'm on Exhibit B-4.</p>
<p style="text-align: right;">Page 63</p> <p>1 Jenkins. And it's dated April 23, 2025. And she 2 states -- it reads, "As operations manager for 3 Aspen Dental Number 4001, Clinton, Mississippi, 4 Dr. Bigelow was an additional coverage for the 5 temporary dentist we had in office on April 23rd 6 of '25. During this time, he completed a 7 perio-maintenance scheduled for 8 o'clock." 8 Q. And you obtained this e-mail. I see at 9 the top to Leroy N. Hardwick. Is that you? 10 A. That is me. 11 Q. And Allison Jenkins. Is it your 12 testimony that you believe she was the operations 13 manager for Aspen Dental? 14 A. I did. 15 Q. Okay. And so what did that statement 16 mean to you? 17 A. To me that tells me that he showed up 18 at 8 o'clock and he received -- started 19 diagnosing and seeing patients. 20 Q. Did he practice dentistry? 21 A. He was practicing dentistry. 22 Q. I do want to draw your attention to one 23 more item while I have you here, Mr. Hardwick. 24 That's going to be B-4. Just identify Exhibit 25 B-4 for the record.</p>	<p style="text-align: right;">Page 65</p> <p>1 BY MR. MUTZIGER: 2 Q. And I will draw your attention to the 3 final sentence under "Investigative Data." Would 4 you read that into the record? 5 A. This is what Chris put on this report. 6 He states that "he," being Dr. Bigelow, "He 7 apologized to NH for his previous statement to NH 8 and indicated that he would be at the board 9 hearing in June." 10 Q. "He apologized to NH for his previous 11 statements." Any idea what previous statements 12 we're talking about? 13 A. That would be the -- basically the 14 firearm, the gun threat. 15 Q. Did he apologize to you? 16 A. He did. 17 Q. Regarding making a threat with -- that 18 stated "better bring a gun"? 19 A. Correct. 20 Q. Did he use those words when he 21 apologized? 22 A. Not exactly, but that's what I took 23 that he was apologizing for. 24 Q. Thank you, Mr. Hardwick. All right. 25 Lastly, is it your understanding that Dr. Bigelow</p>

<p style="text-align: right;">Page 66</p> <p>1 did finally complete payment and CEs for that 2 consent order? 3 A. Yes, I was informed by our compliance 4 officer and our executive director that we had. 5 Q. Is that evidenced by Exhibit B-10? Why 6 don't you identify what Exhibit B-10 is for the 7 record, please, Mr. Hardwick. 8 A. This is a letter dated May 10, 2025. 9 The caption is "Completion of disciplinary order 10 requirements." 11 Q. So it's your understanding that he did, 12 around approximately May 5th, complete those 13 requirements? 14 A. That's correct. 15 MR. MUTZIGER: No more questions for 16 this witness. 17 HEARING OFFICER STRICKLAND: Thank 18 you. 19 At this time, Dr. Bigelow, I'm going 20 to allow you the opportunity to cross-examine 21 the investigator, Mr. Hardwick. Now, 22 cross-examination is your opportunity to ask any 23 questions about the testimony that he just 24 provided. This is to ask questions, and you'll 25 have an opportunity yourself should you choose</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. MUTZIGER: There are none at this 2 time. The State would rest. 3 HEARING OFFICER STRICKLAND: 4 Understood. 5 Dr. Bigelow, would you like to testify 6 on your own behalf at this time? 7 DR. BIGELOW: Yes. 8 HEARING OFFICER STRICKLAND: Would you 9 please raise your right hand. 10 TOD BIGELOW, D.D.S., 11 having first been duly sworn, was examined and 12 testified on his oath as follows, to-wit: 13 HEARING OFFICER STRICKLAND: You may 14 provide your testimony and have your say to the 15 board. 16 DR. BIGELOW: Thank you. 17 I'm learning a lot today about how 18 hearings work and stuff. As I said, I've never 19 been involved with anything quite like this. 20 I guess one of the -- disbelief, I 21 think, Nick had mentioned and surprise, almost 22 through this morning, and after I got here, I 23 didn't realize I was still under investigation 24 for my bad behavior. 25 44 years in dentistry, guys. So it's</p>
<p style="text-align: right;">Page 67</p> <p>1 to testify to tell your side of the story later. 2 So do you have any questions about what was just 3 testified to? 4 DR. BIGELOW: No, but can we have a 5 quick bathroom break? I need to go to the 6 restroom. 7 HEARING OFFICER STRICKLAND: You have 8 no questions? That's correct? I'll entertain a 9 bathroom break after I -- I just wanted to 10 confirm that you had no questions. 11 DR. BIGELOW: No, I think Mr. Hardwick 12 was very fair. He's given his opinion, so I 13 think he's accurate and also supportive of what 14 I'm about to say, so yes, no questions. 15 HEARING OFFICER STRICKLAND: 16 Five-minute bathroom break or ten minutes. 17 DR. BIGELOW: Here's my phone so you 18 don't worry about me using my phone. 19 (A short break was taken.) 20 HEARING OFFICER STRICKLAND: Are we 21 prepared to continue? 22 We are now back on the record. We 23 just concluded the testimony from the board's 24 attorney's first witness, Investigator Hardwick. 25 Are there any other witnesses from the State?</p>	<p style="text-align: right;">Page 69</p> <p>1 okay for me to make comments? 2 I've been involved in the American 3 Dental Association all the way through it. I've 4 supported it. I've been on the committee of 5 peer review in the state of Colorado before I 6 came here in '93, whatever the number of years 7 ago that was. Various other different 8 committees, councils on governmental affairs 9 online and became president of the Colorado 10 Dental Association before I moved here in 1993. 11 Six years as an executive, helped the executive 12 committee in Colorado. '88 delegate in Colorado 13 for 6 years before I moved here. You're talking 14 to the choir somewhat here. 15 So for these things to have happened 16 to me, there's a heck of a lot of disbelief on 17 what's going on. And I've seen it because as a 18 member of the peer review, I have been -- 19 prosecution is not the right word. Whatever -- 20 I sat right where you're sitting right now on 21 peer review for years in Denver. 22 When I came here, we had two children, 23 an out-of-stater moving into the State of 24 Colorado in 1993. Dr. Heber Simmons was the ADA 25 delegate running for president of the ADA. I</p>

<p style="text-align: right;">Page 70</p> <p>1 was there in Chicago at the meeting. I was one 2 of the -- I was the member of the ADA -- I think 3 it was the 14th District, which is Colorado and 4 12 other states, Utah, Nevada, Hawaii, and so 5 on. And I was appointed by our president of the 6 Colorado Dental Association to be the 7 representative for that district in Chicago for 8 4 years to handle the -- I think we were the 9 first council on the young professional -- you 10 guys -- a lot of you guys are my age shortly 11 here -- or younger, older. Probably younger, 12 most of you.</p> <p>13 And so I spent a lot of time in 14 Chicago back in those days working for all the 15 goals of the young dentists in Colorado. Now 16 here I am approaching 70. I look back at my 17 life and I think where did it go. But a lot of 18 things were accomplished. One of the things, we 19 tried -- we wanted Heber to be president. It 20 didn't happen due to various things that 21 happened at that -- politics. Very ugly, the 22 world of politics that exists that you learn 23 about when you get involved in it. But one 24 thing he did accomplish was he got onto the 25 docket in 1993 here in Mississippi the vote for</p>	<p style="text-align: right;">Page 72</p> <p>1 they take equal licensing. But I was not 2 greeted very -- I got a nice letter from the 3 Mississippi Dental Association saying, 4 "Congratulations" -- I got it on my wall -- 5 "Dr. Tod Bigelow. You're the first dentist by 6 license -- by credentials in the State of 7 Mississippi."</p> <p>8 I was very proud of that. But some of 9 the older dentists greeted me very negatively, 10 "What are you doing here? Why are you here? We 11 don't want licensures by credentials." It was a 12 very close, tight vote. Half the state was for 13 it, half the state was behind it.</p> <p>14 Now, the point of all that is I got a 15 lot of arrows in my back. Almost everything I 16 did was looked at as being some northerner, 17 which I've been called many times, an outsider 18 I've been called many times. Anything that I 19 did or didn't was perceived negatively, and I've 20 lived my career in Mississippi that way.</p> <p>21 So my vision of the board -- because a 22 couple of things happened along the way where 23 one of the presidents of the board wrote in his 24 opening letter, Melvyn Stromeyer, and you can 25 read it if you want to put that into the record,</p>
<p style="text-align: right;">Page 71</p> <p>1 licensing reciprocity, licensure by reciprocity 2 in the State of Mississippi.</p> <p>3 MR. MUTZIGER: I will object at this 4 time just due to the relevance. I'm all for 5 some latitude in testimony, but I would ask that 6 -- what is the relevance of this to the charges 7 today?</p> <p>8 HEARING OFFICER STRICKLAND: At this 9 time, I will sustain that objection and I will 10 say -- I will, as counsel said, I'm going to 11 allow some leeway, allow you to say your peace 12 to a certain extent, but I would ask --</p> <p>13 DR. BIGELOW: I am going somewhere.</p> <p>14 HEARING OFFICER STRICKLAND: But I'm 15 simply going to state for the record, I'm just 16 going to ask you to get it to the issues that 17 are at hand today, but please continue.</p> <p>18 DR. BIGELOW: All right. So we 19 brought it to vote, they brought it to vote in 20 Mississippi. It was voted, I think, 49 percent 21 to 51 percent. Well, the vote was very divided. 22 The older gentlemen didn't want it. The younger 23 -- all the kids wanted it who were very 24 appreciative for it. Now for our kids who are 25 dentists, they can go to another state where</p>	<p style="text-align: right;">Page 73</p> <p>1 you can read his letter in the Journal of the 2 Mississippi Dental Association to the State of 3 Mississippi by her number one problem in the 4 State of Mississippi is outside dentists being 5 allowed to come in by licensure by credentials. 6 How do you guys think that made me feel and the 7 other dentists in the state feel to have that 8 written by the state -- by the president?</p> <p>9 So there's always been some bias 10 there, and the board members were older than me 11 at that point in time. I was 35. And they were 12 my age. That's just the history. Okay. So 13 please know where I'm coming from.</p> <p>14 Disappointment.</p> <p>15 Okay. A couple of things. I don't 16 disagree pretty much with anything Mr. Hardwick 17 said of the sequencing of all this and all that. 18 Now, I did -- when I got all this, and 19 eventually when I looked at it, I did call and 20 talk to an attorney about it, "What does this 21 mean, what does that mean?"</p> <p>22 I said, The thing that surprised me 23 was, like, let's say that you get caught for 24 drunk driving. Well, you get a letter stating 25 that -- this, that, and the other. You go to</p>

<p style="text-align: right;">Page 74</p> <p>1 the court and they're going to suspend your 2 license. Two things happen. They send you a 3 letter, and it says, pretty much, paragraph 1, 4 2, 3, as you failed to comply with this consent 5 order, please be aware that your driver's 6 license will be suspended for a minimum of 7 7 days. Everybody take a look at that. It 8 doesn't say what 7 days. 9 I said, "Well, they're going to 10 suspend my license for 7 days." 11 And the attorney said, "Yeah." 12 And I said, "Do you know when?" 13 He said, "No, of course, I don't know 14 when." 15 I said, "Why?" 16 He said, "Because they didn't tell you 17 when. They told you when they decided to 18 suspend it, but they didn't tell you -- you'll 19 be getting a second letter," is what the 20 attorney told me. 21 Every other disciplinary board in the 22 state sends two letters, he said. So I didn't 23 know for sure that I was suspended, and I didn't 24 get a whole lot of -- when I talked to the 25 attorney and Mr. Hardwick, they were very polite</p>	<p style="text-align: right;">Page 76</p> <p>1 how they employ me. I help them when they need 2 help to keep their office open. 3 Basically, I'm retired, but what I 4 feel in my heart from the way that I've been my 5 whole life and my participatory level with the 6 American Dental Association, I'm here to help 7 others. And that's all I feel like doing. I 8 don't need the money. If you guys take my 9 license, I don't need the money. I've got a 10 great retirement. I sold my office. I'm fine. 11 I work for people that are pregnant that need 12 time -- that needs somebody in the office while 13 they're pregnant where they have to go to the -- 14 like, if they're in the military and they have 15 to go for a week or a month to San Antonio to 16 perform their duty for the government, I go in 17 and give the doctor -- like you guys sitting 18 there, I would be the guy that you would bring 19 in so that you could keep your office open for 20 the 10 days that you got to go to a funeral in 21 Miami for your Aunt Lucy and -- but -- and your 22 staff doesn't have that kind of vacation time 23 and they're not going to have any money and they 24 need the money. And I don't do anything. Guys, 25 I go in and I do exams. I go in and I do</p>
<p style="text-align: right;">Page 75</p> <p>1 and professional, but they couldn't tell me much 2 because it was adversarial, them against me 3 because I broke -- so there I am going to my 4 attorney going, "Well, are you sure it started 5 that day?" 6 "No, sir, Dr. Bigelow. I'm not sure 7 it started that day." 8 "Do you believe it starts that date?" 9 "That would be an assumption, 10 Dr. Bigelow. And no one should ever make an 11 assumption." 12 "Will I be getting another letter?" 13 "You should be getting another letter, 14 Dr. Bigelow." 15 And they usually ask the person, if it 16 effects their income or their life, like, okay, 17 if you got like, a part-time dentist -- 6 or 7 18 days scheduled with a dentist in the state, you 19 don't want to mess up those people and their 20 productions and their life, so to say, 21 "Dr. Bigelow, what's your schedule like?" 22 "Well, I'm busy from June 1st to 23 June 7th at Aspen. After that, I've got 3 weeks 24 off where I'm not doing nothing." 25 And that's the way it goes. That's</p>	<p style="text-align: right;">Page 77</p> <p>1 checkups. And I go in and I supervise the 2 hygienists, direct supervision so that the 3 hygienists can work and have a job and make an 4 income. That's what I do. 5 So if you want to take my license 6 because I messed up and I screwed up a couple 7 times -- I paid my fines. I was late. I'm 8 sorry. I apologize. I got PO'd at that 9 gentleman over there, because -- and I'll go 10 into that in my defense here in a second, too. 11 I apologized to him. And he accepted 12 it and he pretty much told y'all today that he 13 accepted my apology. 14 So take my license. Fine. I don't 15 care. I can do other things. I can fish. I 16 can hunt. I've got other jobs. I write. I'm 17 writing a novel. Come on. Do you think it 18 really bothers me or concerns me? I'm dealing 19 with it from the point that I'm not going to be 20 able to help other people, that's it. 21 Anyway -- excuse me. I lost my train 22 of thought right there. 23 HEARING OFFICER STRICKLAND: Take all 24 the time you need. That's fine. 25 DR. BIGELOW: Okay. So back to the</p>

<p style="text-align: right;">Page 78</p> <p>1 attorney. I didn't know what days I was 2 suspended, and I also said -- Mr. Hardwick was 3 very nice in getting me five CEs which are 4 difficult to get now. You won't find very many 5 of what you asked me to get my CE in. Nobody -- 6 it's not an important thing. It's not a popular 7 thing. It's always going to be on implants or 8 this, that, and the other, bleachings, Botox, or 9 something.</p> <p>10 But -- so I finally got it. I started 11 working on it. And some of them are set up so 12 poorly that you can't -- you have to call them 13 on the phone, and they don't answer their 14 e-mails. They don't respond. They don't return 15 calls. That's why it took so long. And I was 16 busting my butt not for sure that I was 17 suspended because I wasn't getting answers like 18 that if I were to ask the board. So I never got 19 a second letter. Okay.</p> <p>20 So some suggestions. This might not 21 be the point to do that, but some suggestions is 22 that the board ought to send a second letter. 23 When you tell somebody they're going to be 24 suspended, say, "When are you not going to be 25 working to help somebody else?" Okay? "Let's</p>	<p style="text-align: right;">Page 80</p> <p>1 certificates up here, and then that's when you 2 told me that I wasn't going to be allowed to 3 come to the premises because I had scared 4 everybody. So I had it done. I wasn't for sure 5 that I was even suspended that day, had it done, 6 though.</p> <p>7 And so when I say I don't need the 8 money, everybody needs money, okay? So it cost 9 me \$3,000 bucks, what happened. I had those 10 3 days set up. They were rare and hard to get. 11 I lost out on all that income, those three days, 12 which I could have used for something, a fishing 13 trip or whatever.</p> <p>14 So you said I couldn't go to the 15 board. I understood. And I'm, like, oh, man. 16 Still didn't know for sure that I was suspended 17 because I didn't have the dates. So, please, 18 send letters out working out dates of suspension 19 for people when you're like in my situation. 20 That would be my suggestions.</p> <p>21 The only other thing that I would 22 comment about is Nick and I, I think, developed 23 a pretty good relationship other than the board 24 has your investigator show up at your private 25 residence unannounced, uninvited. My wife is</p>
<p style="text-align: right;">Page 79</p> <p>1 do it when you're not working to help somebody 2 else." All right? And that would help because 3 then that person can set a conservative 4 suspension, and the other people can get their 5 help, and it breaks no laws.</p> <p>6 And so finally, I busted my butt that 7 Tuesday night. I thought I was going to have 8 all -- three of them were done, as I said, 9 prior. I thought I was going to get the final 10 two done. So my plan was, not for sure, that I 11 was suspended. I knew they had me one thing set 12 up in that morning, that perio-exam or whatever 13 it was. My goal was to finish it during the 14 working hours, get on the phone at 8 o'clock 15 that morning -- and that's the other thing. 16 They don't send you certificates the way they're 17 supposed to; but they're making 25 bucks or 18 something for this CE. It's not a big priority 19 how they treat the person taking this course.</p> <p>20 Anyway, so I figured that I would get 21 it, and I didn't think I had anything else 22 scheduled. I was going to come and go -- and, 23 Nick, you probably remember this. I got it done 24 that morning about the time you came in, 8:30 or 25 whatever it was, and I wanted to take my</p>	<p style="text-align: right;">Page 81</p> <p>1 there in her bedclothes at 8:00 in the morning. 2 My wife is freaked out. This causes major 3 problems within people's family; not just me, 4 but whoever the other 10 or 15 -- you said you 5 had a whole bunch of people you were delivering 6 to. And I said -- and I asked the attorney 7 this. I said, "Don't -- when people -- 8 investigators show up at your property, don't 9 they need a warrant?"</p> <p>10 He said, "Yes, they do." 11 "Don't they need to have" -- the other 12 word I have written down here. And so my 13 comment to him was that, "You just show up. My 14 wife is all upset now. She's mad at me. We got 15 in a fight." I won't say ruined. We're still 16 married; but it caused some marital discord at a 17 particular time that it happened.</p> <p>18 But without a certificate, without a 19 -- the legal word I'm missing, but warrant, and 20 I said, "You could show up like that -- and you 21 show up at my office, my place of employment 22 unannounced with a police." And this was before 23 then, I think, but the comment was, "Man, in 24 real life, you shouldn't show up around here 25 without a gun." That's what I said. I didn't</p>

<p style="text-align: right;">Page 82</p> <p>1 threaten any of you folks. I didn't threaten 2 the board. I didn't mean it that way. I was 3 agitated, upset, mad, PO'd. Plus I felt like if 4 you're going to come harass me -- that's what I 5 felt like -- at my house, you need a warrant. 6 If you're going to give me papers -- if you're 7 going to deliver papers, is what I was looking 8 for here, you need to have the right -- you're 9 trespassing. And how dare you show up here now 10 as a police officer without a gun. You're 11 trespassing. You're delivering papers and it's 12 a warrant and you shouldn't be at my property 13 and you're affecting my life. 14 So, again, suggestions. Very 15 unsettling for people out -- just regular people 16 out there to have that happen, somebody show up 17 at 8 o'clock in the morning, you're in your 18 pajamas, delivering -- "I'm here to deliver your 19 papers," wham. And this is what you've done. 20 So my comment was not exactly -- I 21 think Nick was -- the word -- the mention of the 22 word gun, yeah, it did happen, but I think that 23 -- and that's what I apologized to him about. I 24 said, "Nick, I wasn't threatening you or 25 anything like that. I was just saying this</p>	<p style="text-align: right;">Page 84</p> <p>1 They fired me. And they've got -- you might 2 know who Barton is. Barton is the group of 3 dentists -- it's a group -- a business that goes 4 around finding people to fill part-time and 5 full-time openings in the state. They listed it 6 with Barton. Aspen is now looking for my 7 replacement. And I called them and I talked to 8 them. They said, "Well, Dr. Bigelow, we spent 9 \$1,000 or more training you. You know what 10 you're doing. Everybody likes you. The staff 11 likes you. The staff loves you. You come in, 12 and they got a job, but we have to fire you 13 because the upper-ups don't see things other 14 than black and white." 15 And, please, let's not be a group that 16 only sees things as black and white. Hopefully 17 a few of the things I said today makes some 18 common sense. 19 They said, "We've been told we have to 20 because they showed up with a gun in our office 21 and scared our patients." 22 Well, hell, yes, it scared the 23 patients. How would you like -- you guys work, 24 sitting there and have somebody come in with a 25 gun to your office, you would be freaking out.</p>
<p style="text-align: right;">Page 83</p> <p>1 ain't being done the right way. This isn't 2 being done the way that all these people that 3 watch TV see things get done. You show up on my 4 property, you need to have a warrant, arrest 5 warrant and give me a notice of delivering 6 papers. You should show up with a gun." 7 And he mentioned he wasn't sure that I 8 laughed or did I smile. I just did. Did you 9 notice it? You may not have noticed. I just 10 giggled a little bit right there. That's me. I 11 did. I said, "You need to show up" -- that's 12 sarcasm, people. I didn't like the way it was 13 done, so, again, a second suggestion along those 14 lines for the future is to do it a little bit 15 different. Give the person notice. And that's 16 -- everything else is accurate. 17 I had it done in time. I got it done 18 that morning. If you would have done his job 19 and found out that I was there, I wasn't trying 20 to be sneaky. I was just trying to make a buck 21 and be there for Aspen so they didn't have to 22 cancel a whole day, and what it made them do is 23 cancel 3 days. They lost out on this, too. 24 And here's the other things, folks. 25 Guess what they've done since? They fired me.</p>	<p style="text-align: right;">Page 85</p> <p>1 It's bad enough -- it's a joke among all of us, 2 what's the dentist's worst day? When somebody 3 from the state board shows up at your office. 4 Well, it is because that's scary and you're 5 worried about how your staff will feel about it 6 when you do or what happened, are we going to 7 have a job? It effects everybody. 8 That's all I want to say about those 9 kinds of things because I think from this -- and 10 one of the reasons I didn't bring an attorney is 11 because that's all I intended to say. 12 I'm here -- I've done lots of things 13 in my career to improve the state of dentistry, 14 the practice of dentistry, 14th District here, 15 licensing by credentials. Maybe your children, 16 maybe your daughters or your sons have benefited 17 from being able to practice in Texas where you 18 could never practice before, in Florida where 19 you could never practice before, Hawaii where 20 you could never practice before. 16 of us young 21 folks that busted our butt with Heber Simmons to 22 get that done. Did we ever get a reward? No. 23 We all went back to our states and got arrows in 24 our back. Not one of us 16 ever went any 25 further in dental politics. There's a reason</p>

<p style="text-align: right;">Page 86</p> <p>1 for that. We did what guys that were 70 that 2 were the delegates for the -- and I was a 3 delegate by the way. I already said that. 4 So if you've ever been delegates, sir, 5 we might have met each other at one point in 6 time, but that was 1989, '90, '91, '92. 7 So the only other thing I'll make a 8 comment on is what you're doing today, I know 9 you think you're doing good things. Well, we'll 10 see. We'll judge how you decide to treat me at 11 the end of today's meeting, how many good things 12 become of it. So we're all under judgment here. 13 Let me find a page where I wrote 14 myself a note again. 15 Okay. Anyway, here I am. I was late 16 on paying my money. I made a comment that 17 scared the investigator a little bit thinking I 18 was talking about something other than just 19 making an off comment, snide joke. 20 We have people in this -- in our 21 profession in this state, the State of 22 Mississippi, that are practicing that are felons 23 that have been sent to prison for 2 years in 24 this state as felons. I don't know if they ever 25 sat before this board because they never lost</p>	<p style="text-align: right;">Page 88</p> <p>1 ask Dr. Bigelow some cross-examination 2 questions. 3 CROSS-EXAMINATION BY MR. MUTZIGER: 4 Q. Dr. Bigelow, you readily admit that you 5 were late in paying your fine? 6 A. Yeah. Don't know why, but I was. 7 Q. You readily admit that you were late in 8 submitting proof of continuing education? 9 A. I was, and I thought I had it with me, 10 but I was also not aware what day I was 11 suspended, so, no, I was not -- I knew I was late 12 for having it done by that date that was 13 announced to me, yes; but not that the suspension 14 was active, no, I didn't. 15 Q. So, I'm sorry, what was your answer to 16 admitting that you were late? 17 A. I said I was late to submitting the 18 payment of the date of the letter. 19 Q. And what was your answer regarding 20 whether you were late in submitting the CE proof? 21 A. Yes. 22 Q. Yes. Okay. And you readily admitted 23 that you were agitated and referenced a gun when 24 speaking with Investigator Hardwick? 25 A. Yes, as a joke. Come on, you must be</p>
<p style="text-align: right;">Page 87</p> <p>1 their license. They're still practicing 2 dentistry in Mississippi. There's an old 3 surgeon we're talking about -- 4 MR. MUTZIGER: The State would object 5 at this time due to relevance to the present 6 charges. 7 HEARING OFFICER STRICKLAND: I'm going 8 to have to, once again, sustain this objection 9 and ask that you restrain your testimony to the 10 charges at hand. You may finish your statement. 11 DR. BIGELOW: I was just -- it was 12 just furthering my statement that maybe we can 13 make some progress, that the board doesn't go 14 after the little guys, it goes after the big 15 guys because there's not a dentist in this state 16 that's not upset about the fact that Brantley 17 Nichols is still practicing dentistry in this 18 state and our board didn't do anything about it. 19 I'm done with my statement, sir. 20 Thank you for letting me say what I had to say. 21 HEARING OFFICER STRICKLAND: At this 22 time, I'll entertain attorney cross-examination. 23 MR. MUTZIGER: I do have some 24 questions. 25 HEARING OFFICER STRICKLAND: You may</p>	<p style="text-align: right;">Page 89</p> <p>1 kidding me. 2 Q. And I will note that you incorrectly 3 characterized Investigator Hardwick's testimony, 4 his answer was a flat no regarding whether you 5 smiled. 6 A. Oh, I asked you, did you see me smile? 7 That was my question for you. 8 Q. That's already been asked and answered 9 by Investigator Hardwick. 10 A. But I asked you and the rest of you. 11 Q. And also, Dr. Bigelow -- 12 A. I smiled is my answer, yes. 13 Q. Let's take a look at a couple of 14 things. I'll try to be as brief as I can. B-6, 15 that's your consent order. If you want to follow 16 along with me, I'm going to Exhibit B-6. 17 Let me know when you're there. 18 A. Yeah, I'm there. 19 Q. That first page, that cover letter, do 20 you see the bright red text there on the cover 21 letter? Will you please recite that for the 22 record? 23 A. "Failed to comply with any terms or 24 conditions of this consent order, your license 25 shall immediately be suspended for a period of no</p>

<p style="text-align: right;">Page 90</p> <p>1 less than 7 days." And it does not say what 2 7 days. 3 Q. What does "immediately" mean to you? 4 A. It means upon notice of the 7 days, 5 that my license is suspended. It's immediately 6 suspended for those days, as I was told by my 7 attorney that this body of people would be 8 sending me a second letter. If you want to get 9 my attorney in here and sue him for 10 misunderstanding or false information, that's 11 fine, but you can't do it to me. I didn't know 12 for sure. So I'm already on record as to that. 13 Q. So it's your testimony that 14 "immediately" does not mean right now? 15 A. I would testify that that would mean 16 something different to every single one of us 17 depending upon if they talked to an attorney 18 about it or not. 19 Q. What does "suspended" mean to you, 20 Dr. Bigelow, that your license is suspended? 21 A. Same thing it means to you. 22 Q. Which is? 23 A. I don't know. What does it mean to 24 you? 25 Q. You're the one that's being questioned,</p>	<p style="text-align: right;">Page 92</p> <p>1 document given to you by the board's 2 investigator? 3 A. No. 4 HEARING OFFICER STRICKLAND: I'll -- 5 A. According to my attorney's advice, I 6 interpreted that -- which is the problem with the 7 legal system. That's why they send two letters. 8 HEARING OFFICER STRICKLAND: We're 9 going to call for order. I believe Dr. Bigelow 10 is on the record as to why he continued to 11 practice even though the board is of the opinion 12 that his license was suspended. I believe 13 that's in the record, so if we could, I would 14 ask if we can move on to additional questions. 15 MR. MUTZIGER: Okay. 16 BY MR. MUTZIGER: 17 Q. Dr. Bigelow, have you ever been 18 arrested for drunk driving? 19 A. No. 20 Q. So you've never been through that 21 process personally? Simple yes or no. 22 A. No, I've never been through that. 23 Q. What time did you show up for at the 24 board this morning, Dr. Bigelow? 25 A. I was a couple of minutes late.</p>
<p style="text-align: right;">Page 91</p> <p>1 Dr. Bigelow. 2 A. All right. So right now you're going 3 to say he's getting agitated. I'm a little bit 4 irritated with this line of questioning. I 5 already said -- I already said I did all these 6 bad things that you said I'm doing. Let's move 7 on. I've given you the answers, yes, yes, yes. 8 You don't have to -- 9 Q. Dr. Bigelow, you understand that the 10 board here is authorized by the legislature to 11 implement the practice act. A part of that 12 process is having a hearing and asking questions. 13 A. Yes, they're doing their job. 14 Q. So I ask you again: What does 15 "suspension" mean to you? 16 A. Not to practice. 17 Q. Not to practice. 18 A. During a certain time period. 19 Q. So I'm just at a loss, Dr. Bigelow. 20 You found it -- you found it wise to interpret 21 the board's notification of suspension using the 22 word "immediately," you found it wise to 23 interpret that according to -- 24 A. My attorney -- 25 Q. -- a driving standard as opposed to the</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Wait a minute, Dr. Bigelow. 2 A. Yeah, I know. 3 Q. What was your testimony earlier? I 4 believe it was -- 5 A. I'm not a person -- 6 Q. -- "I don't do things late." 7 A. I'm not a normally late person. 8 Q. I just wanted to be clear. 9 A. Yeah. Well, I Googled it, and this had 10 me at the corner of Pear and whatever. No 11 directions here, so we've always been there with 12 Maps. I was about 10 minutes early until I got 13 stuck there. And I called. But I understand why 14 you brought that up, okay? I deserve it. 15 Q. Whose fault is it that we're here 16 today? 17 HEARING OFFICER STRICKLAND: I'm going 18 to ask that we not needle -- I feel like you're 19 needling the Respondent to be honest. 20 MR. MUTZIGER: I'm getting to his 21 mindset. I think that at issue with this case 22 is his compliance with the board, and I think 23 that there is a pattern of lack of showing no 24 reference or adherence to authority, and I think 25 that I'm entitled to explore his mindset because</p>

<p style="text-align: right;">Page 94</p> <p>1 I do think that's appropriate in safeguarding 2 the public, his adherence to the board's 3 authorities and its rules and regulations to 4 protect the public. 5 HEARING OFFICER STRICKLAND: That 6 point is well taken, so I will entertain 7 additional questions. 8 DR. BIGELOW: If I had an attorney 9 here, I'm sure my attorney would say, well, 10 then, Dr. Bigelow is allowed to bring in a 11 psychiatrist to answer questions that we ask 12 related to my state of mind. I've already sort 13 of answered those to you in my closing 14 statement, which is I'm hoping that my being 15 here today will be a benefit to the board and to 16 the State of Mississippi. That's it. That's 17 it. I'm here as a benefit. Harm me, do 18 whatever you feel is legal or you want to do to 19 me, I don't care. I'm here as a person wanting 20 to improve the system. 21 HEARING OFFICER STRICKLAND: I hate to 22 cut you off, but I have to allow the board's 23 attorney to cross. 24 DR. BIGELOW: Please don't allow him 25 to insult me when I'm here to help. That was</p>	<p style="text-align: right;">Page 96</p> <p>1 suspension was, that you weren't notified. But 2 I'm looking at Exhibit B-8 and B-9, and as I read 3 them, it clearly states the time frame to which 4 your license is suspended. 5 A. Are you talking about in red where it 6 says "immediately"? 7 Q. No, I'm talking about Exhibit B-8 and 8 B-9. 9 A. May I look? 10 Q. Sure. And you've repeatedly stated 11 that you should have gotten a notice that clearly 12 stated that. It appears to me that these -- 13 A. Let me look. 14 Q. Okay. 15 A. I've never said that I'm 100 percent 16 right on everything. 17 Q. No. 18 A. Sir, where -- which paragraph? 19 Q. B-8, B-9. 20 A. Exhibit B-8, are you talking about 21 paragraph 1, 2, 3? 22 Q. I'm talking about the entirety of the 23 notice. The reason for the notice is your dental 24 license is suspended effective at a minimum for 25 that date.</p>
<p style="text-align: right;">Page 95</p> <p>1 all I had to say. 2 BY MR. MUTZIGER: 3 Q. Who's responsible for violating the 4 Dental Practice Act, Dr. Bigelow? 5 A. There's no question. Why am I sitting 6 here -- 7 Q. Will you please answer the question? 8 A. I am. 9 Q. Okay. Thank you. 10 MR. MUTZIGER: I have no further 11 questions of this witness. 12 HEARING OFFICER STRICKLAND: 13 Understood. Thank you for your testimony, 14 Dr. Bigelow. 15 BOARD MEMBER DR. BISHOP: 16 Mr. Strickland, at the past at these, we've been 17 allowed to ask a couple of questions. Will you 18 permit that? 19 HEARING OFFICER STRICKLAND: Yes. I 20 will allow the board at this time to ask 21 questions of the Respondent. 22 EXAMINATION BY BOARD MEMBER DR. BISHOP: 23 Q. Dr. Bigelow, if I understood you 24 correctly, you have repeatedly stated that you 25 didn't know what the time frame for your</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Where does it say "effective," sir? 2 Where does it say what you're saying? Because 3 that's what my attorney said to me. You know, we 4 didn't see where it stated effective dates. 5 Q. It says as of today, February the 19th, 6 2025. How much more clearly can it be stated? 7 And it said it is effective for a minimum of 8 7 days and upon verification that you completed 9 the requirements. 10 A. Well, I don't want to get into an 11 argument with you because that was a legal thing, 12 and my attorney said that all that said that as 13 of today, they haven't received payment. 14 Q. No, it says as of today, your license 15 is suspended. 16 A. The board has not received payments of 17 the fine in the amount of \$1,000. And it was to 18 be received and it wasn't. So that's all that's 19 saying is I haven't paid yet as per that date. 20 That's the way I read it and interpret it, and my 21 attorney did, too. So that's why I feel the way 22 -- to answer your question with respect, that's 23 why I feel that way. 24 Q. It's difficult for me to understand how 25 you can interpret this otherwise.</p>

<p style="text-align: right;">Page 98</p> <p>1 A. I understand that. 2 Q. Along with the next one, B-9, which 3 deals with your practice while your license was 4 suspended. 5 A. Yes, sir. Well, thank you for -- and 6 there may be somebody else that wants to ask 7 something, too, that's fine. I'm not contending 8 the fact I screwed up. I screwed up. And I just 9 want everybody to know that I'm here because I 10 would like to see something good become of this 11 meeting, so I'm hoping that we can do something 12 good with it. Call me a screw up or an F -- a 13 mess up or whatever you want to. "He's a dummy." 14 But maybe we can do better for the rest of the 15 dentists in the state. 16 I was told by -- I don't remember, sir, 17 if it was you, Denny, that your new board mostly, 18 the -- originally the whole -- 19 MR. MUTZIGER: I would just intervene. 20 Are we venturing into additional testimony? 21 HEARING OFFICER STRICKLAND: Yeah, 22 let's keep -- I would ask the witness to tailor 23 his responses to questions just to the answers 24 to the questions. Are there additional 25 questions from the members of the board?</p>	<p style="text-align: right;">Page 100</p> <p>1 reconvene around 10:41. 2 (A short break was taken.) 3 HEARING OFFICER STRICKLAND: Seeing as 4 all parties have returned, we're preparing to go 5 back on the record. The time is 10:42. We've 6 returned from recess. At this time we were 7 about to go into closing statements. I'll allow 8 the board's attorney at his discretion to 9 proceed with his closing statement. 10 MR. MUTZIGER: Thank you. One moment 11 and I will be ready. 12 Okay. Thank you, board. In closing, 13 I would offer that it is absolutely 14 uncontroverted that clear and convincing 15 evidence exists, that the Respondent committed 16 the three violations as alleged in the board's 17 complaint and notice of hearing. He's even gone 18 so far as to admit to committing these 19 violations. So there can be no question. You 20 are authorized to impose whatever sanctions that 21 you deem appropriate in the order to protect the 22 public. 23 Dr. Bigelow paid his fine late. He 24 submitted his CE credit late. His license was 25 suspended twice. He threatened the board's</p>
<p style="text-align: right;">Page 99</p> <p>1 BOARD MEMBER DR. BISHOP: Thank you, 2 Mr. Strickland. 3 HEARING OFFICER STRICKLAND: Any other 4 questions? 5 DR. BIGELOW: I have a question. I 6 would like to see -- to know how many of you 7 actually know what the actual complaint was that 8 triggered all of this. 9 HEARING OFFICER STRICKLAND: Well, 10 that's not relevant at this time. I'm sorry. I 11 have to keep the hearing rolling along. 12 Seeing no further questions from the 13 board for the witness, we thank you for your 14 testimony, and you're no longer on the witness 15 stand. 16 At this time, we'll entertain closing 17 arguments. We'll start with the board's 18 attorney for closing statement. 19 MR. MUTZIGER: I would. I would ask 20 may we have just a 5-minute recess prior to 21 closing statements? 22 HEARING OFFICER STRICKLAND: Yes. 23 MR. MUTZIGER: Thank you. 24 HEARING OFFICER STRICKLAND: A 25 5-minute recess. The time is 10:36. We will</p>	<p style="text-align: right;">Page 101</p> <p>1 investigator informing him that should he see 2 him again, you better be wearing a gun. If that 3 affront to the board's authority was not enough, 4 he chose, after having hand-delivered a notice 5 of suspension, to practice anyway, a mere 2 days 6 later at Aspen Dental, Clinton, Mississippi. 7 Dr. Bigelow offers a baffling 8 suggestion that he was waiting on his second 9 letter. The second letter never came. He 10 didn't know when the suspension started. But 11 you all, when you look at the board's exhibits, 12 it is crystal clear, "immediately" can only mean 13 immediately. There was no question as to period 14 of suspension. It was there in black and white 15 for all to see. 16 He would put to this board, well, 17 that's not how they do it for drunk driving 18 violations, when by his own admission he's never 19 had a drunk driving violation and hasn't gone 20 through that process. 21 It would appear that Dr. Bigelow 22 treated this board's authority as merely a 23 suggestion. Even further, he offered you all 24 suggestions on what your practice ought to be. 25 Well, I have a suggestion instead for</p>

<p style="text-align: right;">Page 102</p> <p>1 Dr. Bigelow. And that would be something that 2 I've learned, which is reading is fundamental, 3 and it's in black and white in the language all 4 along, the requirements and consequences. Yet 5 Dr. Bigelow either did not read the 6 correspondence by the board or he did not 7 understand it or he read it and understood it 8 and chose to willfully ignore it. I don't know 9 which one is worse, but all of them have 10 consequences. 11 Dr. Bigelow would ask that something 12 good result from today's hearing. Well, I'm 13 unclear as to what that is. Because Dr. Bigelow 14 has said repeatedly, "Take my license. I don't 15 care. I don't need it anyway." 16 Well, which is it? What is the good 17 that is to come from this hearing? I hate to 18 say it, but it does appear clear that 19 Dr. Bigelow does not care, not for the authority 20 of this board, not for the continuation of his 21 license, but nonetheless, I ask that the board 22 today find him guilty of the violations alleged 23 and render the appropriate disciplinary action 24 in relation to these offenses. Thank you. 25 HEARING OFFICER STRICKLAND: Thank</p>	<p style="text-align: right;">Page 104</p> <p>1 that are affected. There are other people like 2 me, other retirees that -- as I said, I got 3 fired by Aspen. 4 Now, I talked to them about it. 5 They're thinking about putting me back on now 6 that they know that I'm here today and what's it 7 all about and I've taken care of the things that 8 caused the problem that day in their office. I 9 may be employed again. I won't find out until 10 next week. But that would be -- that would be 11 something that would be nice, if it was 12 permissible, if you need to suspend me another 13 7 days or so, 14 days, do what you feel like you 14 need to do. 15 I remember one time when there was a 16 group of seniors in dental school -- and I 17 wasn't one of the senior seven kids -- that were 18 doing their wax-ups one night. And it was the 19 week before graduation, and the dean left his 20 office open, and there was a Coke machine that 21 sat out in the hallway there. And the seven 22 seniors thought -- you know how senior trips, 23 senior vacation and stuff, they thought it would 24 be pretty funny if they took the Coke machine 25 and set it in the dean's chair. So the next</p>
<p style="text-align: right;">Page 103</p> <p>1 you, Counsel. Dr. Bigelow, at this time you can 2 -- you have the opportunity to present a closing 3 statement of your own. Would you like to make a 4 closing statement? 5 DR. BIGELOW: Yes, sir. 6 HEARING OFFICER STRICKLAND: The floor 7 is yours, at your discretion as well. 8 DR. BIGELOW: I sort of already made 9 my closing statement to a certain extent. 10 I apologize. I'm getting -- the 11 attorney's opinion that I'm an affront to the 12 board's authority, that was a quote. You have 13 authority. I don't have any opinions or control 14 of that. I'm certainly not -- but just because 15 you have a board -- people disagree with 16 President Trump daily. It's all of our job as 17 Americans and U.S. citizens, if we see something 18 that's not quite right, to fix it or correct it, 19 try to anyway, and that's where I'm coming from. 20 My affront to the board's authority, yeah, maybe 21 -- not your authority. You can do whatever you 22 want to with me and my license because I said, 23 yeah, I did it. And I said, yeah, I screwed up. 24 I said, yeah, I'm sorry; but I decided to come 25 today only out of my care for the other people</p>	<p style="text-align: right;">Page 105</p> <p>1 morning, the dean comes in and the Coke machine 2 was sitting in his chair. Everybody in the 3 whole college thought it was kind of funny. He 4 didn't. He went crazy and he was going to -- 5 4 years of -- you remember what we went through 6 in dental school to get our degrees? After 7 4 years of doing that, the kids having a little 8 bit of fun, he couldn't see the humor in it. He 9 wanted to not graduate the seven seniors, which 10 would have been a terrible decision. 11 There was an elder gentleman, a dean 12 sitting beside -- the second dean, vice dean, 13 whatever he was, and he said, "George, let the 14 punishment fit the crime." And smarter heads 15 prevailed. The kids got hand-slapped. They 16 just didn't let them go through the ceremony, 17 but they got to graduate, and now they've all 18 done great things over the last 40 years of 19 dentistry. 20 So let the punishment fit the crime. 21 I care about others being affected. I care 22 about still being able to help Aspen. I help 23 the dentist in Louisville who had a ripped out 24 rotator cuff, had to go through two surgeries to 25 get his arm fixed. It was 9 months. There was</p>

<p style="text-align: right;">Page 106</p> <p>1 competition in this town, nine other dentists. 2 Maybe you can relate -- five other dentists, 3 that if he would not have been there for those 4 9 months, he wouldn't have had a practice left 5 because they were being hired away. They were 6 being hired away from him and the patients came 7 with them, so I kept him open. 8 Now, I didn't bring him as a witness 9 today to show that I do do good things, too, and 10 not just bad things or stupid things. My wife 11 says I do stupid things. I probably was stupid 12 to not come with an attorney today. 13 But my closing statement is over. I'm 14 sorry about not paying more respect to the 15 board. It comes from a history of seeing what 16 happens. It has happened and I finally have an 17 opportunity to tell some folks on the board. I 18 feel that the older boards, the prior boards in 19 the state didn't feel that way because of the 20 licensure credential issue, and I've been told 21 that multiple times by those dentists, that they 22 wanted my license, they wanted me out of the 23 state. 24 My wife is third generation 25 Hattiesburg, and they're asking me what am I</p>	<p style="text-align: right;">Page 108</p> <p>1 how we typically -- however the board cares to 2 proceed. 3 DR. BIGELOW: May I ask a question? 4 HEARING OFFICER STRICKLAND: Yes, sir. 5 DR. BIGELOW: Am I free to go and get 6 in my car and leave or is this something that 7 you do right now? I have no idea how it works. 8 HEARING OFFICER STRICKLAND: I believe 9 the board is going to deliberate and render a 10 decision. However -- 11 MR. MUTZIGER: I would agree that it's 12 really up to you. We expect typically the board 13 to render a decision same day, so if you would 14 like to wait around and hear the decision, you 15 may. If you choose not to, we can also send 16 that to you in the mail. 17 HEARING OFFICER STRICKLAND: Yeah, you 18 will receive a copy of any final order. 19 DR. BIGELOW: Okay. I'm just checking 20 to see what time it is. Do you normally -- 21 HEARING OFFICER STRICKLAND: It could 22 be as long as it takes. 23 DR. BIGELOW: As long as it takes? 24 Okay. I do have other things I've got -- if I 25 don't get to Costco, my wife is going to be mad</p>
<p style="text-align: right;">Page 107</p> <p>1 doing here and why am I here. Our kids maybe 2 get asked that question when they're practicing 3 in San Antonio. I don't know. "You're not a 4 Texan. What are you doing here?" But they can 5 get a license and not have to put up with it 6 anymore. 7 So we now have an opportunity to mold 8 this board in a new mindset. I'll take whatever 9 punishment you decide I deserve. I deserve it. 10 And I hope I can do things to help in the 11 future. I hope I can help everybody and all the 12 other dentists in the state in the future. And 13 that's all I have to say. 14 HEARING OFFICER STRICKLAND: Thank 15 you. At this time I'll entertain a motion from 16 the board to move to a closed determinative 17 session on whether or not to enter into 18 executive session. Is there a motion? 19 BOARD VICE-PRESIDENT DR. GRUBBS: 20 Move. 21 HEARING OFFICER STRICKLAND: By 22 Dr. Grubbs. There's no need for a second, I 23 don't believe. We'll go into a closed session 24 now. If all the parties that are not a part of 25 the board could please leave the room. Is that</p>	<p style="text-align: right;">Page 109</p> <p>1 at me. Thanks for listening to me. 2 (The Board enters executive session at 3 10:55 a.m.) 4 (The Board returns from executive 5 session at 11:21 a.m.) 6 HEARING OFFICER STRICKLAND: The board 7 has returned from executive session. We're now 8 back in open session. 9 During deliberations, the board has 10 rendered the following decision: The 11 Respondent, Tod Bigelow, Dr. Tod Bigelow, has 12 been found guilty of all three charges outlined 13 in the notice of hearing and complaint. The 14 board has decided -- has moved to make the 15 following punishments: That Dr. Bigelow's 16 license be suspended for 30 days from the date 17 of receipt of the final order by the Respondent. 18 The board has also seen fit to render a fine of 19 \$5,000 as this is the third offense by 20 Dr. Bigelow that has resulted from board action. 21 Also the board has moved for Dr. Bigelow to 22 enter into the PROBE: Ethics & Boundaries 23 Program within 120 days of the final order. 24 That's the PROBE: Ethics & Boundaries Program, 25 along with the PROBE Plus Program, to be</p>

<p style="text-align: right;">Page 110</p> <p>1 completed within 1 year of receipt of the final 2 order. 3 That concludes the hearing today. And 4 this hearing is adjourned. 5 (Off the record.) 6 BOARD PRESIDENT DR. WILLIAMS: So 7 we'll resume the regularly-scheduled board 8 meeting where we left off at 5(b) on the agenda. 9 I thank you to all, the public, for your 10 understanding of taking a break for the 11 disciplinary hearing. 12 So, Ms. Sims, can you talk to us about 13 the specialty license permits that have been -- 14 the application for specialty permits? 15 MS. SIMS: Okay. So the first one is 16 Dr. Binnal. Dr. Binnal was approved for a 17 dental license January 2025. She was approved 18 despite examination and she did do the residency 19 program at the University of Florida from '22 to 20 2025. 21 BOARD PRESIDENT DR. WILLIAMS: Can I 22 get a motion to approve her license application? 23 BOARD MEMBER DR. BISHOP: So move. 24 BOARD PRESIDENT DR. WILLIAMS: And 25 this is for a permit, not necessarily a license,</p>	<p style="text-align: right;">Page 112</p> <p>1 specialty -- 2 BOARD MEMBER DR. CURTIS: You have two 3 licenses. 4 BOARD PRESIDENT DR. WILLIAMS: So I'm 5 sorry I said that. That is my mistake. So we 6 will grant -- we are looking to grant an oral 7 and maxillofacial radiology license to 8 Dr. Binnal. 9 BOARD SECRETARY DR. LAMPKIN: Second. 10 BOARD PRESIDENT DR. WILLIAMS: We've 11 got a motion and a second. Any discussion? 12 THE BOARD: (No audible response.) 13 BOARD PRESIDENT DR. WILLIAMS: All in 14 favor, say "aye." 15 THE BOARD: Aye. 16 MS. SIMS: So the next one is Graham 17 Garvey. He also was issued a license in 2021, 18 and then he enrolled at the University of 19 Tennessee from '22 to '25, and graduated from 20 the residence program in orthodontics on 21 April 29th, 2025. 22 BOARD PRESIDENT DR. WILLIAMS: Do we 23 have a motion to approve? 24 BOARD SECRETARY DR. LAMPKIN: So move. 25 BOARD PRESIDENT DR. WILLIAMS: Can I</p>
<p style="text-align: right;">Page 111</p> <p>1 right? A specialty permit in oral and 2 maxillofacial radiology. 3 MS. SIMS: Yes, all of them are 4 license. 5 BOARD PRESIDENT DR. WILLIAMS: So it's 6 for the license or the specialty permit or a 7 license along with a specialty permit, correct? 8 EXECUTIVE DIRECTOR HYDRICK: So these 9 all have general -- 10 BOARD PRESIDENT DR. WILLIAMS: So 11 we're approving a specialty permit in the area 12 of oral and maxillofacial radiology for 13 Dr. Binnal. 14 BOARD MEMBER DR. CURTIS: You know, 15 I'm going to be just a little bit confused about 16 that terminology, Mark, but I might be wrong, 17 but I think my specialty license says "specialty 18 license." 19 EXECUTIVE DIRECTOR HYDRICK: It does. 20 BOARD MEMBER DR. CURTIS: It doesn't 21 say permit. It says license. 22 BOARD PRESIDENT DR. WILLIAMS: Okay. 23 Thank you. I appreciate the clarification; 24 however, my reason for mentioning that is that 25 we have a license that's required, and then the</p>	<p style="text-align: right;">Page 113</p> <p>1 get a second? 2 BOARD MEMBER DR. CURTIS: Second. 3 BOARD PRESIDENT DR. WILLIAMS: Any 4 discussion on Dr. Garvey's specialty license in 5 orthodontics? 6 THE BOARD: (No audible response.) 7 BOARD PRESIDENT DR. WILLIAMS: All in 8 favor, say "aye." 9 THE BOARD: Aye. 10 BOARD PRESIDENT DR. WILLIAMS: Any 11 opposed? 12 THE BOARD: (No audible response.) 13 BOARD PRESIDENT DR. WILLIAMS: Motion 14 carries. Ms. Sims. 15 MS. SIMS: Okay. Chad Hartley, he 16 graduated from the University of Louisville. He 17 was just issued a license, a dental license in 18 2024. Then he enrolled at the medical 19 University of South Carolina from '22 to '25 and 20 graduated from that residency program April 30, 21 2025. 22 BOARD PRESIDENT DR. WILLIAMS: Do I 23 have a motion to approve Dr. Hartley's 24 application for orthodontics license? 25 BOARD MEMBER DR. BISHOP: So move.</p>

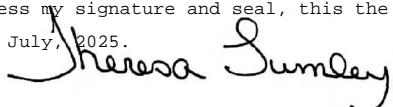
<p style="text-align: right;">Page 114</p> <p>1 BOARD MEMBER DR. CURTIS: Second. 2 BOARD PRESIDENT DR. WILLIAMS: We have 3 a motion and second. Any discussion? 4 THE BOARD: (No audible response.) 5 BOARD PRESIDENT DR. WILLIAMS: All in 6 favor, say "aye." 7 THE BOARD: Aye. 8 BOARD PRESIDENT DR. WILLIAMS: Any 9 opposed? 10 THE BOARD: (No audible response.) 11 BOARD PRESIDENT DR. WILLIAMS: Motion 12 carries. 13 MS. SIMS: Okay. The next one is John 14 Irvin. He also graduated from the University of 15 Tennessee, and he was issued a license in 2025. 16 Then he enrolled in the University's 17 orthodontics residency program, and he also 18 graduated April 29th, 2025. 19 BOARD PRESIDENT DR. WILLIAMS: I need 20 a motion to approve Dr. Irvin's specialty 21 license for orthodontics. 22 BOARD SECRETARY DR. LAMPKIN: So move. 23 BOARD PRESIDENT DR. WILLIAMS: We have 24 a motion. Second? 25 BOARD MEMBER BIRMINGHAM: Second.</p>	<p style="text-align: right;">Page 116</p> <p>1 BOARD MEMBER BIRMINGHAM: So move. 2 BOARD PRESIDENT DR. WILLIAMS: A 3 motion. Second? 4 BOARD MEMBER DR. CURTIS: Second. 5 BOARD PRESIDENT DR. WILLIAMS: Any 6 discussion? 7 THE BOARD: (No audible response.) 8 BOARD PRESIDENT DR. WILLIAMS: I will 9 ask, she's been out for two and a half years? 10 MS. SIMS: Yes. 11 BOARD PRESIDENT DR. WILLIAMS: But she 12 maintained -- she went inactive? 13 MS. SIMS: She went inactive. She 14 paid her renewal fees. 15 BOARD PRESIDENT DR. WILLIAMS: She 16 stayed a resident of Mississippi, she did her 17 continuing education, she's done CPR stuff. Do 18 we have anything in the regulations that says if 19 you're out for a certain period of time, you may 20 have to do remedial stuff? 21 MS. SIMS: 3 years. 22 BOARD PRESIDENT DR. WILLIAMS: Thank 23 you for clarifying. 24 All right. Any other questions? All 25 in favor, say "aye."</p>
<p style="text-align: right;">Page 115</p> <p>1 BOARD PRESIDENT DR. WILLIAMS: A 2 motion and second. Any discussion? 3 THE BOARD: (No audible response.) 4 BOARD PRESIDENT DR. WILLIAMS: All in 5 favor for Dr. Irvin's specialty license in 6 orthodontics, say "aye." 7 THE BOARD: Aye. 8 BOARD PRESIDENT DR. WILLIAMS: Any 9 opposed? 10 THE BOARD: (No audible response.) 11 BOARD PRESIDENT DR. WILLIAMS: Motion 12 carries. All right. Ms. Sims. 13 MS. SIMS: So the next one is a 14 request for active status for a hygienist for 15 Tanya Barnett. Tanya has been not actively 16 practicing for about two and a half years due to 17 surgery. So she plans to go back to work once 18 she gets approved for active status. As you 19 see, everything is in order of CE hours, CPR. 20 Jurisprudence was taken. 21 BOARD PRESIDENT DR. WILLIAMS: Can I 22 get a motion to approve Tanya Barnett's 23 application to reinstate her license? I mean, 24 to move her to active status, licensed 25 hygienist.</p>	<p style="text-align: right;">Page 117</p> <p>1 BOARD MEMBERS: Aye. 2 BOARD PRESIDENT DR. WILLIAMS: Any 3 opposed? 4 THE BOARD: (No audible response.) 5 BOARD PRESIDENT DR. WILLIAMS: Very 6 good. Thank you. 7 MS. SIMS: So the next one is request 8 for reinstatement. So Piper's license was 9 voided on December 2022. She does have a 10 current license in Arkansas and Ohio, and she 11 has recently moved back to Mississippi. As you 12 see in her application, her certification 13 letters for her two states that she's licensed 14 in, and she has been actively practicing in 15 another state, and she had up to 7 years to 16 reinstate. 17 BOARD PRESIDENT DR. WILLIAMS: So 18 she's in that time frame, correct? 19 MS. SIMS: Yes. 20 BOARD PRESIDENT DR. WILLIAMS: All 21 right. Can I get a motion to approve 22 Ms. Premeaux's license reinstatement? 23 BOARD MEMBER BIRMINGHAM: So move. 24 BOARD PRESIDENT DR. WILLIAMS: Got a 25 second?</p>

<p style="text-align: right;">Page 118</p> <p>1 BOARD MEMBER DR. JOE: Second.</p> <p>2 BOARD PRESIDENT DR. WILLIAMS: All in</p> <p>3 favor, say "aye."</p> <p>4 THE BOARD: Aye.</p> <p>5 BOARD PRESIDENT DR. WILLIAMS: Any</p> <p>6 opposed?</p> <p>7 THE BOARD: (No audible response.)</p> <p>8 BOARD PRESIDENT DR. WILLIAMS: Very</p> <p>9 good. Thank you. Thanks, Ms. Sims. You did a</p> <p>10 great job as usual.</p> <p>11 Mr. Mutziger, you have some consent</p> <p>12 orders for us to approve?</p> <p>13 MR. MUTZIGER: That's right. So the</p> <p>14 consent orders on the agenda today are all</p> <p>15 related to continuing education. The</p> <p>16 outstanding ones that are not presented here</p> <p>17 today are still within the time frame that has</p> <p>18 been given them and still working on having them</p> <p>19 completed. But these are the four that have</p> <p>20 been executed. The board has previously voted</p> <p>21 on the pursuit of such disciplinary action. We</p> <p>22 have the standard -- across all four, the</p> <p>23 standard disciplinary action as discussed, which</p> <p>24 is the fine, the cost, and the jurisprudence</p> <p>25 exam and the completion of the missing number of</p>	<p style="text-align: right;">Page 120</p> <p>1 that we would have five of these completed.</p> <p>2 BOARD MEMBER DR. BISHOP: Does it</p> <p>3 involve CE?</p> <p>4 BOARD PRESIDENT DR. WILLIAMS: Yes,</p> <p>5 same thing. And if you all are more comfortable</p> <p>6 just putting it in July, we can.</p> <p>7 BOARD MEMBER DR. CURTIS: No, no.</p> <p>8 Just do it today.</p> <p>9 BOARD PRESIDENT DR. WILLIAMS: That</p> <p>10 way it can be off everybody's plate. So I would</p> <p>11 like to move that we have McIntyre's consent</p> <p>12 order to this list and make it five people.</p> <p>13 BOARD MEMBER DR. CURTIS: Second.</p> <p>14 BOARD PRESIDENT DR. WILLIAMS: We've</p> <p>15 got a motion and a second. Anyone have</p> <p>16 discussion about that? It's the exact verbiage</p> <p>17 that's in these four with the exception of the</p> <p>18 number of hours that she was missing.</p> <p>19 All in favor of amending this to have</p> <p>20 five people, say "aye."</p> <p>21 THE BOARD: Aye.</p> <p>22 BOARD PRESIDENT DR. WILLIAMS: Any</p> <p>23 opposed?</p> <p>24 THE BOARD: (No audible response.)</p> <p>25 BOARD PRESIDENT DR. WILLIAMS: All</p>
<p style="text-align: right;">Page 119</p> <p>1 hours of continuing education. So all these</p> <p>2 have been signed and approved and now need to be</p> <p>3 approved by the full board by way of vote.</p> <p>4 BOARD PRESIDENT DR. WILLIAMS: Is it</p> <p>5 possible to add one or --</p> <p>6 MR. MUTZIGER: By all means.</p> <p>7 BOARD PRESIDENT DR. WILLIAMS: I</p> <p>8 signed yesterday, after business hours, I still</p> <p>9 had one last night for Lourdes Hernandez</p> <p>10 McIntyre.</p> <p>11 MR. MUTZIGER: Yes, if you would like</p> <p>12 to include that in a motion to make it five with</p> <p>13 the inclusion of Ms. McIntyre, that would be</p> <p>14 appropriate.</p> <p>15 BOARD PRESIDENT DR. WILLIAMS: Well,</p> <p>16 is it inappropriate to not have it posted</p> <p>17 publicly?</p> <p>18 MR. MUTZIGER: So long as we note it</p> <p>19 for the record, it will be sufficient.</p> <p>20 BOARD PRESIDENT DR. WILLIAMS: I would</p> <p>21 move that we add -- I received yesterday</p> <p>22 afternoon late an e-mail from board counsel that</p> <p>23 Lourdes Hernandez McIntyre had signed the</p> <p>24 consent order, so I signed it last night via an</p> <p>25 e-mail and would like to add it to the list so</p>	<p style="text-align: right;">Page 121</p> <p>1 right. Now, Mr. Mutziger has submitted these</p> <p>2 for -- we approved the consent orders for these</p> <p>3 five people in total. Have we got a motion to</p> <p>4 do that?</p> <p>5 BOARD MEMBER DR. BISHOP: So move.</p> <p>6 BOARD PRESIDENT DR. WILLIAMS: And get</p> <p>7 a second?</p> <p>8 BOARD MEMBER DR. JOE: Second.</p> <p>9 BOARD PRESIDENT DR. WILLIAMS: Is</p> <p>10 there any discussion?</p> <p>11 THE BOARD: (No audible response.)</p> <p>12 BOARD PRESIDENT DR. WILLIAMS: All in</p> <p>13 favor, say "aye."</p> <p>14 THE BOARD: Aye.</p> <p>15 BOARD PRESIDENT DR. WILLIAMS: Motion</p> <p>16 carries. Any opposed?</p> <p>17 THE BOARD: (No audible response.)</p> <p>18 BOARD PRESIDENT DR. WILLIAMS: Is</p> <p>19 there any other discussion that needs to occur?</p> <p>20 BOARD VICE-PRESIDENT DR. GRUBBS: I</p> <p>21 would like to make a comment.</p> <p>22 BOARD PRESIDENT DR. WILLIAMS: Yes,</p> <p>23 sir.</p> <p>24 BOARD VICE-PRESIDENT DR. GRUBBS: I</p> <p>25 know y'all are surprised, but I'm continually</p>

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1 amazed at our legal profession and how it
2 operates and how sometimes it doesn't operate,
3 but I felt like Westley did a great job today in
4 getting us through, and he held his temper,
5 which I could never be a lawyer. I would be in
6 jail. But I appreciate the work you did on this
7 case and the fact that we had competent
8 leadership from the Attorney General's office,
9 although I thought he had a difficult job to do
10 what he did. So it was nice to see it work like
11 it was supposed to work. That's all.
12 BOARD PRESIDENT DR. WILLIAMS: Well, I
13 do appreciate you all being here, and same with
14 the public. I will entertain a motion to
15 adjourn.
16 BOARD VICE-PRESIDENT GRUBBS: Motion.
17 BOARD PRESIDENT DR. WILLIAMS: And
18 second?
19 BOARD MEMBER BIRMINGHAM: Second.
20 BOARD PRESIDENT DR. WILLIAMS: All in
21 favor, say "aye."
22 THE BOARD: Aye.
23 BOARD PRESIDENT DR. WILLIAMS: Motion
24 carries. We're adjourned.
25 (Hearing was adjourned at 11:56 a.m.)

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1 CERTIFICATE OF COURT REPORTER
2 I, THERESA S. LUMLEY, Court Reporter and
3 Notary Public, in and for the County of Copiah,
4 State of Mississippi, hereby certify that the
5 foregoing pages contain a true and correct
6 transcript of the testimony of the witness, as
7 taken by me at the time and place heretofore
8 stated, and later reduced to typewritten form by
9 computer-aided transcription under the
10 supervision, to the best of my skill and ability.
11 I further certify that I placed the witness
12 under oath to truthfully answer all questions in
13 this matter under the authority vested in me by
14 the State of Mississippi.
15 I further certify that I am not in the
16 employ, or related to, any counsel or party in
17 this matter, and have no interest, monetary or
18 otherwise, in the final outcome of the
19 proceedings.
20 Witness my signature and seal, this the
21 5th day of July, 2025.
22 
23
24 Theresa S. Lumley, CSR #1231
25



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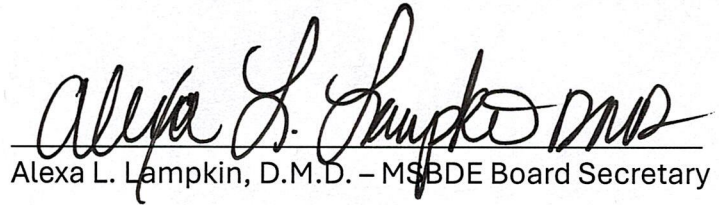
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The minutes of the June 13, 2025, meeting of the Mississippi State Board of Dental
Examiners were approved by the Board on July 25, 2025.


Alexa L. Lampkin, D.M.D. – MSBDE Board Secretary