

MEMORANDUM

To:

Christi Grimm, Office of the Inspector General Department of Health & Human Services.

Dr. Mandy Cohen, Director, Centers for Disease Control and Prevention
U.S. Department of Health and Human Services

Xavier Becerra, Secretary of Health and Human Services

Melanie Fontes Rainier, Director, Office for Civil Rights, Health and Human Services

Kirsten Clarke, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice.

Douglas L. Parker, Occupational Safety and Health Administration (OSHA)

Dr. David Loewenstein, HRSA National Practitioner Data Bank (NPDB)

From:

Dr. Sandy Fletcher Montano, Deer Park Dental, Deer Park, WA
Social Justice One Love, LGBTQ Healthcare Alliance

ONLINE FILED COMPLAINT ITS FEDERAL AGENCIES /ELECTRONIC SUBMISSION

Date: October 1, 2024

Re: Urgent Request for Federal Emergency and Investigation into Public Health Misinformation, Negligence, and Civil Rights Violations by Washington State Department of Health. Request for Indictment of Health Inspector Clark Wisswell.

A. List of Criminal Laws violated:

1. Public Health Service Act Violations (42 U.S.C. § 201 et seq.)
2. Civil Rights Violations (42 U.S.C. § 1983)*
3. Public Endangerment and Terroristic Threats (18 U.S.C. § 2332a)*USA PATRIOT Act*
4. False Statements or Concealment (18 U.S.C. § 1001)*Wire Fraud (18 U.S.C. § 1343)*
5. Violation of the Health Care Quality Improvement Act (HCQIA) – 42 U.S.C. § 11101 et seq.** HCQIA (42 U.S.C. § 11112)
6. *Fraud (18 U.S.C. § 1031)
7. False Claims Act (31 U.S.C. §§ 3729–3733) Liability under the Federal Tort Claims Act (FTCA)
 - I. Misallocation of public health resources.
 - II. Obstruction of Public Health Investigations
 - III. Endangerment and Reckless Endangerment
 - IV. Civil Rights Violations (Under Public Health Laws)

B. INTRODUCTION

This memorandum urgently requests under the **Administrative Procedure Act (APA)** and the **Inspector General Act of 1978**. For the the **U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR)**, the **Office of Inspector General**, and the **U.S. Attorney's Office** to initiate a formal investigation into the administrative irregularities and misconduct committed by the Washington State Department of Health. The DOH's misconduct, including falsifying inspection reports and issuing false public health advisories, demonstrates a clear violation of administrative due process and public trust. The request calls for federal oversight to address these administrative irregularities and ensure the protection of public health and civil rights. For federal intervention and a

declaration of a public health emergency following the September 19, 2024, news release by the Washington State Department of Health (DOH). The release falsely claimed an “HIV epidemic” based off being LGBTQ healthcare provider, specifically targeting me as a minority latino doctor, and DOH promoting unfounded “HIV testing” mandates for my former patients. This misinformation campaign continues a pattern of negligence, retaliation, and defamation that began with previous defamatory actions by the DOH on June 22, 2022 in violation of my due process.

This false claim has no scientific or medical foundation, and it directly endangers both my former patients and the public. I implore federal authorities to intervene, conduct a thorough investigation, and issue an injunction to prevent further harm and misinformation that contradicts OSHA’s established guidelines and Violation of Civil Rights (42 U.S.C. § 1983), Violation of Due Process Rights under the Fourteenth Amendment, Violation of the HealthCare Quality Improvement Act (42 U.S.C. § 11101 et seq.), Defamation, Fraud and Misrepresentation, Intentional Infliction of Emotional Distress (IIED), Public Misinformation and Endangerment, Request for Federal Investigation and Injunctive Relief.

To address the public criticism regarding any unprecedented delayed response from federal officials on this urgent matter for investigation, we urge your immediate intervention through this memorandum. As healthcare providers affected by the misleading health alert issued by employees of the Washington State Department of Health, we contend that this alert was driven by political motives, challenging federal guidelines and interfering with political campaigns while spreading misinformation, particularly against the LGBTQ community.

Through this memorandum, we request federal intervention and a declaration of a public health emergency concerning the Washington State Department of Health (DOH). The DOH's September 19, 2024, news release falsely declared an "HIV epidemic" that specifically targeted an LGBTQ doctor, promoting personal and political beliefs through unfounded accusations that harken back to the stigmatizing "Gay Plague" narrative of the 1980s. This alarming trend mirrors the hate campaign against the Asian community, which unjustly assigned blame for the COVID-19 pandemic.

Immediate action is necessary to prevent the continuation of this misinformation campaign, which contradicts federal guidelines. The DOH employees are actively promoting discriminatory practices while unfairly blaming the current presidential administration for its stance on LGBTQ issues, without any scientific or medical justification. The DOH has demonstrated negligence in informing the public, creating an environment that interferes with healthcare access.

This situation is compounded by a pattern of retaliatory and defamatory actions initiated by the DOH on June 22, 2022, which denied due process based on race and sexual orientation. As a minority and LGBTQ healthcare provider, I was pressured by the DOH to waive HIPAA rights, further disqualifying me from due process. The list of defendants includes individuals guilty of obstructing justice while the Washington State DOH continues to defend its intentional dissemination of unfounded allegations, ignoring established federal policies on HIV/AIDS.

These false claims lack scientific and medical foundation and pose a significant risk to public health, particularly to a population of over 550,000, including minority small business owners and patients subjected to

unnecessary medical testing. The situation echoes the political misinformation that has fueled hate crimes against the Asian population during the COVID-19 pandemic.

I implore federal authorities to intervene, conduct a thorough investigation, and issue an injunction to prevent further harm and misinformation. This scenario reflects a troubling history of administrative irregularities by state employees engaging in fraud and discriminatory practices, akin to the findings in the HHS OCR's May 2023 resolution of civil rights violations in the Lowndes County, Alabama, Department of Health case.

We initially reported to the NPDB dispute process from January to October 2023 regarding false reports that violate due process and involve intentional fraud and misinformation. This request for investigation also included a referral for federal authorities to audit the situation.

On May 16, 2023, we provided documentation of alleged fraud by DOH employees to the local OSHA regional office as part of a "Caspa complaint," For Federal review of State plan by non compliance of State mandated endorsing Fraud by Health Inspector "Complainants **must** receive a final determination before they can request a federal review or file a complaint about State Plan administration (CASPA) with federal OSHA" Attached the WISHA-OSHA compliant appeal which was neglected to be resolved by Washington State Plan, WISHA failed to follow its own policies and procedures and how this case qualifies how those policies or procedures are not at least as effective as OSHA standards. Thus endangering the public by " HIV epidemic" and endorsing Health Inspector Fraud with expired statute of limitations of OSHA 1978. See attached WISHA appeal that went unresponded and neglected by responsible State

Agency Thus escalating for OSHA under Caspa complaint to conduct Federal Audit review of substandard and discriminatory practices. Thus highlighting the fabrication of false dangers intended to deceive the public. We submitted this complaint both in person and by mail to OSHA in Washington, D.C., and its Seattle regional 10 office CASPA complaint. Additionally, we submitted a request to HHS OCR's regional 10 office in Seattle. In which was received by Michael Leroz, for an investigation into civil rights violations related to the misuse of qualified immunity by Washington State Department of Health employees of Fraud.

This ongoing matter poses a public health threat, particularly in relation to the targeting of an LGBTQ doctor who was subjected to unnecessary physical and mental examinations to secure due process rights.

The actions of DOH employees, conducted under the guise of state authority, violate serious human rights and create a narrative that is politically driven rather than ethically or medically sound.

C. CRIMINAL LAWS VIOLATED

The Washington State Department of Health's employees actions violate several federal laws:

- 1. Public Health Service Act Violations (42 U.S.C. § 201 et seq.)** The DOH has violated its mandate by releasing false information about an unfounded HIV outbreak.

2. **Civil Rights Violations (42 U.S.C. § 1983)** The DOH has targeted me based on my race and sexual orientation, infringing on my civil rights under color of state law.
3. **Public Endangerment and Terroristic Threats (18 U.S.C. § 2332a)**
The DOH's reckless statements about an HIV outbreak have created public panic and fear, amounting to a violation under the Patriot Act.
4. **False Statements or Concealment (18 U.S.C. § 1001)** False claims regarding my practice and the public health risks associated with it have been knowingly made.
5. **Wire Fraud (18 U.S.C. § 1343)** The DOH has used electronic communications to spread false and misleading information.
6. **Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.)**
The DOH failed to follow due process in their public health communications, harming both me and my patients.
7. **False Claims Act (31 U.S.C. §§ 3729–3733)** The DOH has misused public resources and funding, issuing false public health warnings.
8. **Liability under the Federal Tort Claims Act (FTCA)** The actions of the DOH have resulted in substantial harm to me, my patients, and the public, violating their duty of care.

D.REQUEST FOR STATE OF EMERGENCY AND FEDERAL INTERVENTION

1. Immediate Declaration of State of Emergency:

Due to the public endangerment caused by the spread of misinformation, we request a State of Emergency be declared to prevent further damage and public panic. The DOH's unfounded claims about an HIV outbreak stemming from my dental practice, as well as the racial and sexual orientation-based targeting of me as a provider, warrant federal oversight and swift action.

2. Issuance of Federal Injunction:

We request a federal injunction against the Washington State Department of Health to halt further public dissemination of false information. Immediate corrective measures are required to ensure the safety and well-being of my patients and the public.

E.FACTUAL BACKGROUND

1. Initial Retaliatory Inspection (December 1, 2021)

On December 1, 2021, Inspector Clark Wisswell of the Washington DOH conducted an on-site inspection at my dental office, prompted by a complaint from a former employee who had previously been involved in embezzling funds from my practice. Despite completing the inspection and confirming that no violations were found, Inspector Wisswell later filed a falsified report in May 2022 claiming the inspection report of Dec 1, 2021 presented to the dental board on Dec 3, 2021 that did “not exist” and was “not let in to inspect”. He also lied about his direct involvement in staging an assault against Dr Montano after his inspection by recruiting on Dec 2, 2021 and having this person assault Dr. Montano on video on Dec 3, 2021, documents from State attorney general's office prove that this was a set up to attack Dr Montano while being protected by qualified immunity thus no arrest made upon the beating of Dr. Montano at the premises and receiving 8 punches to the head and suffering concussion unable to practice. While Mr Clark Wisswell sent a Dec 21, 2021 letter stating that Dr. Montano beat up a patient which was false.

2. Falsified Inspection Report and Alteration of Facts

Six months after the inspection of Dec 1, 2021, Clark Wisswell altered his report, falsely claiming that he was not allowed to inspect the office on December 1, 2021. This change in his account followed an incident

involving an assault on me at the hands of a "Proud Boy," on Dec 3,2021 who was protected by state qualified immunity. Inspector Wisswell's actions, including fabricating details in the report, were part of an ongoing campaign of retaliation and misconduct by Wrin Obenland and Lydia Koroma both state employees and present during the board review of Dec 3,2021 of no wrongdoing and till the publication and false imminent danger after statute of limitations June 22,2022 news release and on August 5,2022 till this present day as case managers of Dr.Montano's depriving of due process.

3. Defamatory Health Alerts (June 22, 2022, and September 19, 2024)

On June 22, 2022, the Washington DOH released a public health alert falsely claiming that my dental practice was responsible for "sanitation's violations" based off the new narrative of Clark Wisswell's new changed story of Dec 1,2021 of no inspection after 8 months DOH claiming "imminent danger" as a way to violated due process and obstruct justice. To a now "HIV epidemic outbreak" alert on September 19, 2024, again falsely asserting that my practice as LGBTQ healthcare provider was the source of connected to an "HIV" risk, targeting me based on my sexual orientation and race as a Latino LGBTQ+ healthcare provider to the public to gain discriminatory attention against LGBTQ community as a source of "Aids epidemic".

Relevant Links to Defamatory Public Health Alerts:

- [Notice to Patients in Deer Park – CHAS Health](https://chas.org/es/blog/notice-to-patients-in-deer-park/)
<https://chas.org/es/blog/notice-to-patients-in-deer-park/>
- Spokane Regional Health District News: Potential HIV Exposure
- KXLY Health Officials Warning
- KREM: Spokane Dentist Suspended

F.LEGAL GROUNDS FOR ACTION

The following legal precedents provide the basis for requesting federal intervention and addressing the harm caused by the Washington DOH:

- 1. Public Health Service Act (42 U.S.C. § 201 et seq.)** The DOH's actions have grossly violated the Public Health Service Act by issuing baseless public health alerts, endangering public safety.
- 2. Civil Rights Violations (42 U.S.C. § 1983)** The Washington DOH's conduct, including false reporting and discrimination against me as a Latino LGBTQ+ provider, violates my civil rights under 42 U.S.C. § 1983. This case parallels **Monroe v. Pape, 365 U.S. 167 (1961)**, where misuse of state power was deemed a violation of civil rights.
- 3. Public Endangerment and Terroristic Threats (18 U.S.C. § 2332a)** The DOH's reckless publication of misinformation, which incited fear of a false HIV outbreak, constitutes public endangerment, as outlined in federal bioterrorism and terroristic threat statutes.
- 4. Health Care Quality Improvement Act (HCQIA)** The DOH has violated HCQIA by failing to follow due process in its reporting and public health communications, causing substantial harm to me and my practice.

G. EVIDENCE OF MISINFORMATION AND DEFAMATION

Supporting evidence includes:

- 1. Inspection Report (December 1, 2021):** Proving no health violations were found during the original inspection.
- 2. Communication Logs:** Documenting and sanitation logs provided to DOH on Jan 4,2021 to Clark Wisswell and State attorney General's July 6,2022 discovery documents offers from my legal counsel to

allow re-inspection of my clinic, which were ignored by the DOH in order to cover up their fraud and misconduct in Public Service Act.

3. **Health Alerts:** Copies of the June 22, 2022, and September 19, 2024, public health releases, which falsely allege health risks tied to my former practice as LGBTQ healthcare provider and hate crime victim by the same conflict of interest, Clark Wisswell.
4. **Administrative hearing** where Due process is violated and also acknowledgement of Proud Boy who assaulted Dr.Sandy Fletcher Montano is in jail for assault on a civilian for assault with a deadly weapon yet protected by the State Attorney General's office.
5. **Clark Wisswell's Phone call Sept 7,2022** transcript and video to Dr,Sandy Fletcher Montano to contradict what he wrote on his report and stating there was " no imminent danger".

H. IMPACT ON ME, MY FORMER PATIENTS, AND THE PUBLIC

1. **Professional and Reputational Harm** The DOH's baseless claims have irreparably damaged my reputation to the public and on NPDB National Practitioners Data Bank with false information to the extent of publishing "state and federal crimes committed" while this is completely false and has tarnished my livelihood for any other state licensure . The public perception of me as a health risk has led to the loss of reputation and a target for public attack mirroring of "Asian caused COVID19 pandemic" in negative view of the public of LGBTQ community as responsible for the Washington State "HIV epidemic", jeopardizing political presidential outcome in said State of Washington by its capital in Olympia,WA set by DOH employees applying discriminatory practices, its history of "racial restrictive

covenants” without medical or scientific basis and violation of due process.

2. Emotional and Financial Strain The defamatory claims have caused significant emotional and financial stress for me and my former patients mostly minorities and underserved community in rural area as a sole volunteer doctor representing good faith in WA state where a population of minorities are 1.5 million and yet not represented in health boards like dental board. Patients who once trusted my practice have been misled into believing they are now at risk of contracting HIV, causing unnecessary fear, testing and health concerns relating to LGBTQ healthcare providers all being “cause of HIV epidemic” outbreak categorizing LGBTQ as public health risk by DOH.

3. Undermining Public Health Trust The DOH’s false health alerts have compromised the integrity of public health communications. Future health advisories may be met with skepticism, undermining critical public trust and interfering with up-coming presidential elections against LGBTQ and the future of minority rights, if federal officials don't intervene immediately.

I.CALL FOR IMMEDIATE FEDERAL INTERVENTION

In light of the grave harm caused by the Washington State DOH’s civil rights and discriminatory actions, I request immediate intervention from federal agencies to:

1. Conduct a Full Audit and Investigation: Investigate the actions of the Washington DOH, focusing on the validity of their public health claims, the conduct of Health Inspector Clark Wisswell, and the extent of civil rights violations. Melanie Fontes Rainier and Kristen Clark conducted audit in Lowndes county Alabama Department of

Health and therefore this would be a valid urgent imminent danger to the misinform the public and interfere with upcoming elections by its State employees using a Department of Health platform to insinuate violence against minorities healthcare or restaurants establishments of danger by the political based misinformation to cover up “administrative irregularities” coming in the light against LGBTQ community.

- 2. Issue an Injunction:** Prevent further dissemination of false and harmful health information by the DOH.
- 3. Investigate Civil Rights Violations:** Examine discriminatory practices within the DOH targeting minority healthcare providers and its patients as “risk of HIV testing anyone in contact”, specifically those within the LGBTQ+ community all while violating federal guidelines.
- 4. CASPA Complaint for OSHA Federal Investigation** -Regarding Washington State Department of Health – Failure to Properly Administer Bloodborne Pathogen Standards and Inspection of 1978 under Complaint About State Program Administration (CASPA) regarding the Washington State Department of Health’s failure to adhere to federal standards concerning blood-borne pathogens and OSHA Inspection guidelines. This department has disseminated false information concerning blood-borne pathogen safety measures, most recently in a health alert dated September 19, 2024. This misinformation endangers public health and violates OSHA’s Bloodborne Pathogens Standard (29 CFR 1910.1030). Specifically, the department has shared incorrect guidelines that contradict OSHA regulations, including inspection guidelines 1978, improper methods of handling of health information of biohazards in medical and dental

settings stating “HIV epidemic caused by LGBGTQ doctor”. Despite multiple attempts to address this issue, including a personal visit to the OSHA Seattle Regional Office in May 16, 2023 and phone call with My attorney Don Bushell on Sept 15,2022, I have yet to receive a response or see corrective actions taken. It has now been three years since I first raised these concerns, and the ongoing false information continues to pose a serious risk to workers and the general public. I request that with this Memorandum, OSHA’s federal office intervene immediately and investigate this situation. It is critical that proper enforcement action is taken to protect the public from fraudulent substandard practices by the State endangering a population with misinformation. Please confirm the receipt of this complaint and advise me of any steps that will be taken to address this matter.

J. CONCLUSION

The actions of the Washington State Department of Health responsible state employees for this mess and administrative irregularities once audited by HHS OCR, constitute a flagrant violation of public health laws and civil rights violations to interfere with political agenda by its state employees against minorities extending to LGBTQ community and stir hatred to incite violence against any minority or LGBTQ healthcare provider or restaurant establishment susceptible to fraudulent, abusively corrupt Health inspectors with false narratives and misconduct in endangering the public targeting minorities. I implore you to act swiftly to address these egregious abuses, protect the public from further harm, and restore faith in the public health system under your administration in which we appreciate your efforts in upholding the federal guidelines and dismantling the hate from uprising in

interfering with ethics in public health in the Biden-Harris administration and continuation to protect the public from this discriminatory ongoing harm against the public entrusting HHS to oversee the end of injustice of misconduct by state qualified immune health employees who oppose applying federal mandated guidelines under acted under "color of law" as defined by 42 U.S.C. § 1983, and engaged in actions that deprived Dr.Sandy Fletcher Montano of his civil rights. The Washington State Department of Health (DOH) and its agents, in conjunction with Spokane Regional Health District (SRHD), violated Dr. Sandy Fletcher Montano's Fourteenth Amendment right to due process by engaging in a retaliatory campaign against him, culminating in the wrongful suspension of his dental license. After Dr. Montano lawfully contested accusations regarding his practice, the DOH, through Inspector Clark Wisswell, retaliated by submitting a false inspection report and orchestrating a suspension without providing Dr. Montano with adequate notice or a meaningful opportunity to be heard, thus depriving him of his constitutionally protected property interest in his professional license and livelihood and now attacking his former patients with a false non medical basis violating all federal guidelines to install fear in public health.

Additional Resources:

Supporting documents and evidence

EXHIBITS FOR REVIEW On Attached FED EXHIBIT LIST.

SOURCE OF FALSE PUBLIC HEALTH ALERTS :

<https://chas.org/es/blog/notice-to-patients-in-deer-park/>

-
<https://srhd.org/news/patients-of-deer-park-dental-clinic-advised-to-seek-testing-for-viral-hepatitis-and-hiv>

-
<https://www.kxly.com/news/health-officials-warn-deer-park-dental-patients-of-potential-hiv-and-hepatitis-exposures/article>

-
<https://www.krem.com/article/news/health/spokane-county-dentist-suspended-violating-multiple-requirements/>

as well as a copy Filed amended complaint against Dept of Health in
UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON .

Sincerely,

Dr. Sandy Fletcher Montano
Social Justice One Love
LGBTQ Healthcare Alliance
Email: standunitedforjustice@gmail.com

OCTOBER 1, 2024

SUPPORTING DOCUMENTS COVER SHEET IN THE MATTER OF

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

**DR. SANDY FLETCHER MONTANO,
PLAINTIFF,**

V.

Docket No.

Civil Action

Amended complaint for:

Washington State Department Of Health,et al

**Dr. Sandy Fletcher Montano
1717 N Street NW #1
Washington, DC 20036
email/ Standunitedforjustice@gmail.com**



CONFIDENTIAL INVESTIGATIVE REPORT

TO: SANDY MONTANO
C/O: DR. MONTANO

FROM: DANIEL L. MAYA, CFE
CHIEF INVESTIGATOR

RE: CASE NUMBER: 2021-13967DE

DATE: February 10, 2023

I. Predication:

On January 1, 2023, the Intelligence unit at Maya & Maya, Inc. received an assignment from Sandy Montano a dentist from Washington whose licensed was suspended over allegations of employing an unlicensed practitioner. In addition, for refusing to allow an inspection but the State of Washington Department of Health. In Dr. Montano's assertions he wanted this writer to review the complaint filed by the employees that led to the opening of the investigation that led to an attempted inspection by Clark Wisswell. This writer was supplied with the Memo to File from Wisswell, Sheriff's Records and investigations from complaints made by Dr. Montano, the actual photos from the complaint that led to the opening of the investigation. This writer was asked to write an opinion as to the

machinations that led to the complaint, the employee's complaint, all available records provided by Montano, and otherwise. Lastly, to review if the inspection was denied or requested to be done with the Montano's attorney.

II. Investigative Findings Summary

Based on the investigation and all available information at hand this writer finds that a complaint of such would have warranted the PSU Unit similar to Florida but in Washington to effect an investigation. However, it appears that DOH was supplied with complaints from Montano employees of the condition of the facility as they provided pictures of the premises, used equipment, and unsanitary conditions that would pose to risk to patient safety. In Wisswell Memo to File he writes how he was denied the inspection. However, it appears that he was allowed to initially perform the inspection and that Montano's attorney whom Wisswell does not mention by name. This writer finds it somewhat strange that the name of the attorney was not mentioned as one would assume that Wisswell would have verified that in fact the person on the other line was Montano's attorney and a letter of representation would have been requested.

It appears that Wisswell advised them he was allowed to do the inspection but then mentions that he can't force them to allow it. That would seem strange he would mention this at this point in that Wisswell was already inside and based on the complaint why he didn't immediately go to the area of where the pictures where supplied to find said conditions. In Wisswell's report there is no mention of time started or ended giving his case a bit more substance of a denied inspection. There is no subsequent request from Wisswell of a repeat inspection or possible contact with Montano's attorney. The reason this appears to be somewhat strange in that if Wisswell mentions the attorney why is there no subsequent contacts with said attorney to further document all the efforts to perform the inspection to safety of the public. This writer has performed hundreds of clinics, DME, Home Health, and ALF inspections as a previous Medicare Fraud Investigator for the DMERC in Region D in Florida. This writer does not know Washington DOH procedures and or policies and does not

suggest that Wisswell did anything improper but it appears that Montano was not given the opportunity to be re-inspected with his attorney present.

In review of the section that Charlie Billegas was an unlicensed dental assistant where there any interview of any patients to justify this claim? Aside from what Billegas advised where there any physical proof, file notes with Billegas handwriting, If Billegas was in fact working unlicensed since Decker appears to be one of the report writers then why did she not complain about this. The fact that Billegas claim he didn't know he had to be licensed seems improbable as a simple google search of Washington licensing laws would have clarified that.

On January 4, 2022, Washington DOH sends Montano a letter about the Billegas that he was hired to work unlicensed. They sent a letter about allegations and subsequent questions posed to Montano. What this writer finds interesting is that no subsequent attempts to secure patient interviews to justify Billegas claims. This writer would have immediately requested this information from Billegas, Decker, Chase, and or any other complainant. The reason being that it appears at this point Montano is not cooperating or so claims Investigator Wisswell based on his memo to files.

In review of the pictures provided from the Dental office to the Washington DOH that initially started the inspection and investigation there is nothing in Wisswell report, subsequent attempts, or otherwise that he would have at least stated that the pictures matched the office. Being that Wisswell was able to enter and review the procedures it would seem odd he would not immediately have gone to each picture location to assert that each picture was factual to the office. Why would Wisswell not have gone directly to the needles, the exposes Ajax, the multi-purpose remover as opposed to reviewing policies and procedures. As the procedures appear to be moot if the conditions pictured in document numbered 37_38_39_45_46 under case number 2021-13967 Inv. 00045. The pictures appear to be horrific and would cause major concern to any healthcare professional. As such with the supplied alleged evidence why Wisswell would not have immediately gone to this sections appear to be rather strange and questionable.

This writer has performed many inspections related to fraud and have found alarming conditions and has immediately contacted DOH MQA in Miami when this writer was a Medicare Fraud Investigator and as such there would have not have been a question of inspection or picture. This writer would Investigation Report- Maya & Maya, Inc.) 232-0056 Fax (305) 232-0079 Main Office - 250 Catalonia Avenue, Suite 405, Coral Gables, Florida 33134 (Florida License A 2300340/ California License PI 26215)

have secured the evidence immediately to justify further administrative actions. In final, there is not document this writer was provided aside from complainants that these pictures were in fact verified by any third impartial parties. Another alarming fact was Billegas reported to the unlicensed activity section to working unlicensed being that in Florida this would have a criminal implication. It appears that Wisswell just took his affirmation that he didn't know he was breaking the law and blamed Montano which thus led to an altercation.

- Montano asserts he confronted several former employees back In Nov 2021 about missing funds. He claims that these employees are the complainants and it possibly that DOH may have not known at the time of the inspection and or reasoning for the investigation that Montano was in the process of hiring an auditing firm to review his suspicions. Montano subsequently received a report from private investigator in Washington that specializes in Fraud who claimed the found that monies were in fact missing. This writer finds it strange that Washington DOH did not at least ask the questions or writer a file to memo about these allegations from the employees who filed the complaint of unsanitary conditions. It appears that Montano was not at the very least given this particular benefit of the doubt. However, he made these assertions several times. There was a subsequent report that found \$28,248 missing from Hiltz. The reason this is being mentioned because in Wisswell letter to determine if Billegas was working unlicensed there is no subsequent memo to file letter interviewing the employees if the allegations made and reported by Montano were true?
- **This writer is writing this based on his expert opinion as an investigator involving healthcare fraud matters but more importantly as an investigator who has performed hundreds of inspections of medical facilities as a Medicare Fraud Investigator and as a private investigator licensed in Florida and California.**

III. ENCLOSURES

1. Backgrounds of Each Employee

IV. ITEMS REVIEWED:

1. Spokane Washington Sheriff's Reports
2. DOH Letters, Memo's to Files, Interviews,
3. Client Provided Documents
4. Photos of the complaint in a memo form.
5. Fraud Report – Hiltz & Associates
6. Appeal
7. Evidence Reports created by Montano
8. Intake Form
9. Communications with Wisswell

End of Report



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

July 5, 2022

SENT VIA EMAIL

Don Bushell, Esq.
Law Office of Don Bushell
13036 SE Kent Kangley Rd #456
Kent, WA 98030
don@donbushell.com

RE: ***Sandy Montano, DE***
Docket No. M2021-1016

Dear Mr. Bushell:

A copy of the Department of Health's investigative file is being provided to you via our Secure File Transfer (SFT) website. A link to the documents has been sent to your email account: don@donbushell.com. The password was sent in a separate email. If you have any difficulties downloading these documents, please contact my office. ***Please note – these documents will remain on the site for 14 days, after 14 days they will expire.***

The materials have been Bates numbered Inv.00001 through Inv.000170. Documents containing work product have been withheld from the investigative file and will not be provided. Please see the attached privilege log identifying those documents.

The Department's Produced CDs in this matter are referenced below:

- Evidence Bates 27 - Dry Shield located at the Department of Health, referenced at Inv.53
- Evidence Bates 114 - Photos and copy of Emergency Room visit summary regarding Respondent, referenced at Inv.146

Social security numbers, residential addresses, personal telephone and cell phone numbers have been redacted throughout the enclosed file to protect individual privacy.

The complainant's name has been redacted to maintain compliance with the Whistleblower Protection Statute, RCW 43.70.075.

Additionally, the names of former complainants have been redacted from the enclosed documents in compliance with the Whistleblower Protection Statute, RCW 43.70.075.

ATTORNEY GENERAL OF WASHINGTON

Don Bushell
July 5, 2022
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You will note that we have not provided Evidence Bates 27, the Dry Shield. Because the Department retains the evidence in its possession, special arrangements are required.

If you have any questions about what you have received, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas F. Graham".

THOMAS F. GRAHAM
Assistant Attorney General
tom.graham@atg.wa.gov
360.586.0091

TFG:da
Enclosures

DEPARTMENT OF HEALTH
HEALTH SYSTEMS QUALITY ASSURANCE
OFFICE OF INVESTIGATION AND INSPECTION

MEMORANDUM TO FILE

Date: December 1, 2021
Case: 2021-13967DE
Reference: Infection Control Inspection
From: Clark Wisswell, HCI3

On December 1, 2021, an attempt was made to perform an infection control inspection at respondent's clinic, Deer Park Dental. When I first arrived, I observed three individuals, Jamie Decker, respondent, and an unknown third individual. Ms. Decker later identified the individual as Charlie Billegas. Ms. Decker reported Mr. Billegas was the unlicensed individual respondent was training as a dental assistant. I identified myself to the respondent and the reason for my visit. He asked me to wait in the lobby for a couple of minutes. During this time, Mr. Billegas left the clinic. Ms. Decker reported the respondent told Mr. Billegas to go to lunch.

Respondent stated this complaint was due to him firing and/or the dental assistants quitting because he had told them they were not following proper infection control procedures. He reported the clinic was more or less closed since it was just the two of them right now, implying it was just himself and Ms. Decker working. Respondent stated they did have a current patient coming in that was experiencing some pain, but that patient was an exception because they were closed. Ms. Decker reported respondent had her meet the patient at the entrance of the clinic and ask the patient to reschedule since I was there. She reported they were not closed and were seeing patients.

I began the inspection looking at policies, procedures, and training. During this time the respondent stepped out of the clinic. He came back shortly with his attorney on the phone. The attorney asked if I had the authority to do a no-notice inspection, in which I told them yes but that I can't force them to let me do it. After the attorney and respondent discussed it in private, the respondent informed me that his attorney recommended he not proceed with the inspection. I did inform them both that I would report back to the commission that respondent was not allowing the inspection. I then left the clinic after providing the WAC that covers dental infection control to the respondent upon his request.

MONTANO, DE
2021-13967 Inv.000060

000034

DEPARTMENT OF HEALTH
HEALTH SYSTEMS QUALITY ASSURANCE
OFFICE OF INVESTIGATION AND INSPECTION

MEMORANDUM TO FILE

Date: December 2, 2021
Case: 2021-13967DE
Reference: Interview of Charlie Billegas
From: Clark Wisswell, HCI3

On December 2, 2021, Charlie Billegas was telephonically interviewed. Ms. Billegas telephoned and reported he was the individual that was at respondent's clinic yesterday. He stated respondent hurried him out of the office after I had gotten there. Mr. Billegas stated respondent had been seeing patients up until yesterday. He reported respondent saw about three more patients after I had left but has since been cancelling patients starting today. Mr. Billegas stated himself and Ms. Decker have been going through the clinic today and have found more dirty equipment, chemicals such as nail polish remover, paint thinner, etc., and found more dirty gloves in a box of what was supposed to be new gloves. He reported respondent has been taking things out of the office and also putting things into storage. Mr. Billegas stated he has been working at respondent's clinic about three weeks, but he does not have any type of DOH license. He reported respondent told him he had like a 15-week training program but he was allowed to do everything during this time. Mr. Billegas stated respondent has had him cleaning teeth, doing x-rays, etc. Mr. Billegas stated he did not know that he needed a license before doing anything with patient care.

Mr. Billegas was extremely forthcoming in his interview and reached out to me after talking to Ms. Decker and thinking something wasn't right. I informed Mr. Billegas that he should stop doing any patient care without a dental assistant license.

MONTANO, DE
2021-13967 Inv.000061

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DEPARTMENT OF HEALTH
HEALTH SYSTEMS QUALITY ASSURANCE
OFFICE OF INVESTIGATION AND INSPECTION

MEMORANDUM TO FILE

Date: December 2, 2021
Case: 2021-13967DE
Reference: Interview of Charlie Villegas
From: Clark Wisswell, HCI3

On December 2, 2021, Charlie Villegas was telephonically interviewed. Ms. Villegas telephoned and reported he was the individual that was at respondent's clinic yesterday. He stated respondent hurried him out of the office after I had gotten there. Mr. Villegas stated respondent had been seeing patients up until yesterday. He reported respondent saw about three more patients after I had left but has since been cancelling patients starting today. Mr. Villegas stated himself and Ms. Decker have been going through the clinic today and have found more dirty equipment, chemicals such as nail polish remover, paint thinner, etc., and found more dirty gloves in a box of what was supposed to be new gloves. He reported respondent has been taking things out of the office and also putting things into storage. Mr. Villegas stated he has been working at respondent's clinic about three weeks, but he does not have any type of DOH license. He reported respondent told him he had like a 15-week training program, but he was allowed to do everything during this time. Mr. Villegas stated respondent has had him cleaning teeth, doing x-rays, etc. Mr. Villegas stated he did not know that he needed a license before doing anything with patient care.

X Charlie Villegas

STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

In the Matter of

SANDY FLETCHER MONTANO

Credential No. DENT.DE.60486669

Respondent

No. 2021-13967DE

Appeal of failure to issue citation within six months of inspection as required by RCW 49.17.130

Motion to strike investigative file for failure to issue citation within six months of inspection as required by RCW 49.17.130

Proof of Service

REQUESTED RELIEF

Dr. Sandy Montano requests that the Department of Labor and Industries fully exonerate his record, and reinstate his license to practice dentistry in the state of Washington, by striking the investigative file created by Clark Wisswell due to numerous investigative irregularities.

Clark Wisswell is credentialed by the Department of Labor and Industries. He opened an investigative file on November 16, 2021 and performed an inspection on December 1, 2021. Under RCW 49.17.130, no citation or “order of immediate restraint” shall be issued after six months from the inspection, yet on June 22, 2022, Dr. Montano’s practice was shut down solely based on Clark Wisswell’s inspection of December 1 and resulting investigative file.

When Clark Wisswell appeared onsite at Dr. Montano’s dental practice, Mr. Wisswell had 63 minutes of untettered access to perform his inspection, told Dr. Montano that no violations were found, but reported in his investigative file that no access to the premises was allowed by Dr. Montano. This is a misrepresentation of the facts in the investigative file.

Clark Wisswell was required to issue a citation within six months of the inspection under RCW 49.17.130 but did no such thing, yet released his tainted investigative file to the Department of Health, upon which the department suspended Dr. Montano’s license to practice

dentistry in Washington State. This is an “order of immediate restraint” and a violation of RCW 49.17.130 as it is well past the six-month time limit of issuing such an order.

Clark Wisswell’s false reporting and failure to issue a citation within six months causes his investigative file to be inadmissible in any hearing that takes place under RCW 49.17.130.

Such a hearing took place on August 2, 2022, and on August 4, 2022, solely based on Clark Wisswell’s tainted investigative file, Dr. Montano’s license was suspended. Having served this document upon you today, this is a timely appeal of the use of Clark Wisswell’s investigative file in this matter.

Section 296-900-17005 appeal requirements:

(a) Business name, address, and telephone number.

Dr. Sandy Montano, Deer Park Dental PLLC, PO BOX 18184, Spokane, WA 99228

(b) Name, address, and telephone number of any employer representative.

Don Bushell, Esq. WSBA #54098
don@donbushell.com,
206.240.7676; fax 206.316.8848
13036 SE Kent Kangley Rd # 456,
Kent, WA 98030

(c) C&N number.

Order of immediate restraint: M2021-1016

(d) What you believe is wrong with the C&N and any related facts.

The order, based on the investigative file, was issued more than six months after the inspection, thus, as described above, the file is inadmissible.

(e) What you believe should be changed, and why.

As described above, the investigative file should be stricken, and the Department of Health informed that the report cannot be used against Dr. Montano.

(f) Requests for stay of abatement date according to WAC 296-900-17006.

Dr. Montano requests a stay of the order M2021-1016 which takes away the ability for this excellent dentist from serving rural areas of eastern Washington state.

(g) A signature and date.

Plases see below.

CONCLUSION:

The Department of Labor and Industries must strike Clark Wisswell's investigative file and inform the Department of Health that the file is inadmissible in any inquiry, as the statute of limitations for issuing any such citation or "order of immediate restraint" based on the file expired on June 1, 2022, as proscribed by RCW 49.17.130.

DATED this 18th day of August, 2022.

(Please see next page) _____

Dr. Sandy Montano

PROOF OF SERVICE:

I declare under penalty of perjury under the laws of the state of Washington that the following is true and correct.

On August 19, 2022, I served a true and correct copy of respondent's Appeal, and Motion to Strike to:

DOSHappeals@lni.wa.gov, via email

and by fax to 360-902-5581

DATED this 19th day of August, 2022.

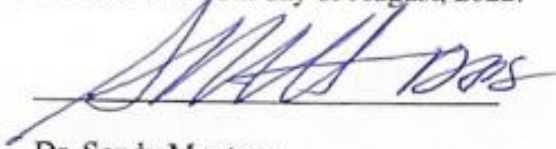


Don Bushell, Esq. WA Bar# 54098

CONCLUSION:

The Department of Labor and Industries must strike Clark Wisswell's investigative file and inform the Department of Health that the file is inadmissible in any inquiry, as the statute of limitations for issuing any such citation or "order of immediate restraint" based on the file expired on June 1, 2022, as proscribed by RCW 49.17.130.

DATED this 18th day of August, 2022.

A handwritten signature in blue ink, appearing to read "Sandy Montano", is written over a horizontal line.

Dr. Sandy Montano

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7 **STATE OF WASHINGTON**
8 **DEPARTMENT OF HEALTH**
9 **DENTAL QUALITY ASSURANCE COMMISSION**

10 In the Matter of:

11 SANDY FLETCHER MONTANO
12 Credential No. DENT.DE.60486669

13 Respondent.

NO. M2021-1016

DEPARTMENT'S WITNESS AND
EXHIBIT LISTS

14 The State of Washington, Department of Health, Dental Quality Assurance Commission
15 (Department), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and
16 THOMAS F. GRAHAM, Assistant Attorney General, provides the following list of witnesses
17 and exhibits.

18 **WITNESSES**

19 The Department intends to call Respondent as an adverse witness.

20 The Department may also call all or some of the following witnesses in person or by
21 telephone:

- 22 1. Heather Geigle, DDS, Expert Witness
23 2. Clark Wiswell, Health Care Investigator
24 3. Jamie Decker
25 4. Charles Villegas
26 5. Malenna Palmer

1 6. Brooklynn Kennedy

2 7. Any additional witness, as necessary to provide foundational or other necessary
3 evidentiary testimony for the admission of exhibits.

4 The Department reserves the right to call in its case in chief any witness identified by
5 Respondent. The Department reserves the right to call rebuttal witnesses who may or may not
6 be identified in its witness list. The Department further reserves the right to amend its witness
7 list for good cause shown.

8 **EXHIBITS**

9 1. CV of Heather Geigle, DDS (*to be provided*)

10 2. Declaration of Heather Geigle, DDS

11 3. Complaint, dated November 16, 2021 (Inv.27-29)

12 4. Photos provided by Complainant (Inv.37-39, 41-43, 45-48)

13 5. Photo of prophylaxis paste (Inv.52)

14 6. Letter of Cooperation from Department of Health to Respondent, dated December 7,
15 2021 (Inv.54-56)

16 7. Respondent's Response to LOC, dated January 4, 2022, and attachments (Inv.69-84)

17 8. Respondent's Response to LOC, dated February 4, 2022 (Inv.158-160)

18 9. Investigative Memorandum dated December 1, 2021, of Investigator Wisswell's
19 Infection Control Inspection (Inv.60)

20 10. Interview of Malenna Palmer, dated November 30, 2021 (Inv.58)

21 11. Interview of Charlie Villegas (Inv.162)

22 12. Interview of Jamie Decker (Inv.163)

23 The Department reserves the right to use any exhibit produced by Respondent.
24 The Department further reserves the right to amend its exhibit list for good cause shown.

25 At this time, the Department is not filing a copy of the exhibits with this exhibit list.

26 All of the exhibits identified above are documents contained within the Department's

1 | investigative file. The Department will file a complete copy of the exhibits with the prehearing
2 | statement.

3 | DATED this 15th day of December, 2022.

4 | ROBERT W. FERGUSON
5 | Attorney General

6 | 

7 | THOMAS F. GRAHAM, WSBA #41818
8 | Assistant Attorney General
9 | Attorneys for Department

PROOF OF SERVICE

I certify that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

SANDY FLETCHER MONTANO
PO BOX 18184
SPOKANE WA 99228

U.S. Mail via state Consolidated Mail Service (with proper postage affixed)

Facsimile

Courtesy copy via electronic mail

sandymontanodds@gmail.com

ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 15th day of December, 2022 at Olympia, Washington.



JOSHUA ARQUETTE-ROTMAN
Legal Assistant

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**PRE LIM HEARING VIOLATING DUE PROCESS TRANSCRIPT
AUG 2,2022**

**VIDEO AUDIO 26 mins transcript included in this doc Dr Carsten, Tom
Graham, Lydia Koroma and Erin Obenland with John Kuntz**
<https://youtu.be/XqSeWgZdnB>

**TRANSCRIPT OF PUBLIC ADMINISTRATIVE HEARING FOR JUNE 22,2022
CLAIMING THE ASSAULT CONNECTION WITH HEALTH INSPECTOR CLARK WISELL
AND CHARLES VILLEGAS NOW IN JAIL FOR ASSAULT DEADLY WEAPON ON ANOTHER
PERSON ,STATE ATTORNEY GENERALS OFFICE STATES ON RECORD THAT ASSAULT
WAS VALIDATED AS CHARLES IS PROTECTED AND WITNESS AGAINST DR SANDY
FLETCHER MONTANO.**

00:26:20

John Kuntz: This is a dentist, Sandy Fletcher Montano, M-O-N-T-A-N-O. My name is John Coots and I am the health law judge authorized by the dental quality assurance commission to conduct today's proceeding. And the hearing that we are conducting today is considered a show cause hearing being held in pursuant to for advised code of Washington, 18 130 135 and Washington administrative code 24-11-340. The panel members who are present and who will be making a decision in this case, McKinley Rainey, who is a public member, David Carson, who is a dentist and Billy Kramer, who is a pro number and Ms. Kramer, EFDA what does that stand for please?
Ms. Kramer: Sorry, I was on mute. Expanded functions Dental [inaudible 00:00:57].
John Coots: Thank you very much. I should know, but I couldn't remember. Thank you. The purpose for today's show cause hearing is for the commission panel to consider whether the summary suspension, which was previously issued should remain in effect. Present by telephone and representing the department of health dental program is Thomas Graham, assistant attorney general. Don Bushell attorney at law is present. He is representing the respondent and the respondent, Dr. Montana is also listening in on the telephone. Now, before I allow each side to present oral argument, Dr. Carson, did you receive any emails this morning that I should be made aware of?
Dr. Carson: I received an email yesterday.
John Coots: And is this email from the respondent?

Dr. Carson: Yes.

John Coots: Okay. Without going into the content of the email, the question to you, sir, is do you feel

that you can issue a fair and impartial decision in this case?

Dr. Carson: Yes, I do.

John Coots: Thank you. That is the only procedural issue that I have going forward, but let me just

double check with both sides. Mr. Graham, do you have any procedural issues that I need to be made

aware of?

Mr. Graham: Nothing from the department, thank you, your honor.

John Coots: Thank you. And Mr. Bushell, any procedural issues that I need to be made aware of?

Mr. Bushell: No, your honor. Thank you.

John Coots: Thank you very much. So, let me back up and just re-explain. The purpose for the show

cause hearing is to determine whether the previously issued summary suspension should remain in

effect pending the completion of a full administrative hearing. So, the issue today is not to conduct the

full administrative hearing. It is simply to think about whether the commission wants to keep the summary suspension in place. Both sides have submitted materials, which were provided both to the

parties and to panel members. That was materials include the statement of charges.

Respondents

answered to the statement of charges. The previously filed ex-parte motion and accompanying exhibits.

The respondent's response and exhibit and exhibits in response to the ex-parte motion and order and

the department's reply. In this matter, the department has the burden of proving whether the summary

suspension should remain in effect that burden of proof is preponderance. Each side will be given 10

minutes to make argument because the department has the burden of proving the case. They get to go

first and last. So, Mr. Graham, did you wish to divide up your 10 minutes in any way?

Mr. Graham: Yes, your honor. I prefer to save the bulk of it for response. I try to keep my first remarks

to around three minutes and save seven. We'll see if that happens.

John Coots: Thank you, sir. There being no procedural questions before me at this time, Mr. Graham,

you may proceed.

Mr. Graham: Thank you, your honor. Thank you, members of the commission. Mr. Bushell and Dr. Montano. As the presenting officer said, this is not a hearing to decide whether or not there was a violation of the uniform disciplinary act. Or the charges in the statement of charges that the department is asking you to address whether or not there was a threat to public health and safety. And the burden of proving by preponderance, that there is an immediate threat to the public health and safety from Dr. Montano's active licensure. The threat to the public health and safety comes from the danger of infection control, a lack of hygiene and the public's encounter at a dental office with that lack of hygiene and infection. And the threat arises primarily from Dr. Montano's refusal of the infection control inspection that that investigator Wisswell went to perform. That was not a routine inspection in this case, it was in order to follow up and make sure the public was safe after complaints from witnesses, a complaint was received and witnesses had described serious infection issues at Dr. Montano's dentistry. You can look at the complaint with the photos that are attached to the department's motion. You can look at the witness statements the ones that were signed and the other that were taken by investigator Wisswell. And you can see there was a declaration of the commission requested from an expert witness, Dr. Geisel that's attached that discusses the seriousness of the infection issues that were reported. The inspection was to try and rule those out to see if the public would be safe and to see if those infection controlled issues were actually present. So, Dr. Montano refused that visit. Dr. Montano's has represented that his attorney at the time, he called him on the phone and the attorney said not to allow the inspection and he had other reasons for not wanting it, but at the time the respondent is responsible for whether or not that inspection is allowed to go forward. The respondent allowed or refused it himself and the inspection could not happen. And the inference that arises is that if the inspection had been allowed to continue would've been negative for Dr. Montano. So, at this point even though Dr. Montano

has raised allegations against witnesses relied upon by the department and other issues, the heart of this matter comes back to the fact that he refused a lawful inspection that could have demonstrated whether or not the public was at risk from the infection issues that were reported and he refused that inspection. Going forward the only way to protect the public until the statement of charges can be resolved is for the commission panel to maintain the summary suspension that was entered. Thank you.

I'll reserve the rest of time.

John Coots: Thank you, Mr. Graham. Mr. Bushell, you may proceed.

Don Bushell: Hello. My name is Don Bushell, attorney for Dr. Montano. This is a miscarriage of justice by the state and this commission. There's no evidence by credible sources of infection control violations.

Evidence was planted by two, perhaps three people, Melena Palmer, Heather Vincent and Brooklyn

Kennedy. The first two are conspirators in an embezzlement scheme that Dr. Montano discovered on

November 16th, he confronted them and they reacted by stealing client records, Medicare billing slips,

and his keys. They then quit their jobs. The police told them they were trespassing and would be

arrested if they returned. The next day, November 17, they made the fake reports to the commission. A

week or so prior to Dr. Montano caught them in the office after hours with medical gloves and strange

places. At the time, it seemed suspicious. That is when they stage photographs and duped this commission, the commission has received no complaints from any client about cleanliness or infection

control. This is proof that Dr. Montana is not a danger to the public because no patient was ever harmed

or complaint, your ex-parte order requires imminent harm, none existed. The state claims that Dr.

Montano refused an inspection. This is false.

On December 1

st

, the inspector arrived and Dr. Montano left the building for an hour without impeding the inspector in any manner whatsoever. When Dr. Montano returned, he asked if there were any

violations found and the inspector said, no. Having heard conflicting stories, I requested a three way call

with the inspector so we can all hear his answer to Dr. Montano's position. I am an attorney with high integrity, and I want the truth also. I was told such a call was not possible because he was out in the field.

Dr. Montano thinks that's wrong. Dr. Montana has phone records to back up his account, that he was absent for one hour. He hired a private investigator to mimic the health inspection in his office, which is only 650 square feet. And that inspector finished his inspection in less than 20 minutes. The commission's inspector had ample time. Therefore, the state is incorrect. Dr. Montano did allow an infection control inspection. The state discredits Dr. Montano's fraud investigation report, by saying it excluded certain accounts. The state is incorrect. The embezzler Heather Vincent, a jilted girlfriend and employee only had access to the daily cash account. An independent payroll company had access to the payroll account, and there were no funds missing from that or any other account. And there was no reason to audit those accounts, but in full transparency, I provided that report to the state and with full bias, the state will believe nothing Dr. Montano says, even if it is written by an independent fraud investigator. The state discredited the report as it was completed in June. However, the investigation began in January of 2022 and took four months to complete.

Dr. Montano's credibility should not be questioned as Dr. Coday is behind Dr. Montano. The fraud investigator clearly states that \$28,000 was missing. And Heather Vincent, one of the commission's complainers was the person who had access and likely stole the money. She has no credibility. Dr. Montano was trying to defend himself through a license attorney on the defamation issue. And it's absurd for the state to accuse him of witness tampering. The defamation that the state does not see are the false statements made to the commission. The demand letters also detail hackings of his business Facebook account and false information posted there that his business email is hacked. His passwords are still locked by the people communicating with this commission. Therefore, the state is again incorrect and Dr. Montano is not witness tampering, but rather trying to stop false reporting to the commission,

embezzlement and HIPAA violations of patient's information. So, the demand letters are a sound legal tool to stop the torts in crimes, being committed by the commission's witnesses. The state makes the absurd assertion that presently incarcerated, Charlie [Viegas? 00:12:06] was Dr. Montano's dental assistant, false. He never got near a patient and was a box boy identifying as a proud boy. Viegas was employed by the business for eight days. It was the office manager, Jamie Decker, who hired Viegas and suggested that Viegas train as a dental assistant, which Dr. Montano said no way as he was closing down his business, due to the embezzlement. He did not need or want a dental assistant. It is not a red herring, whatever the state means by that, that a lying witness claiming to be working on behalf of the commission was there to assault Dr. Montano. This commission must look at the video of the assault, which is exhibit 21. It is not a red herring that Dr. Montano sustained a brain bleed as callously stated by the state. The state is showing its naiveté in brain injuries, which are not visible from the outside of the head and require advanced imaging define. That's what occurred here on the day of the assault, the medical staff at the emergency room stated that there was a swollen face. But after several visits to medical doctors, a CT scan located a brain bleed on the back of his head. Many people, including professional football players suffer and die from concussions with no evidence of injury on the exterior of the head. Viegas refused to get a vaccine for COVID 19, for COVID as well. He is not credible. Look at the exhibit 10. It is clear evidence that Dr. Montano suffered a brain bleed from the December 3rd

assault as evidenced by the December 9th
, follow up visit with the assessment "head injury,

post-concussion syndrome" connected with the assault. The state is clearly wrong in the interpretation of the record. The state says that the letters from patients do not establish the practice as clean because

they don't arise to the level of an expert witness. This is evidence of habit that he is habitually clean and this is an acceptable layperson testimony and does not require expert testimony. His sister is an expert whose opinion is that Dr. Montano is clean. The state has seven months to prepare its case. It's extremely unfair. Dr. Montano had 20 days, but has Dr. Coday as his expert witness. The state is clearly wrong about Dr. Montano's relationship with Dr. Coday former decade long member of this commission. The state wrongly claims that Dr. Montano's relationship is out of date. Dr. Montano conversed with Dr. Coday twice per month throughout his career and into 2022. Dr. Coday is fully aware of the absurd allegations made against Dr. Montano. This commission must place great weight on Dr. Coday's opinion, exhibit 01, because Dr. Cody knows Dr. Montana very well and knows his infection control practices. If Dr. Cody's opinion cannot be given any weight as the state claims, why should any present member's opinion have any weight since they know nothing of Dr. Montano? Dr. Coday must be believed that these allegations are absurd. Whether Dr. Montano rambles is completely irrelevant. The fact that the inspector would make such a note shows he is biased and not interested in the truth on the important question of infection control. That self-serving records should be excluded just as police records are excluded in criminal cases, the state then issues a declaration to prove rambling. This is an attempt to destroy Dr. Montano. In lawyers speak, it is far more prejudicial than probative and should be

excluded. However, the fact that the inspector and the state are pushing it, shows bias against a man whose first language is not English in a state that supposedly values diversity. To belittle a man who has the courage to provide dental services to the Hispanic population throughout Eastern Washington is not equitable. Dr. Montano was upset by the inspectors, blindly listening to criminals and insurrectionists. And this is entirely true and is not rambling. The state is not dispute Viegas was from an extremist group. Viegas is not credible. The state is wrong when it states it is undisputed that Dr. Montano stopped the

inspector from inspecting. To the contrary, Dr. Montano simply left for about an hour. His phone records corroborate this. When he returned, he asked the inspector if there were any violations found, and the answer was no. The inspector left. Dr. Montano communicated with the inspector for weeks, without any inkling that there was a dispute about his full ability to inspect. Dr. Montano's due process rights have been violated by the commission's issuance of an ex-parte order stating imminent harm to the public. There is no imminent harm here. The commission received its tainted evidence in November of 2021, and was supposedly stopped from inspecting on December 1st, 2021. If there was an imminent harm to the public, the ex-parte order should have been issued immediately in December. Yet they waited seven months to issue the order. All the while Dr. Montano was practicing dentistry, serving the underserved in Eastern Washington without any complaints. Thus, the ex-parte order was issued without an imminent harm shown and thus must be vacated. Therefore under Washington administrative code section 18.130.135A, "if the show cause hearing panel or secretary determines that the license holder does not pose an imminent threat to the public health or safety, the panel or secretary may overturn the summary suspension or a restriction order. With all of the doubt about witness credibility, you must acquit and vacate the suspension order. Dr. Montano is innocent of all charges. Thank you.

John Coots: Thank you, Mr. Bushnell. Just a moment, please. Thank you, Mr. Graham.

Mr. Graham: Thank you. Dr. Montano, here asked you to use the standard of proof or a burden of proof that would be an imminent harm that the commission needs to demonstrate an imminent harm to the public before it can suspend. And that's the incorrect standard under RCW 18, 130 135 sub one, it states at the show cause hearing the disciplinary authority has the burden of demonstrating that more probable than not the license holder poses an immediate threat to the public health and safety. There's no discussion of actual harm here. And the immediate threat that a dentist with an active license whose practice was very unhygienic, there were reasons to believe it was very unhygienic and who refused an

inspection control permit poses, an immediate threat to public health and safety. I would encourage the members of the commission to review the exhibits that were submitted in this by both parties. And see if you can find support for some of the claims that were made in council's responsive argument, just now, that there were CT scans that found a brain bleed or a blood leak in the brain. The CT scans that are documented in the doctor's report submitted by the respondent, all show that the brain and the cervical spine were normal. If you look at the doctor's reports, the notes in the record submitted by respondent, the objective sections find only external swelling and edema. There are no objective signs, including the internal scanning of the respondent to show any sort of a brain injury. In fact, respondent was referred to a concussion clinic and never attended the concussion clinic, according to the records that he has supplied. Therefore the state does not intend to be callous about a brain injury, but because credibility has been brought into question, the state wishes you to look more closely at whether or not respondent's claim of a brain injury were in fact supported by the evidence. The respondent has stated that the investigator's use of the word rambling in his note shows a level of bias is that evidence would actually be excluded or bias imputed into the proceedings. That this is the

sort of comment that respondent himself uses to describe his own language in terms of slurring his speech, being disoriented, not speaking clearly in emails sent to the department such as that attached to my declaration and the reply on show cause the respondent states that he's had a brain injury. And so he's not speaking clearly. It has nothing to do with English as a second language or with the investigator's bias. It has to do with the investigator making the same assessment of respondent's language difficulties that the respondent is making of his own language difficulties. The respondent states that there has been a planted evidence by conspirators in an embezzlement scheme, aside from the report submitted in June, 2022, in his records, there was no other evidence that it was an embezzlement scheme. And

respondent's statements to the investigator are that he fired his employees back in November because they had violated infection control issues. Not because there was an embezzlement scheme. So, if you go back and review those statements, clearly of what's in the record, you can see the respondent's story is changing across time. When he thought he was in trouble for inspection control, he said he had fired the complainant or the witnesses for inspection control reasons. When he later has this theme of embezzlement, he hires a company to do a report after the fact, and doesn't allow them to look at significant areas of the business. Whether or not Ms. Vincent was the only one with access or Ms. Vincent had access only to a particular part of the business does that mean respondent had to bind the forensic analyst from looking at the other parts of the business. There are many claims made just now in the response that the commission should go into the records to see if they can find any evidence of and would put it to you that there is not evidence to support those.

At the end of the story, what this case comes down to is that there were significant reasons that commission had to inspect Dr. Montano's dentistry practice. Those were issues of hygiene and immediate threats to public safety. You can see the pictures in the record, the photographs you can read the witness statements and the declaration of the expert, Dr. [inaudible 00:23:35] to support that. And the respondent refused that. Investigator with well-made an immediate memo to file or contemporaneous memo to file as to why the infection control was refused. He was asked to wait in the lobby, and then he was asked to leave. There's no timestamp on that. There's no timestamp on anything else except for respondents statements now long after the fact. So, the commission, I asked the commission to uphold the summary suspension in this case and sustain it because there is no other way to know if respondent will engage in the same unpleasantly habit. The same hygiene habit to see was accused of before, because there's never been an unannounced inspection to see whether or not he practices that way or has kept practicing that way. And the only inference we can make is that those were made in good faith and that he refused an inspection that could have protected the public or cleared his name. Thank you.

John Coot: Thank you. At this time, I'd like to give the panel members an opportunity to ask

questions of the attorneys if they choose. Is there any questions for these attorneys?

Panelist: No, I'm good. Thank you.

John Coots: You're welcome, Dr. Carson.

Dr. Carson: No questions.

John Coots: Thank you, Ms. Kramer?

Ms. Kramer: No questions.

John Coots: Thank you. So, Dr. Montano, here's what happens now. The parties have had an opportunity to submit exhibits written testimony and some other items for the commission's consideration. They've also been given an opportunity to make argument on their respective positions.

The commission will now deliberate in my presence, outside the presence of all others. They'll make a

decision. The commission's decision will be issued in a written order, which I will then serve upon you

and your attorney and to the department. So, there being no other questions or concerns being raised,

no other procedural issues before the court. I want to thank the parties for their respective presentations. There being nothing further we are adjourned and for the panel members, I will be calling

you after I conclude the record here so that we can ensure that your deliberations are completely

confidential. So, I'll be calling you about two or three minutes. Thank you both. Thank you all.

CLARK CORRUPTION TRANSCRIPT SEPT 2022 with AUDIO

CLARK WISSWELL Harrassment phone call contradicting on Dec 1 inspection and DEC 2 events with Proud Boy Charlie and his DOH letter on the false accusation of unprofessional conduct and is caught lying as WA state employee and states is protected under qualified FEDERAL VIOLATION CASES HHS/OCR immunity as if Dr Montano is a WA State resident whom has to take the discriminatory abuse as a born US Citizen equivalent to wrongful arrest and wrongful imprisonment of police corruption in need of internal affaird federal audit by HHS OCR and OSHA OCR referral to DOJ enforcement. Corrupt Health inspector calls harassing minority doctor and states different stories from the truth

audio video <https://youtu.be/bJOC4VBkRUK>

00:09:31

Sandy: Yes. Hi Clark. I have a couple of questions. Is it okay if I'm recording? I mean, I know I'm trying to call you earlier. You've always reached out through email and it's been nine months, we've been contacting each other transparently. I just have a question, after December 1st, when you were there with Jamie and then you were there for like an hour and spoke with Chris Curly, he told you to wait outside, like I asked you for the checklist and I'm just curious why you never gave me the checklist.

Clark Wisswell: Well, my mind just went blank. The infectious control is right in the whack on what all needs to be done.

Sandy: Yeah. So, you just didn't want to give me the checklist. I'm just curious, because I wanted to know because you know, like I was just, you know...

Clark Wisswell: Well, to be honest, I don't remember you asking for the checklist. If you did, I apologize. If you had asked for it, I apologize. I don't remember you asked because the last thing was that Chris said, no, he didn't want me in the office and that was kind of it.

Sandy: Yeah, but like I mean, I was just confused because when I got the letter from -- when we spoke with Chris about coming back, if you needed to come back, I mean, you were there for an hour, so I mean, you needed to come back, you could have come back, communicated. That was with what Chris told me, if you needed a search warrant, everything, I mean, it's been eight, nine months, seven months. But anyways, I mean, that's okay. I was just curious about the checklist, but yeah, you gave Jamie the -- she wrote down the whack when you told Chris over the phone. But anyways, another thing, because I've been getting questions from the police because Charlie's in jail and they reached out to me, the police. Did you with Charlie, did you speak outside of the role of the inspection? Did you meet with him? Because he said that you both coordinated but I don't believe that, but when that happened, like because I'm getting calls from the cops. I'm just curious.

Clark Wisswell: Well, I did speak to him. Unfortunately, I don't have all my reports and everything in front of me because those have all been sent in. He was one of the people I did speak to. I can't tell you exactly when I talked to him and again, I don't have the dates in front of me.

Sandy: Yeah. Because you came around the first and then we talked on site when asked you for the checklist. I told you about my ex-girlfriend and she stole money and all that stuff. But anyways, I mean, because you came in on the first and then on the third, when he came into -- the thing is just crazy because he pissed on the walls and he put vandalism, but you never asked me. So, when I got your letter on January 4th and I spoke with Chris, I'm like, Chris, do we send the photos of the stuff, of what Charlie did? And so that's why he's like, no, I don't think this has anything to do with -- that's when the confusion started because now I'm getting the police asking me questions about that or how anything good. But you always communicate with Curly. Curly's a great guy, but how do you guys know each other? Because I mean, you guys spoke well and I thought like this wasn't, like if you needed to come back to me inspect, I mean, it would...

Clark Wisswell: We deal with a lot of the same attorneys, all the time. So, Chris and I have dealt with each other on numerous occasions on other cases and that kind. So, there's a limited number of attorneys that kind of do the healthcare stuff. And having done this, as long as I have done it, I've worked with quite a few of them numerous times. And I try to have good relationships with everybody. So, I mean, a lot of times we're on first name bases if we've dealt with them enough times and that's usually how I know the attorneys is because I've dealt with them.

Sandy: I mean, it was a good thing that you were there. I mean, you were there for an hour, right? Like 63 minutes, I think. And call Chris and you didn't find anything. So, that's why I'm surprised. Like if you needed to come back, you always needed to come back.

Clark Wisswell: So, and you have an attorney for this, so I don't know if your attorney wants me talking. Normally they don't like us talking to the individuals when they have attorney. So, I'm just letting your attorney might not be happy that you're talking to me.

Sandy: Oh, I did not know. Well, here's the thing, because I didn't have an attorney for the past seven months when we've been talking. And so like, because I'm responsible for the [inaudible 00:05:36] and the HIPAA for the office as you well know. I know that if it's in an imminent danger, it's 24 to 48 hours for you to come back as a search warrant, if it was soap. So, that's why on January 4th, when you were been communicating with Curly...

Clark Wisswell: Well, we don't do search warrants. We cannot force you to let us into your facilities.

Sandy: You were there for an hour. I have the call records. I have the ring cameras, videos, and all that stuff. But you were there for an hour, but you didn't find anything. And the thing is this, this is what I want to get point. I have the evidence with the planted. And so you never asked for it. So, like you never asked for me to give you, so do you want me to give it to you or is this capable?

Clark Wisswell: Before you start sending me stuff, I know you have an attorney for the summary suspension.

Sandy: Oh, okay. Well, why didn't you reach out to him directly?

Clark Wisswell: Well, my cases were all closed. I'm trying to remember, because there were several cases, I know you had Curly at one point in time and then you had another attorney for a short period of time. And then I believe right now you have an attorney for at least some of the cases.

Sandy: Why didn't you reach out to him?

Clark Wisswell: Well, because those cases were out of my hand. Once I'm done with the investigation and I turn it in, it's out my hands. The dental commission has it, the state attorneys have it, if there's something that they want me to go and do, they will task me back to go and do it.

Sandy: Okay. Got it.

Clark Wisswell: Once I've turned my case in, I can't keep going and doing things on it unless they want me, unless they task me back to go do something.

Sandy: Got it. Got it. Okay. No, because I think there's a misunderstanding because they're claiming that you were there for five minutes and so that's not true. You know what I mean? And I want to be transparent. I mean, [crosstalk 00:07:51]

Clark Wisswell: Most of the time I was there, I was sitting in the waiting room.

Sandy: Oh, come on.

Clark Wisswell: Or talking to Curly.

Sandy: No, no. Come on. You were there for an hour, 63 minutes. We have the documentation with Jamie was there. You came in and the time you left, I have the call records when you...

Clark Wisswell: And that's fine.

Sandy: Come on.

Clark Wisswell: But I never did the infectious control inspection.

Sandy: You were there. You were there.

Clark Wisswell: I'm not going to argue with you, Don.

Sandy: We don't need to argue. We're talking about facts.

Clark Wisswell: That's fine.

Sandy: You were there for an hour. Come on. You have to be transparent. I've told you this in the beginning. I'm not rambling. You see it rambling. But the fact that, how can you go there? Have you spoke with Curly and you didn't even put that in the report. I'm just astonish how you can lie. You were there for an hour. I have the call records. I have the audio of your conversation. Why didn't disclose that to the state attorney. They put me on TV in Spokane. I don't understand that. Is this intentional, Clark?

Clark Wisswell: Okay. I'm not going to argue with Don.

Sandy: We're not arguing. I'm recording you. I'm recording you. I'm not arguing with you. I told you, I ask for my permission to record.

Clark Wisswell: Okay. I'm telling you right now that's against a law to record me.

Sandy: Well, do you want to speak with my attorney, Don Bushell?

Clark Wisswell: Well, right now...

Sandy: Do you give me permission?

Clark Wisswell: I do not give you permission.

Sandy: So, who are you going to speak with? You're going to speak with, because I'm going to turn this into the TV news station...

Clark Wisswell: And that's fine.



Social Justice Coalition of the Northwest Foundation

1602 E. Sprague #4242 Spokane, WA 99202. (509)724-0242 SocialJusticeWA.org

LGBTQ Healthcare Alliance.org

700 12th St NW #300 Washington, DC 20005. (202)630-6172 LGBTQHA.org

official email for this matter:

Standunitedforjustice@gmail.com

October 6, 2023

FOR PUBLIC RECORD USE
ELECTRONIC MAIL / USPS MAIL DELIVERY

ATTN: Dental Quality Assurance Commission

and its manager: Amber.Freeberg@doh.wa.gov

Ronald, Marsh DDS, Bryan Swanson DDS, vice-chairperson,
Sonia Pal DMD, Tiffany Bass DDS, Marlynne Fulton as public member,
Joy McDaniel DMD, McKinley Rainey as public member,
Miryam Nossa EFDA, Samantha Kofler DDS, Sarah Khan DMD, Nisha Sharoff DDS,
Carolyn Spice, public member.

Washington State Board of Health wsboh@sboh.wa.gov ,
Keith Grellner, President keith.grellner@kitsappublichealth.org

Advocacy for Dr. Sandy Montano, minority dentist suspended by DOAC in process to be first dental board to ban LGBTQ healthcare providers in requiring Physical/Mental evaluation based on Washington state department of health employees misconduct in violation of civil rights based on race and gender /sexual orientation with discrimination of due process using state qualified immunity to commit fraud using Dental Commission violate civil rights for minorities in the state of Washington.

DEAR INDIVIDUAL MEMBERS OF DENTAL QUALITY ASSURANCE COMMISSION AND MEMBERS OF WASHINGTON STATE BOARD OF HEALTH ,

We ,the court of public opinion representing social justice,diversity,equity and inclusion.The voices of LGBTQ community and 1.2 million minority Latinos /Latinx hispanics in the State of Washington alone as second highest population request justice and intervention by the Dental Commission on violation of civil rights and discrimination by Washington state employees under the Dental Commission's jurisdiction.

We the public request the resignation of Dr.David Carsten to step down as “chairperson” excluded from any executed decision against Dr. Montano basis of personal and political beliefs in conflict of interest discriminating against minorities as Hispanics or LGBTQ community in spearheading for the ban and physical examination requirement under DQAC misuse of his personal and political beliefs interference in Peer review proceedings under Dental jurisdiction known as DQAC or under the “Commission”.

In 2019,Dr.Sandy Montano applied to be the first latino hispanic DQAC member with recommendation of 12 year DQAC member Dr.Mark Koday. Recommended by Bracken Kilpatrick of Washington State Dental Association in 2017 for being a forefront advocate in protecting patients and dentists from corporate practices against their license and rights.

Videos of the assault on Dr.Montano as a minority dentist on Dec 3,2021 in Deer Park,WA premises by the convicted felon associated with Health inspector Clark Wisswell hours prior the assault.Who inspected the premises Dec 1,2021 for one hour and found no wrongdoing. Dental Board Commision met on Dec 3,2021 found no basis for suspension or wrongdoing by Dr.Montano following OSHA protocols.Health inspector then lied about the report and further took the convicted felon for state protection under state qualified immunity to stage the assault premeditation this was confirmed on Sept 7,2022 in a harassment phone call to Dr.Montano by this Health inspector.The obstruction of freedom of speech on January 27,2022 in a DQAC open to the public meeting issued by Dr.Carsten and Bruce Bronoske representing Dental Commission in a meeting after Dr.Montano was assaulted connected to the involvement of health inspector Clark Wisswell whom after the assault was assigned by state employees of this misconduct to further pursue his medical records which imposes direct conflict of interest which is now the basis for the state to pursue under the Dental “Commission” jurisdiction for physical evaluation based on Dr.Montano’ LGBTQ status in discrimination by obstructing his due process and violating HIPAA. State of Washington Department of Health then released on June 24,2022 on infection control and suspension.Dr Carsten with Kathleen Elling EFDA and Mary Fulton public member on August 2,2022 gave credibility to a convicted felon who was recently in jail for assault with deadly weapon than Dr.Montano as a minority dentist,victim of assault, with no priors and Dr.Carsten used his position on DQAC platform to project his personal and political agenda within preliminary hearing under the false narratives by Washington State employees under the Dental Commission umbrella to discriminate minority doctor and endorse the assault because of his race and approve the destruction of 616K of minority owned dental office under Dental Commission jurisdiction.

Till this day the State has obstructed Dr.Montano's due process, destroyed his business,ruined his reputation and violate his rights under the same assigned state employees of this misconduct to further pursue and retaliate using "Commission" to violate civil rights.

Furthermore, given the preponderance of evidence to include the ignoring of the health inspector's discriminatory use of targeting minorities and several versions of one inspection directed towards LGBTQ Latino with abuse his role of authority by State employees protected by qualified immunity to perform this misconduct by self confession of judgment on Sept 7,2022. We also ask that you explore remedies for immediately reinstating Dr. Montano his Dentist License in Good Standing.

We request DQAC to refer to the State Board of Health conduct a preliminary investigation on the actions by Dr.David Carsten,Erin Obenland,Trina Crawford, Lydia Koroma as Department of Health signed witness, due to conflict of interest with oath of public service to no longer be involved in any DQAC Dental Quality Assurance Commission matter of department of health state employee misconduct under RCW 70.05.120.This request is for DQAC refer this to State Board of Health to investigate and enforce state department of health employee misconduct under this statute of : Chapter 49.60 RCW:Discrimination-Human Rights,Chapter 42.52 RCW:Ethics in Public Service,RCW 9A.36.080;Hate crime offense Non reporting, Public Oath,Violation of Department of Health employee policy, Ethics policy and outside activities policy as state employees signed by Jessica Todovich of the Department of Health.

The lack of integrity by Health Inspector's various versions and State employees role in fabrication of facts has affected Dr.Montano dentist license , his livelihood and reputation by state employees' misconduct.The changed story on one inspection reflect only one part of what represents grave dangers to our community as minority owned establishments,restaurants and small businesses at the mercy of questionable ethics of health inspectors in the state of Washington in using your jurisdiction to victimize minorities by use of targeted discrimination. We therefore request immediate restoration of Dr. Montano's license under, without any further obstruction,discrimination or further state employee misconduct, under 2)(a) In the case of a license holder who is regulated by a board or commission identified in RCW 18.130.040(2)(b), request to be held on Oct 27,2023 when you will all be present to decide your position in this matter. Please do not hesitate to contact us for more details on our official email for this matter: Standunitedforjustice@gmail.com .We look forward to hearing from you regarding a resolution to this matter,in favor of restoring Dr.Montano's civil rights.

James Bochelli - Executive Board Member

(Institutions are mentioned below in support of this letter for the purpose of identification only.)

Social Justice Coalition of the Northwest Foundation

LGBTQ Healthcare Alliance.org

1.2 Million of Hispanics represented in WA State made by online petition

1,647 local residents of Deer Park, WA
The National LGBTQ Task Force
Gender Justice
SCAR Spokane Coalition against Racism
Latinos en Spokane
HBPA Hispanic Business Professional Association Spokane, WA
ESPERANZA, LUNAA, SIN MIEDO AL EXITO Chapters.
HACU Hispanic Association of Colleges and Universities
MALDEF
Northwest Immigrant Rights Project
Progreso Latino
Hispanic Institute
Comunidades Organizando el Poder y la Acción Latina (COPAL)
Latino Victory Fund
Voto Latino
Resurrection Project
Latino Lead
League of United Latin American Citizens (LULAC)
Latino Public Broadcasting (LPB)
National Association of Latino Elected/Appointed Officials
Northwest Federation of Community Organizations
Unidos US
Mi Familia Vota
State for Washington Latinos
Casa Latina
Centro Latino
CIELO
Consejo
Crime Victims Advocacy Network
Familias Unidas Latino Resource Center
Latino Advocacy
La Raza del Noroeste
Snohomish County Latino Coalition
Tacoma Community House
Thurston County Hispanic Roundtable
Salvadoran American Leadership and Educational Fund (SALEF)
National Latina Institute for Reproductive Justice (the Latina Institute)



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

MEMORANDUM

December 16, 2021

TO: Joy Natasha McDaniel – Dental Quality Assurance Commission
FROM: Erin Obenland, Case Manager
SUBJECT: Sandy Montano, DDS
[REDACTED]

Enclosed is the above listed case for your review. [REDACTED]

[REDACTED]

The staff attorney that has been assigned to this case is, Lydia S. Koroma and her telephone number is: (360) 236-4788.

[REDACTED]

If you have questions regarding being assigned to review this case, please let me know.

Thank you.

Erin Obenland,
Telephone: (360) 236-4655
Email: erin.obenland@doh.wa.gov

MONTANO, DE
2021-13967 Inv.000005

Lydia Kovoma DOH

I contacted Lydia yesterday after you said to, and now I have to articulate what she will accept and then give that result to you.

But basically....

Infection control gone.

Unlicensed dental assistant gone

You agree that inspection was not allowed, and thus unprofessional conduct

You agree to evaluation by doctor

You pay \$1000 fine

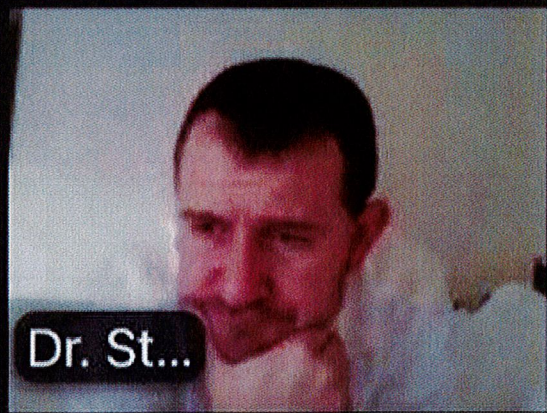
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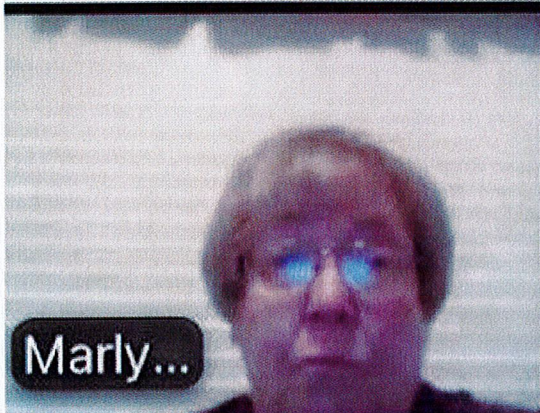
Screen



Dr. Ca...



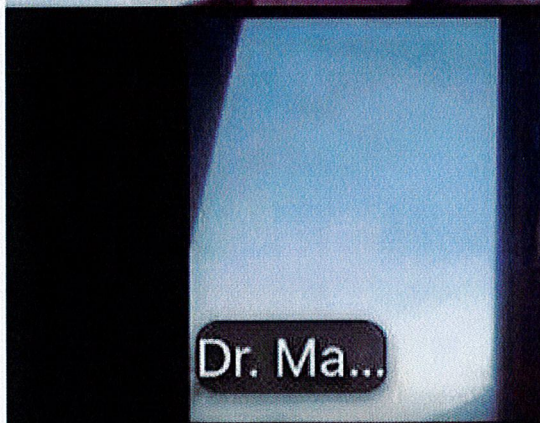
Dr. St...



Marly...



Dr. Pal



Dr. Ma...



Dr. Ko...

9:00 ↗



< Chat

Bruce Bronoske, Jr.

is your question regarding a specific agenda item? or a general question?

a dentist like myself speak in regards to a concern and want to present myself as minority latino indigenous dentist in rural area

that sounds great. there is a place at the end of the agenda for stakeholder comments. i can let dr carsten know taht you would like to speak at that time.

unless your comments are regarding one of the specific agenda topics.

what email can we reach to ashley bell

no t related

i'm sorry. i just looked and


Enter message...

Send


Screen


Audio


Chat


Questions


Settings

9:00 ↗



< Chat

Bruce Bronoske, Jr.

agenda topics.

what email can we reach to
ashley bell

no t related

i'm sorry. i just looked and
we don't have an open
comment agenda item today.
the agenda is pretty full. if
you would like to send
comments to the
commission, i could add you
to the next meeting agenda.

my email address is
bruce.bronoske@doh.wa.gov
you can send your
comments to me

sounds like dental therapy
like an informal aspen dental
extractions protocol. should
be regulated by DQAC

Ok Dr I will email you regards

Enter message...

Send

On Mon, Aug 1, 2022 at 6:43 AM
Bronoske, Bruce (DOH)

<Bruce.Bronoske@doh.wa.gov> wrote:

Dr. Montano,

Don Bushell is your attorney of record and all communication must be sent to the department's staff attorney (Lydia Koroma) from your attorney. Any further contact that does not come from your attorney will not be responded to.

Mr. Bushell: The information in the chat below was given during a dental commission business meeting. I was facilitating the webinar and unable to check to see that Dr. Montano had an attorney.

Thank you,

Bruce

BRUCE BRONOSKE, JR.

Program Manager - Athletic Training /

Wisswell, Clark (DOH)

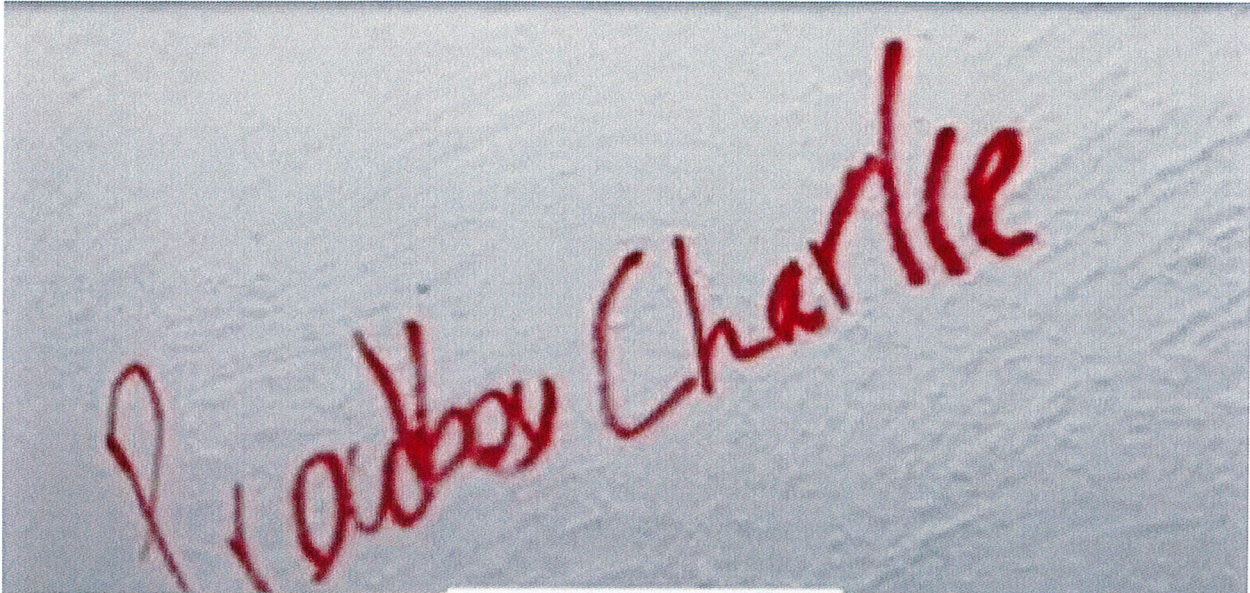
From: deerparkdentalwa <deerparkdentalwa@protonmail.com>
Sent: Friday, January 7, 2022 2:30 PM
To: DOH OS Civil Rights
Cc: Hays, James.A; Wisswell, Clark (DOH); ethics@atg.wa.gov
Subject: Compliant against DOH investigators violation of civil rights
Attachments: Providence.pdf; D3E4C31D-02EA-4BAF-AE20-AD1439C03B65.jpg; ED5BCC91-E35B-4D40-9211-5036D109444C.jpg; 042CA0AF-18E0-4BFE-8CD9-AF3AEF6E2135.jpg; 1905682E-23C0-475E-A9B9-D553BC3AE652.jpg; 314E5F87-6BF0-471D-846A-8A8266CF3EC8.jpg

External Email

Dear Department of Health my name is :

Dr. Sandy Montano

I identify as underrepresented minority as indigenous - Latino healthcare doctor only in 60mile radius .



7/9/2022

Dental Quality Assurance Commission,

I'm the former Director of the Northwest Dental Residency, an Advanced Education in General Dentistry residency in central Washington. Dr. Sandy Montano received a Certificate of Completion from our program in 2014. As a resident, Dr. Montano exhibited excellent clinical and patient management skills. Our sponsoring organization, the Yakima Valley Farm Workers Clinic is a Joint Commission accredited program so Sandy was trained and regularly practiced state of the art infection control.

Dr. Montano exhibited a desire to practice and maintain a high level of quality. I was disheartened by the accusations leveled at Dr. Montano. Sandy talked with me and informed me of the issues he had with certain staff who have tried to disparage his reputation. Judging from his past performance with our program, I would be very surprised if the accusations prove true.

Being a former DQAC commissioner, I have trust in your investigative process and hope that once all the evidence is sorted out you will find Dr. Montano's practice in good order.

Sincerely,



Mark Koday DDS
89 Westland Drive
Yakima WA 98908
509 949-2278
kodaydqcw@gmail.com

July 27, 2022
Dental Quality Assurance Commission
To whom it may concern:

Through this letter I would like to support Dr. Sandy, and talk about my experience as his patient, since I would like Dr. Sandy to return to his normal practice and be able to care for me and my Family. I am aware of the false accusations that have been leveled against Dr. Sandy, and I am totally against any negative determination or discrimination as hispanic that may be made against him or his professional practice.

After he was assaulted and his disgruntled employees posted the video on facebook ,we had an appointment with my mom Hilda Gonzalez and myself as we were both upset over that man voicing “ the department of health” as he assaulted Dr.Montano at the clinic.

We contacted the Department of Health to advocate for Dr.Montano of this injustice,to complain over this abuse against a minority with use of state and no arrest was made for the person who assaulted him. We spoke to investigator Clark Wisswell who called us on January 12 and 13th to file complaint about the assault against Dr.Montano and the video where the man is saying “department of health” also the nasty comments on social media with racist by the dental assistant lady,Malenna Palmer who commented negatively against Dr. Montano.

The racism associated with the assault as a minority, former employee Jamie Decker posted on facebook groups the assault video where the guy says he was sent by “department of health” as we have been affected by these actions in Dr.Montano’s office was vandalized.

We read on Facebook news release of the Department of health by Dental Commission and we naively believed that its was true yet after speaking to Dr Sandy, this showed that the disgruntled former employees posted on Facebook on June 24,2022 is from the same lady that wrote on Facebook commenting on Dr Sandy’s “suspension”.I am a witness to the treatment that Brooklynn Kennedy and Malenna Palmer, who seemed to be rural unprofessional and dirty people, since I was able to witness how she touched her nose with the gloves.

I am a witness to said actions of Jamie Decker,Malenna Palmer,Brooklynn Kennedy and the man who assaulted him at the office.In addition, I am a witness to the professionalism as a minority doctor,he is trustworthy in our community and a highly qualified person whom has volunteered in hispanic community events.

The office was always clean, responsible and has always had the best treatment for his patients. He promptly, calmly and perfectly attends to any doubt or dental requirement.I can recommend Doctor Sandy for children or adults or with anyone with any condition.

I appeal to the justice of the State of Washington, so that justice is done in the name of Dr.Montano, who has always been a professional person, moreover as that all false accusations in name of Dr.Montano be dismissed and punished those who with bad intentions try to destroy the wonderful career of the doctor. Since the damage would be extended to us, the patients who anxiously await his return to his office, as his kind and professional attention is unmatched by any other.

In this letter, I kindly request an exhaustive investigation of all the charges that have been made public against him.Since these manifestations tarnish his good name, and all his good behavior during his practice.This racism has tarnished hispanics in this community and he deserves justice.

Thank you,
Elsa Castillo



Dr. Bernard J. Larson, President · Dr. Cynthia R. Pauley, President-elect · Dr. Nathan G. Russell, Secretary-Treasurer
Dr. Bryan C. Edgar, Immediate Past President · Mr. Bracken R. Killpack, Executive Director

January 18, 2017

To whom it may concern,

Dr. Sandy Montano has worked with the Washington State Dental Association on various advocacy- related issues. Many of our volunteer leaders and I have found Dr. Montano to be very personable and passionate about the profession of dentistry.

I have worked with Dr. Montano most closely in the Association's advocacy on the issue of dental practice ownership. For the last several years, WSDA has fought to safeguard the state's dental practice act so that for-profit, third parties cannot exert pressure on the doctor-patient relationship. The Association has been working to find a balance where dentists can have choice in using third parties for supportive services in their practices while ensuring that those contractual relationships do not leverage the providers into compromising situations. Dr. Montano has provided the Association with very beneficial insight and guidance on how to find that correct balance. He has participated in several of our high-level discussions with Association leadership on this very important topic.

Dr. Montano is passionate about dentistry – this is clearly evident in his advocacy for patient safeguards in supportive service agreements and for dental residencies and other access to care initiatives. Dr. Montano strives to build positive levels of trust and understanding with his peers and others who are passionate about dentistry.

I recommend Dr. Sandy Montano.

Sincerely,

A handwritten signature in black ink that reads 'Bracken Killpack'. The signature is written in a cursive, flowing style.

Bracken R. Killpack
Executive Director

"Inspection done, No suspension." WA State Employee misconduct with fraud under DQAC jurisdiction. DR. SANDY FLETCHER MONTANO DENT.DE.60486669

1. Erin Obenland Case manager DOH
2. Trina Crawford Dental manager
3. Lydia Koroma witness DOH attorney

WA State cases overseen by both case manager and same DOH attorney responsible and assigned/denied due process in all cases:#M2020-882 ; (#M2021-13967/#M2021-1016; M2022-455,NOI 170(2) - till present.

Clark Wisswell

Health Inspector

MAIN WITNESS BASIS FOR SUSPENSION.OSHA level 3 Investigator for DOH for DQAC. Dec 1,2021 inspection one hour speaks w attorney under OSHA guidelines included in his Inspection report Dec 1,2021.

Contacts Dec 2,2021

#M2021-13967 Convicted felon protected as witness for DQAC under qualified immunity by Clark and under DQAC to avoid arrest for assaulting Dr.Montano

Changes Story in May

2022 /Sept 7,2022; after statute of limitations to "no inspection" and lies about existence of the report created in order for DQAC issue Suspension.

#M2021-13967 Dec 3,2021 DQAC Dental board members found non basis for any suspension. Signed by Lydia Koroma,Erin Obenland,based on inspection report of one hour by Clark Wisswell. #M2021-1016

Dec 3,2021 Dr Montano suffered assault by convicted felon claims on video that was sent by Clark and DOH confirmed Jan 4 ,2022 letter cover up.

#M2021-1016
May 16,2022-June 24 2022
new case numbers and other dental members yet adulterated facts from #M2021-13967 not relating to original inspection, false statement and fraud under qualified immunity.

Lydia Kovoma DOH

I contacted Lydia yesterday after you said to, and now I have to articulate what she will accept and then give that result to you.

But basically....

~~Infection control gone.~~

~~Unlicensed dental assistant gone~~

~~You agree that inspection was not allowed, and thus unprofessional conduct~~

~~You agree to evaluation by doctor~~


~~You pay \$1000 fine~~



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

MEMORANDUM

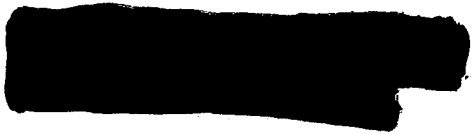
December 16, 2021

TO: Joy Natasha McDaniel – Dental Quality Assurance Commission
FROM: Erin Obenland, Case Manager
SUBJECT: Sandy Montano, DDS


Enclosed is the above listed case for your review. 



The staff attorney that has been assigned to this case is, Lydia S. Koroma and her telephone number is: (360) 236-4788.



If you have questions regarding being assigned to review this case, please let me know.

Thank you.

Erin Obenland,
Telephone: (360) 236-4655
Email: erin.obenland@doh.wa.gov

MONTANO, DE
2021-13967 Inv.000005

DEPARTMENT OF HEALTH
HEALTH SYSTEMS QUALITY ASSURANCE
OFFICE OF INVESTIGATION AND INSPECTION

MEMORANDUM TO FILE

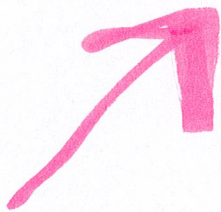
Inspection Report

Date: December 1, 2021
Case: 2021-13967DE
Reference: Infection Control Inspection
From: Clark Wisswell, HCIB

On December 1, 2021, an attempt was made to perform an infection control inspection at respondent's clinic, Deer Park Dental. When I first arrived, I observed three individuals, Jamie Decker, respondent, and an unknown third individual. Ms. Decker later identified the individual as Charlie Billegas. Ms. Decker reported Mr. Billegas was the unlicensed individual respondent was training as a dental assistant. I identified myself to the respondent and the reason for my visit. He asked me to wait in the lobby for a couple of minutes. During this time, Mr. Billegas left the clinic. Ms. Decker reported the respondent told Mr. Billegas to go to lunch.

Respondent stated this complaint was due to him firing and/or the dental assistants quitting because he had told them they were not following proper infection control procedures. He reported the clinic was more or less closed since it was just the two of them right now, implying it was just himself and Ms. Decker working. Respondent stated they did have a current patient coming in that was experiencing some pain, but that patient was an exception because they were closed. Ms. Decker reported respondent had her meet the patient at the entrance of the clinic and ask the patient to reschedule since I was there. She reported they were not closed and were seeing patients.

I began the inspection looking at policies, procedures, and training. During this time the respondent stepped out of the clinic. He came back shortly with his attorney on the phone. The attorney asked if I had the authority to do a no-notice inspection, in which I told them yes but that I can't force them to let me do it. After the attorney and respondent discussed it in private, the respondent informed me that his attorney recommended he not proceed with the inspection. I did inform them both that I would report back to the commission that respondent was not allowing the inspection. I then left the clinic after providing the WAC that covers dental infection control to the respondent upon his request.



MONTANO, DE
2021-13967 Inv.000060

000034

If an investigator comes to see me, am I obligated to answer questions?

No, you are not obligated to do so—and we strongly suggest that you don't. Investigators sometimes like to show up unannounced to try and throw the person under investigation off guard. You are generally expected to cooperate with the Board of Dentistry investigation but do not succumb to the pressure to allow an unannounced visit from an investigator. Instead, politely ask for their card and inform them that your attorney will contact them. This action meets the minimum requirements of cooperation without giving the investigators an unfair advantage.

G/T INVESTIGATIONS INC.

222 W. MISSION AVENUE, SUITE 110, SPOKANE, WA 99201

(509) 838-1421 FAX (509) 838-7915

GTINVESTIGATIONS@YAHOO.COM

WWW.GTINVESTIGATIONS.COM

INVESTIGATIVE REPORT

CASE NUMBER 35868

DR. SANDY MONTANO

On July 25th, 2022, Investigator Ron Goodbrake of G/T Investigations, 222 W. Mission Ave., Suite 110, Spokane, WA 99201, (509) 838-1421, traveled to 118 E. Crawford St., Deer Park, WA 99006 to perform a “timed” walk through of Dr. Sandy Montano’s Dental Office.

Investigator Goodbrake started videotaping at 10:14 AM as if walking through the dental office doing an inspection. Investigator Goodbrake started in the front lobby area and then into the rest of the office. Most of the equipment that was previously present in the dental office, is now gone.

Investigator Goodbrake estimated the space is roughly 650 square feet. Investigator Goodbrake walked through all of the areas, as if to follow a possible walk through of an inspector. The whole walk through Investigator Goodbrake videotaped, was completed in under 17 minutes. Investigator Goodbrake took time to speak with Dr. Montano, asking questions about the placement of equipment prior to the empty spaces.

G/T INVESTIGATIONS, INC.



Ron Goodbrake
Investigator

FORM 1-2-02B

Case Disposition Worksheet

DENTAL BOARD
met same day
of assault

Respondent: Sandy Montano	Case: 2021-13967DE
Date Presented: 12.3.2021	Profession: DE
RCM: Dr. McDaniel	Staff Attorney: Lydia Koroma

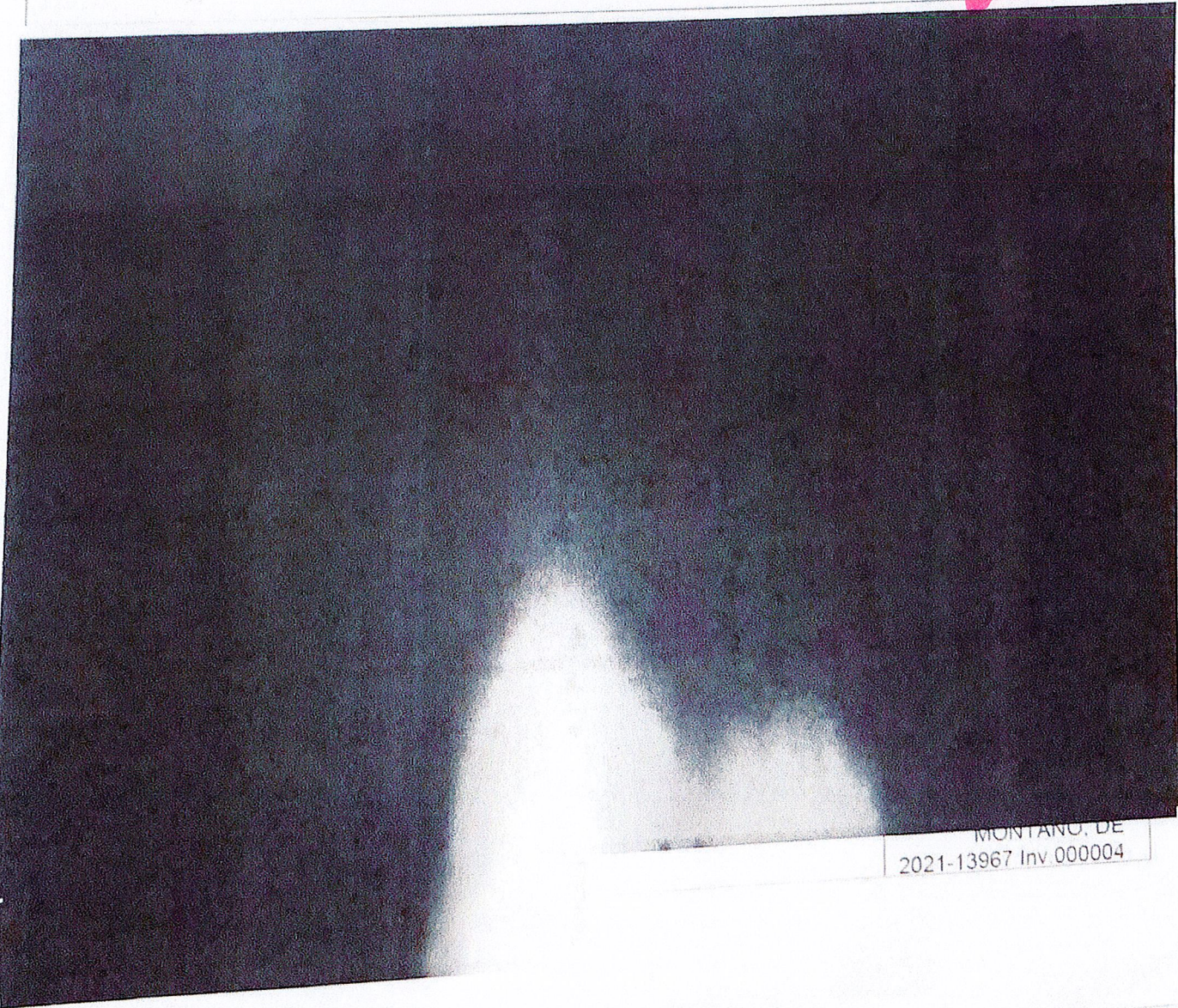
Decision makers:

<input type="checkbox"/> Marsh	<input checked="" type="checkbox"/> McDaniel	<input type="checkbox"/> Banda	<input type="checkbox"/> Nossa
<input type="checkbox"/> Stevens	<input type="checkbox"/> Walla	<input checked="" type="checkbox"/> Clements	<input type="checkbox"/> Carsten
<input checked="" type="checkbox"/> Pal	<input type="checkbox"/> Richman	<input type="checkbox"/> Kofler	<input type="checkbox"/> Bass
<input checked="" type="checkbox"/> Rainey	<input type="checkbox"/> Elling	<input type="checkbox"/> McClellan	<input type="checkbox"/> Fulton

intentionally
blacked out
No suspension

SEXUAL MISCONDUCT CASES:
For Board and Commission cases, panel should refer sexual misconduct cases to the Secretary when there are no clinical issues involved. (It is recommended to make this referral only after investigation; however, any pre-investigation referral should include a panel authorization for investigation.)

Panel finds there are clinical issues, do not refer.
 No clinical issues, refer case to Secretary



MONTANO, DE
2021-13967 Inv 000004

Case Disposition Worksheet

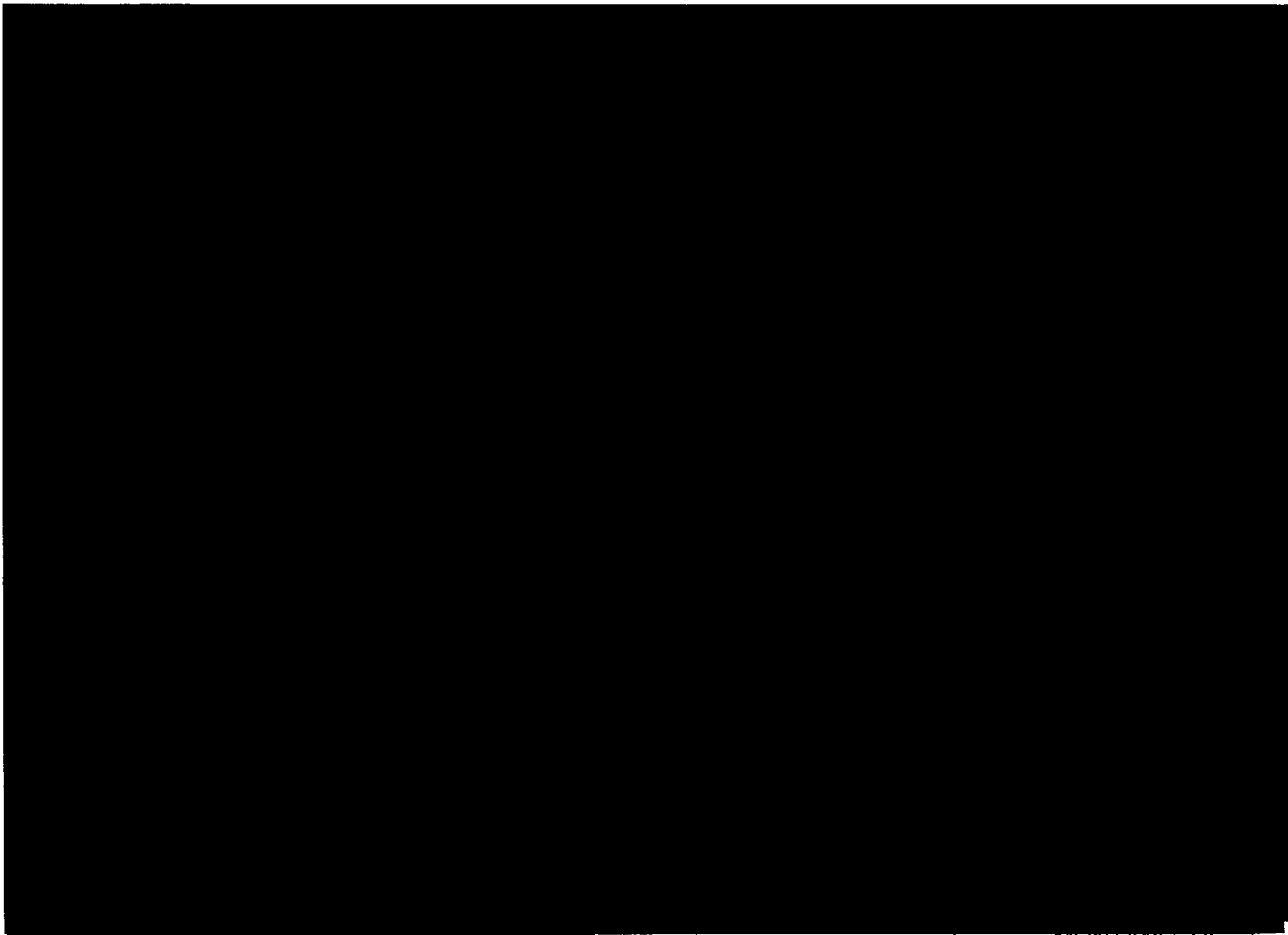
Respondent: Sandy Montano	Case: 2021-13967DE
Date Presented: 12.3.2021	Profession: DE
RCM: Dr. McDaniel	Staff Attorney: Lydia Koroma

Decision makers:

<input type="checkbox"/> Marsh	<input checked="" type="checkbox"/> McDaniel	<input type="checkbox"/> Banda	<input type="checkbox"/> Nossa
<input type="checkbox"/> Stevens	<input type="checkbox"/> Walia	<input checked="" type="checkbox"/> Clements	<input type="checkbox"/> Carsten
<input checked="" type="checkbox"/> Pal	<input type="checkbox"/> Richman	<input type="checkbox"/> Kofler	<input type="checkbox"/> Bass
<input checked="" type="checkbox"/> Rainey	<input type="checkbox"/> Elling	<input type="checkbox"/> McClellan	<input type="checkbox"/> Fulton

SEXUAL MISCONDUCT CASES:
 For Board and Commission cases, panel should refer sexual misconduct cases to the Secretary when there are no clinical issues involved. (It is recommended to make this referral only after investigation; however, any pre-investigation referral should include a panel authorization for investigation.)

Panel finds there are clinical issues, do not refer.
 No clinical issues, refer case to Secretary



7/9/2022

Dental Quality Assurance Commission,

I'm the former Director of the Northwest Dental Residency, an Advanced Education in General Dentistry residency in central Washington. Dr. Sandy Montano received a Certificate of Completion from our program in 2014. As a resident, Dr. Montano exhibited excellent clinical and patient management skills. Our sponsoring organization, the Yakima Valley Farm Workers Clinic is a Joint Commission accredited program so Sandy was trained and regularly practiced state of the art infection control.

Dr. Montano exhibited a desire to practice and maintain a high level of quality. I was disheartened by the accusations leveled at Dr. Montano. Sandy talked with me and informed me of the issues he had with certain staff who have tried to disparage his reputation. Judging from his past performance with our program, I would be very surprised if the accusations prove true.

Being a former DQAC commissioner, I have trust in your investigative process and hope that once all the evidence is sorted out you will find Dr. Montano's practice in good order.

Sincerely,



Mark Koday DDS
89 Westland Drive
Yakima WA 98908
509 949-2278
kodaydqcw@gmail.com

DENTAL COMPLIANCE SOLUTIONS NORTHWEST, LLC

**ANNUAL TRAINING IN HAZARD
COMMUNICATION**

4 CE CREDITS GRANTED

AWARDED TO

Deer Park Dental

12/04/2021



ALICIA MELLENDEZ,
CEO AND FOUNDER OF DENTAL
COMPLIANCE SOLUTIONS
NORTHWEST, LLC

DENTAL COMPLIANCE SOLUTIONS NORTHWEST, LLC

**ANNUAL TRAINING IN OSHA/WISHA,
BLOODBORNE PATHOGENS, INFECTION
CONTROL AND HIPAA**

4 CE CREDITS GRANTED

AWARDED TO

Deer Park Dental

12/04/2021



ALICIA MELLENDEZ,
CEO AND FOUNDER OF DENTAL
COMPLIANCE SOLUTIONS
NORTHWEST, LLC

Inspection Checklist



OSHA COMPLIANCE

A U D I T C H E C K L I S T

Dr. Smily Montana Deer Park Dental

Y N TRAINING

- Are employees provided annual training on all applicable OSHA regulations including Hazard Communications, Bloodborne Pathogens, and TB?
- Are new employees provided training before performing duties?
- Are training records kept for a minimum of 3 years?
- Are all safety practices and procedures updated annually? *(2) S.M.*

HAZARD COMMUNICATION

- Do you have a written program customized, reviewed and updated annually?
- Are MSDS Sheets on File with an Inventory Control List?
- Do you have a MSDS list including those you no longer use?
- Are all hazardous products labeled properly?
- Do all employees understand the emergency spill procedures?
- Is there a spill kit available?
- Do all employees know how to use the eyewash station?
- Is the eyewash station labeled and functioning properly? *(3) three eyewashes. S.M.*
- Are employees trained on Globally Harmonized System (GHS)?

BLOODBORNE PATHOGENS

- Are waste containers in operatory or treatment room labeled with biohazard label?
- Are waste containers covered or have a drop through opening?
- Are employees offered the Hepatitis B vaccination free and within 10 days of task assignment?
- Does a written exposure control plan exist? *Electronically + in office.*
- Is there a written exposure control plan accessible to all employees?
- Is the plan reviewed and updated at least annually? *every 6 months. (2) S.M.*

GENERAL HOUSEKEEPING, STORAGE, WALKING SURFACES, MEANS OF EGRESS

- Are all areas of the office clean, uncluttered, and sanitary?
- Are all passageways and aisles marked and free from obstruction?
- Are lighted or glow in the dark exit signs in place?
- Are there at least 2 means of egress (exits)?

ELECTRICAL

- Are all the electrical devices properly grounded (3 prong plug)? ** Ken Koch*
- Are all electrical outlets on a Ground Fault Interrupter (GFI) circuit? *is our offhand maintenance person we inspected.*
- Have you checked that extension cords are not in use?
- Are all cords and plugs free of visible wear?

MEDICAL EMERGENCIES, SAFETY & FIRST AID

- Is at least one person on each shift trained in First Aid and Cardiopulmonary Resuscitation? *All Staff.*
- Do all staff members know the proper post exposure procedure?
- Is there an accident report file established and maintained?
- Are monthly inspections of the facility being conducted? (first aid kit, fire extinguisher and eye wash station)
- Is there an eyewash station within 25 feet or 15 seconds of hazardous chemicals? *yes on both sides as close as possible.*

Y N GRINDING EQUIPMENT & COMPRESSED GASES

- Is grinding equipment in good and safe condition with guards and shields?
- Are the gas cylinders (nitrous oxide/oxygen) properly chained or cabled to a wall?
- Are gas cylinders properly labeled? *Oxygen only.*
- Are employees trained on compressed gas safety?

EMPLOYEE FILES / RECORD KEEPING

- Contain medical reports of workplace accidents or injuries?
- Contain vaccination history?
- Contain hepatitis B vaccination record or declination form?

PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Is proper personal protective equipment provided and maintained by the employer?
- Are gloves and masks changed after each patient? *S.M.*
- Are employees properly donning and removing PPE? *By law*
- Are protective eyewear/shields worn?
- Are lab coats and/or gowns worn and changed when visibly soiled and at the end of the day?
- Are nitrile or synthetic gloves provided to those who have sensitivity to Latex?

POSTERS AND SIGNS PROPERLY DISPLAYED

- Federal Minimum Wage Poster?
- OSHA 3165?
- If lasers are used is there a warning sign posted?
- Equal Opportunity Employer?
- Family and Medical Leave Act?
- Emergency Evacuation plan?
- Employee Polygraph Protection Act?
- USERRA?
- State Specific Posters where required?
- Housekeeping schedule posted?

LAUNDRY

- Cleaned by a professional service or cleaned in office? *Outside of office biweekly*
- Is soiled laundry placed in marked bags or containers labeled with the biohazard symbol?

SHARPS

- Is there a sharps log available for documenting exposure incidents? *labeled closed Red Box w/ basket Symbol*
- Are sharps containers readily accessible in the area of use? *on each op. ✓*
- Filled containers transported by licensed recycler every 90 days? *Med waste.*

NON-SHARP REGULATED WASTE

- Is saturated gauze, cotton and other absorbent waste placed in a red bag?
- Is human tissue placed in a red bag?
- Is regulated waste placed in closable, leak proof biohazard labeled containers for pick up? *Med waste.*

DENTAL WATER QUALITY (Dental facilities only)

- Are self-contained water bottle systems maintained properly? *drained/removed daily Gation*
- Is water in each operatory tested to ensure < 500 CFUs of bacteria per ml? *Proedge Purified water.*
- Are sterile water and sterile waterlines used for surgical procedures? *Yes. Nov. 2021. Anaka Labs.*

MONITORING

- Are exposed employees wearing radiation dosimeters?
- If nitrous oxide is used, are nitrous monitors used quarterly? *N/A.*
- Does the office have air quality control? (HVAC, proper ventilation, filter changes)
- Are spore tests completed weekly on all autoclaves? *S.M. due to high turnover employe*

WA State Employee misconduct and intentional FRAUD fabrication of new cases for suspension and defamation as retaliation in violation of civil rights under DQAC May 16,2022-June 24 2022 and its use preliminary hearing August 2,2022. SUSPENSION OF DR. SANDY FLETCHER MONTANO DENT.DE.60486669

1. Erin Obenland Case
manager DOH
 2. Trina Crawford Dental
manager
 3. Lydia Koroma witness DOH
attorney
- WA State cases overseen by both case manager and same DOH attorney responsible and assigned/denied due process in all cases:#M2020-882 ; (#M2021-13967/#M2021-1016; M2022-455,NOI 170(2)-till present.

Erin O, Trina C. Lydia K. from #M2021-13967 to create new narrative created in May 16,2022-June 24 2022 #M2021-1016 adulterated facts from #M2021-13967 Clark Changed his story of Dec 1,2021 to "no inspection". Expert witness Dr.Heather Geigle wrote a report as "expert witness" on this misinformation provided by state employees when existence of report is known by ATG Tom Graham*exhibits to "fabricate" the "suspension".

Clark Wisswell

Health Inspector

MAIN WITNESS BASIS FOR SUSPENSION.OSHA level 3 Investigator for DOH for DQAC. Dec 1,2021 inspection one hour speaks w attorney under OSHA and Writes inspectio report #M2021-13967

Contacts Dec 2,2021

#M2021-13967 Convicted felon protected as witness for DQAC under qualified immunity by Clark under DOH. Changes Story in May 16,2022-June 24 2022 ;#M2021-1016 after statute of limitations and denies of any inspection on Dec 1,2021 for suspension
Sept 7,2022 Calls Dr.Montano confession of judgment.
#M2021-1016

SUSPENSION

#M2021-1016 June 2022 new case number and other dental members with adulterated facts by state employees from original file #M2021-13967 False statements and fraud under qualified immunity and hide hate crime political agenda under qualified immunity using DQAC jurisdiction during May 16,2022 -June 24 2022.Dr.John Liu,Mckinnley Rainey,Dr. Lyle McClennan sign "suspension" #M2021-13967. New dental members with unknown knowledge of original Dental Board decision of DEC 3,2021. State employees intentionally omitted facts.State provided provided the #M2021-13967 document of the inspection Dec 1,2021 report existence, to then Tom Graham for the State to deny his own document and state on record of "no inspection" in #M2021-1016. DQAC hearing under Comission's jurisdiction by state employee fraud in misconduct

Lydia Kovoma DOH

I contacted Lydia yesterday after you said to, and now I have to articulate what she will accept and then give that result to you.

But basically....

~~Infection control gone.~~

~~Unlicensed dental assistant gone~~

~~You agree that inspection was not allowed, and thus unprofessional conduct~~

~~You agree to evaluation by doctor~~

~~You pay \$1000 fine~~



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

MEMORANDUM

December 16, 2021

TO: Joy Natasha McDaniel – Dental Quality Assurance Commission
FROM: Erin Obenland, Case Manager
SUBJECT: Sandy Montano, DDS
[REDACTED]

Enclosed is the above listed case for your review. [REDACTED]

[REDACTED]

The staff attorney that has been assigned to this case is, Lydia S. Koroma and her telephone number is: (360) 236-4788.

[REDACTED]

If you have questions regarding being assigned to review this case, please let me know.

Thank you.

Erin Obenland,
Telephone: (360) 236-4655
Email: erin.obenland@doh.wa.gov

MONTANO, DE
2021-13967 Inv.000005

DEPARTMENT OF HEALTH
HEALTH SYSTEMS QUALITY ASSURANCE
OFFICE OF INVESTIGATION AND INSPECTION

MEMORANDUM TO FILE

Date: December 2, 2021
Case: 2021-13967DE
Reference: Interview of Charlie Billegas
From: Clark Wisswell, HCI3

On December 2, 2021, Charlie Billegas was telephonically interviewed. Ms. Billegas telephoned and reported he was the individual that was at respondent's clinic yesterday. He stated respondent hurried him out of the office after I had gotten there. Mr. Billegas stated respondent had been seeing patients up until yesterday. He reported respondent saw about three more patients after I had left but has since been cancelling patients starting today. Mr. Billegas stated himself and Ms. Decker have been going through the clinic today and have found more dirty equipment, chemicals such as nail polish remover, paint thinner, etc., and found more dirty gloves in a box of what was supposed to be new gloves. He reported respondent has been taking things out of the office and also putting things into storage. Mr. Billegas stated he has been working at respondent's clinic about three weeks, but he does not have any type of DOH license. He reported respondent told him he had like a 15-week training program but he was allowed to do everything during this time. Mr. Billegas stated respondent has had him cleaning teeth, doing x-rays, etc. Mr. Billegas stated he did not know that he needed a license before doing anything with patient care.

Mr. Billegas was extremely forthcoming in his interview and reached out to me after talking to Ms. Decker and thinking something wasn't right. I informed Mr. Billegas that he should stop doing any patient care without a dental assistant license.

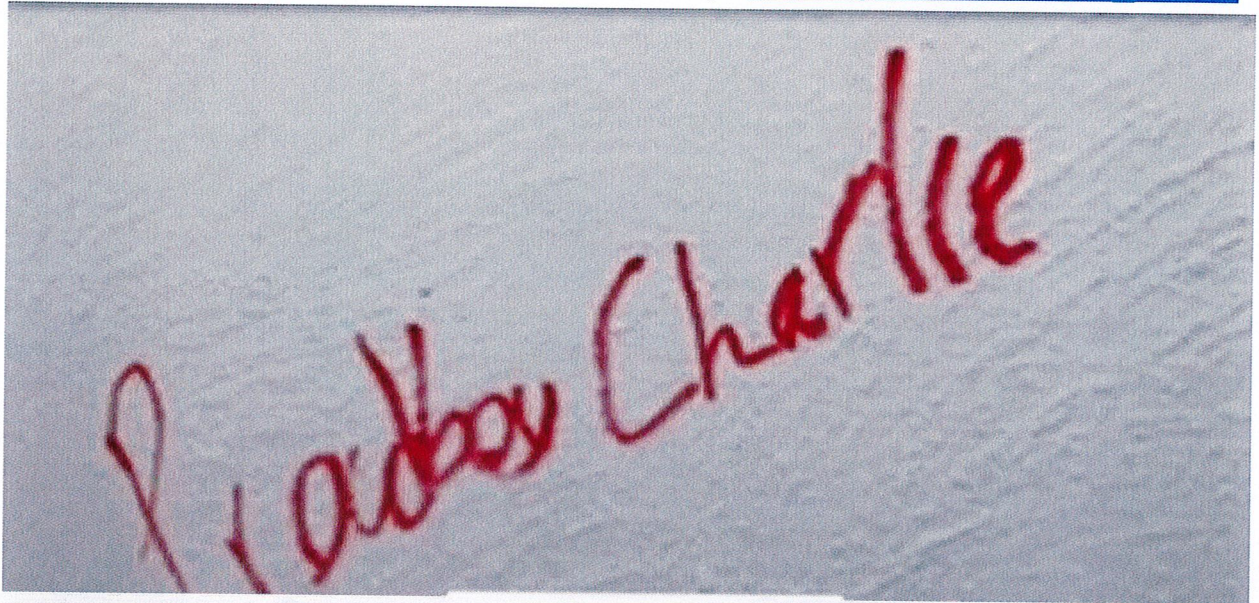
MONTANO, DE
2021-13967 Inv.000061

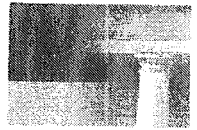
STATE OF MONTANA
DEPARTMENT OF LABOR AND INDUSTRY
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
HEALTH CARE SERVICES DIVISION

Date: December 2, 2021
Case: 2021-13967DE
Reference: Interview of Charlie Villegas
From: Clark Wisswell, HCIS

On December 2, 2021, Charlie Villegas was telephonically interviewed. Mr. Villegas telephoned and reported he was the individual that was at respondent's clinic yesterday. He stated respondent hurried him out of the office after I had gotten there. Mr. Villegas stated respondent had been seeing patients up until yesterday. He reported respondent saw about three more patients after I had left but has since been cancelling patients starting today. Mr. Villegas stated himself and Ms. Decker have been going through the clinic today and have found some dirty equipment, chemicals such as nail polish remover, paint thinner, etc., and found more gloves in a box of what was supposed to be new gloves. He reported respondent has been taking things out of the office and also putting things into storage. Mr. Villegas stated he has been working at respondent's clinic about three weeks, but he does not have any type of D.O.H. license. He reported respondent told him he had like a 15-week training program, but he was allowed to do everything during this time. Mr. Villegas stated respondent has had him cleaning teeth, doing x-rays, etc. Mr. Villegas stated he did not know that he needed a license before doing anything with patient care.

X Charlie Villegas





D0031I End of Selection

DG1130PI

07/22/22 09:18:03

DG1131MI State Name/Case Index (SNCI) STATEWIDE COURT DB2P PUB 1 of 1

Case: _____ StID: _____
Name: VILLEGAS, CHARLES DANTE NmCd: IN

ID	Crt Seal	Sts - Case/LEA/Type -	Case Status	Party	Vio / Fil
					-- Date --
---	SPD	1A0163998 WSP IT	CL	DEF 01	01/15/2021
---	SPM	XZ0687342 SPP CN		DEF 01	09/04/2020
---	STD	PC0003787 SCS PC	CL	DEF 01	03/25/2022
---	S33	22-1-00073-7 S1		DEF 01	

*Account 2
recheck Arum*

Enter	PA1	PA2	Clear	Refresh	Disconnect									
PF01	PF02	PF03	PF04	PF05	PF06	PF07	PF08	PF09	PF10	PF11	PF12			
PF13	PF14	PF15	PF16	PF17	PF18	PF19	PF20	PF21	PF22	PF23	PF24			

STATE OF WASHINGTON COURTS SYSTEM - AUTHORIZED USE ONLY

This Site contains Judicial information

Unauthorized access or use of this system may violate federal and/or state law and be subject to civil, criminal and/or administrative action

If you are authorized, type in your USERID and PASSWORD. (NN2)

convicted Felon protected by
State attorney general's office

Charles L&I claim where he admits to punching Dr Montano

No arrest

Please Review This Information and Keep for Your Records

Workers' Compensation Claim

Worker Information

Name CHARLES PABE VILLEGAS		MAIL	Language preference ENGLISH	State number BH72859
Date of birth 09/05/98	Address 9766 EAGLE RIDGE WAY SPRINGDALE WA 99175	Height 6 FT 3 IN	Home phone (509) 953 6547	Marital status SINGLE
Weight 200 LBS	Employment status Name	Sex M	Employer's name Name	Employer's address Name
Reason and activity at date of injury Name	Date of injury 12/01/21	Time of injury 10 AM	Day DAY	Employer's address Name
Body part injured or exposed RIGHT HAND WRIST	How injured? DR SARDY WAS RUSHING ME AND I HIT HIM TO STOP HIM FROM PUTTING HIS HANDS ON ME AFTER I ASKED HIM MORE THAN 10X NOT TO TOUCH ME.	How injured? YES	Employer's address Name	Employer's address Name
Address where injury occurred BLER PARK DENTAL 118 E CRAWFORD DEER PARK WA 99006 UNITED STATES	County SPOKANE COUNTY	Employer's address Name	Employer's address Name	Employer's address Name



On Viches states sent by
WA state DON inspector.
for assault.

inspector
and provd boy / box boy
met on Dec 2, 2021
assault occurred Dec 3, 2021
Chair Board met to clear



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

inspector on
suspension or
inspection.
inspector attempts
to use this
letter as way
to abuse and
mislead DPAC.



January 4, 2022

Sandy Fletcher Montano, DDS
PO Box 18184
Spokane, WA 99228

Case No. 2021-14857DE

Dear Dr. Montano:

The is investigating a complaint against you. The complaint alleges you aided and abetted unlicensed practice by having Charlie Billegas working as a dental assistant in your clinic, while unlicensed. It also alleged that you assaulted Mr. Billegas when he confronted you with the fact that you were having him work unlicensed. The is authorized to investigate all allegations and complaints (RCW 18.130.050).

State law requires you to cooperate with an investigation. You must respond to requests for records and documentation. If you do not provide documents, records and other items when they are due, we can charge you a fine of up to \$100 per day. The fine applies to existing documents, records, or items under your control. The maximum fine is \$5,000. We will report the fine to federal databases and it will appear on our Web site. We may also charge you with unprofessional conduct for failure to cooperate [RCW 18.130.180(8)].

Additionally, you must provide a full and complete explanation of the matter in writing [RCW 18.130.180(8)(b)]. We may use your response if we take disciplinary action, or in a hearing. You may have an attorney assist you prior to making your response, but this will be at your expense. If an attorney represents you, please have the attorney send me a Letter of Representation, as the letter will ensure any correspondence with you will be provided to your attorney.

The Health Care Information Act requires you to disclose health care information about a patient without patient authorization [RCW 70.02.050 (2)(a)].

DEPARTMENT OF HEALTH
HEALTH SYSTEMS QUALITY ASSURANCE
OFFICE OF INVESTIGATION AND INSPECTION

MEMORANDUM TO FILE

Date: January 11, 2022
Case: 2021-13967DE
Reference: Telephone call from the respondent
From: Clark Wisswell, HCI3

On January 5, 2022, respondent telephoned this investigator. Respondent was rambling about this investigator working with insurrectionists and criminals. Most of what he was saying was not understandable. He talked about being a victim and being in touch with federal attorneys. I had tried to stop the respondent several times to see if his attorney knew he was contacting me but was unable to get him to stop. He stated he could not believe his attorney had not provided me with all this information. Eventually respondent hung up.

MONTANO, DE
2021-13967 Inv 000147

000115

Charges due to the “witnesses” protected by the State against Dr.Sandy Montano License in Suspension and violation of civil rights State of Washington using under DQAC jurisdiction to protect criminals and convicted felon. 7 pages of counts not enforced by the State under the DQAC jurisdiction.

2)(a) In the case of a license holder who is regulated by a board or commission identified in RCW 18.130.040(2)(b), the show cause hearing must be held by a panel of the appropriate board or commission.

RCW 9A.36.080 ... Hate crime offense—Definition and criminal penalty. (1) A person is guilty of a hate crime offense if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability: charles is a confirmed Proud boy Charlie pro trump anti vaccine tattooed on himself.
RCW 9A.36.011 Assault in the first degree. (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

RCW 9A.84.040 False reporting. (1) A person commits false reporting if, with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause: Evacuation of a building, place of assembly, or transportation facility; public inconvenience or alarm; or an emergency response. (2)(a) A person is guilty of false reporting in the first degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, Brooklyn Kennedy, Malenna Palmer on Nov 16,2021 to Sheriff Garza. On Dec 3,2021 Jamie Decker and charles provided spokane sheriff's class 4 felony for filing a false police report RCW 9A.84.040 False reporting. against Dr Montano while RCW 50.04.294 Misconduct—Gross misconduct. With respect to claims that have an effective date on or after January 4, 2004: (1) "Misconduct" includes, but is not limited to, the following conduct by a claimant: (a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee; (b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee; (c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; RCW 49.19.010 Definitions Workplace violence. he endangered my other employee the witness For purposes of this chapter: (1) "Health care setting" means: (a) Hospitals as defined in RCW 70.41.020; (4) "Workplace violence," "violence," or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting on the property of the health care setting. "Workplace violence," "violence," or "violent act" includes any physical assault or verbal threat of physical assault involving the use of a weapon, including a firearm as defined in RCW 9.41.010, or a common object used as a weapon, regardless of whether the use of a weapon resulted in an injury. charlie caused workplace violence in RCW 49.19 is "any physical assault or verbal threat of physical assault against an employee of a health care setting." RCW 9A.36.031 Assault in the third degree. Assault in the third degree.healthcare provider (1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree: (i) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71RCW; and "health care provider" means a person certified under chapter 18.71 or RCW 9A.08.010 Reckless endangerment General requirements of culpability. (1) Kinds of Culpability Defined. (a) INTENT. A person acts with intent or intentionally when he or she acts

page 1 of 7

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7 **STATE OF WASHINGTON**
8 **DEPARTMENT OF HEALTH**
DENTAL QUALITY ASSURANCE COMMISSION

9 In the Matter of:

10 SANDY FLETCHER MONTANO
11 Credential No. DENT.DE.60486669

12 Respondent.

NO. M2021-1016

DEPARTMENT'S WITNESS AND
EXHIBIT LISTS

13
14 The State of Washington, Department of Health, Dental Quality Assurance Commission
15 (Department), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and
16 THOMAS F. GRAHAM, Assistant Attorney General, provides the following list of witnesses
17 and exhibits.

18 **WITNESSES**

19 The Department intends to call Respondent as an adverse witness.

20 The Department may also call all or some of the following witnesses in person or by
21 telephone:

- 22 1. Heather Geigle, DDS, Expert Witness
- 23 2. Clark Wisswell, Health Care Investigator
- 24 3. Jamie Decker
- 25 4. Charles Villegas
- 26 5. Malenna Palmer

1 6. Brooklynn Kennedy

2 7. Any additional witness, as necessary to provide foundational or other necessary
3 evidentiary testimony for the admission of exhibits.

4 The Department reserves the right to call in its case in chief any witness identified by
5 Respondent. The Department reserves the right to call rebuttal witnesses who may or may not
6 be identified in its witness list. The Department further reserves the right to amend its witness
7 list for good cause shown.

8 **EXHIBITS**

9 1. CV of Heather Geigle, DDS (*to be provided*)

10 2. Declaration of Heather Geigle, DDS

11 3. Complaint, dated November 16, 2021 (Inv.27-29)

12 4. Photos provided by Complainant (Inv.37-39, 41-43, 45-48)

13 5. Photo of prophylaxis paste (Inv.52)

14 6. Letter of Cooperation from Department of Health to Respondent, dated December 7,
15 2021 (Inv.54-56)

16 7. Respondent's Response to LOC, dated January 4, 2022, and attachments (Inv.69-84)

17 8. Respondent's Response to LOC, dated February 4, 2022 (Inv.158-160)

18 9. Investigative Memorandum dated December 1, 2021, of Investigator Wisswell's
19 Infection Control Inspection (Inv.60)

20 10. Interview of Malenna Palmer, dated November 30, 2021 (Inv.58)

21 11. Interview of Charlie Villegas (Inv.162)

22 12. Interview of Jamie Decker (Inv.163)

23 The Department reserves the right to use any exhibit produced by Respondent.
24 The Department further reserves the right to amend its exhibit list for good cause shown.

25 At this time, the Department is not filing a copy of the exhibits with this exhibit list.

26 All of the exhibits identified above are documents contained within the Department's

1 investigative file. The Department will file a complete copy of the exhibits with the prehearing
2 statement.

3 DATED this 15th day of December, 2022.

4 ROBERT W. FERGUSON
5 Attorney General

6 

7 THOMAS F. GRAHAM, WSBA #41818
8 Assistant Attorney General
9 Attorneys for Department
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Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

July 5, 2022

SENT VIA EMAIL

Don Bushell, Esq.
Law Office of Don Bushell
13036 SE Kent Kangley Rd #456
Kent, WA 98030
don@donbushell.com

RE: *Sandy Montano, DE*
Docket No. M2021-1016

Dear Mr. Bushell:

A copy of the Department of Health's investigative file is being provided to you via our Secure File Transfer (SFT) website. A link to the documents has been sent to your email account: don@donbushell.com. The password was sent in a separate email. If you have any difficulties downloading these documents, please contact my office. *Please note – these documents will remain on the site for 14 days, after 14 days they will expire.*

The materials have been Bates numbered Inv.00001 through Inv.000170. Documents containing work product have been withheld from the investigative file and will not be provided. Please see the attached privilege log identifying those documents.

The Department's Produced CDs in this matter are referenced below:

- Evidence Bates 27 - Dry Shield located at the Department of Health, referenced at Inv.53
- Evidence Bates 114 - Photos and copy of Emergency Room visit summary regarding Respondent, referenced at Inv.146

Social security numbers, residential addresses, personal telephone and cell phone numbers have been redacted throughout the enclosed file to protect individual privacy.

The complainant's name has been redacted to maintain compliance with the Whistleblower Protection Statute, RCW 43.70.075.

Additionally, the names of former complainants have been redacted from the enclosed documents in compliance with the Whistleblower Protection Statute, RCW 43.70.075.

ATTORNEY GENERAL OF WASHINGTON

Don Bushell
July 5, 2022
Page 2

You will note that we have not provided Evidence Bates 27, the Dry Shield. Because the Department retains the evidence in its possession, special arrangements are required.

If you have any questions about what you have received, please feel free to contact me.

Sincerely,

THOMAS F. GRAHAM
Assistant Attorney General
tom.graham@atg.wa.gov
360.586.0091

TFG:da
Enclosures

State provided evidence
in regards to State employees
fabrication under state qualified
immunity. Using "Commission" jurisdiction
to violate civil rights, due process.
With discrimination in retaliation of
department of health state employees
misconduct.

CIVIL RIGHTS / HIPAA VIOLATION /LGBTQ Discrimination DR. SANDY MONTANO DENT.DE.604866669
BASED ON WA STATE EMPLOYEES FRAUD UNDER DQAC JURISDICTION

1. Erin Obenland Case
manager DOH
2. Irina Crawford
Dental manager
3. Lydia Koroma
witness DOH
attorney

WA State cases
overseen by both case
manager and same DOH
attorney responsible due
assigned/denied due
process in all
cases:#M2020-882 ;
(#M2021-13967/#M2021-
1016;M2022-455,NOI
170(2) - till present.

Clark Wisswell

Health Inspector

**MAIN WITNESS BASIS FOR
SUSPENSION AND HIPAA
VIOLATION, OSHA level 3**

Investigator for DOH for DQAC.

**Dec 1,2021 inspection one hour
speaks w attorney under OSHA and
Writes inspection report**

#M2021-13967

Contacts Dec 2,2021

**#M2021-13967 Convicted felon
protected as witness for DQAC under
qualified immunity by Clark DOH.**

Changes Story in May 16,2022

**-June 24 2022;after statute of
limitations,new story was
fabricated with fraud now
denies of any inspection or
report made on Dec 1,2021
#M2021-1016 .**

**Sept 7,2022 Calls Dr Montano
confession of judgment.**

#M2021-1016

**#M2021-13967 Dec 3,2021 WA Dental board
members Joy McDaniels,Karen Clemens,,Mckinley
Rainey,Dr.Sonia Pal found non-basis for any
suspension. Signed by Lydia Koroma,Erin Obenland
on Clark Wisswell's inspection report. Dec 1,2021.**

**#M2021-13967 Records HIPAA Jan 23,2022
Clark Wisswell obtains under State law. Signed by
Tony Pizzirillo reviewed Erin Oben/Kirby Putcher
supervisor.Lydia Koroma's processed to cover up
employees misconduct validity of Dr Montano's
assault involvement by Clark Wisswell as investigator
in compromising integrity of DQAC's jurisdiction
against Dr.Montano in misuse of his HIPAA rights.**

**#M2021-1016 Lydia Koroma Coerces Dr Montano to sign "false
agreement" as exhibit* to cover up fraud and demands Dr
Montano mental eval **August 2022 -Dec 2022** after suspension
and defamation issued to DQAC With FRAUD same as
M2022-455,NOI 170(2) issued **March 6,2023** by U.James Chaney
and Tom Graham under order of DQAC jurisdiction after Board of
Health complaint submitted by Dr.Montano for DOH employee
misconduct complaint was submitted and was retaliated further..**

**2022- Till 2023 -PRESENT:Obstruction of due process for
hearing #M2021-1016; by State and its employees
misconduct with discrimination M2022-455,NOI 170(2).
Emily Webb requests evaluation before **Oct 17,2023** "under"
DQAC jurisdiction. U.James Chaney as "Dental" member
under DQAC jurisdiction **March 6,2023** for eval stating
there was no inspection as "mentally sick"as LGBTQ gender
status to discredit Dr.Montano's due process and freedom of
speech under DQAC jurisdiction.M2022-455,NOI 170(2)
Medical Records obtained **Jan 23,2022**; Signed by Clark
Wisswell and Tony Pizzirillo signed under DQAC.**

Lydia Kovoma DOH

I contacted Lydia yesterday after you said to, and now I have to articulate what she will accept and then give that result to you.

But basically....

~~Infection control gone.~~

~~Unlicensed dental assistant gone~~

~~You agree that inspection was not allowed, and thus unprofessional conduct~~

~~You agree to evaluation by doctor~~


~~You pay \$1000 fine~~



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

MEMORANDUM

December 16, 2021

TO: Joy Natasha McDaniel – Dental Quality Assurance Commission
FROM: Erin Obenland, Case Manager
SUBJECT: Sandy Montano, DDS


Enclosed is the above listed case for your review. 


The staff attorney that has been assigned to this case is, Lydia S. Koroma and her telephone number is: (360) 236-4788.



If you have questions regarding being assigned to review this case, please let me know.

Thank you.

Erin Obenland,
Telephone: (360) 236-4655
Email: erin.obenland@doh.wa.gov

MONTANO, DE
2021-13967 Inv.000005

7/22/22, 2:01 PM

Gmail - NPDB /WA state publication removal request



Dr Montano <sandymontanodds@gmail.com>

NPDB /WA state publication removal request

Dr Montano <sandymontanodds@gmail.com>
To: CARPENTER.shellie@doh.wa.gov

Fri, Jul 22, 2022 at 2:00 PM

CARPENTER.shellie@doh.wa.gov

----- Forwarded message -----

From: **Dr Montano** <sandymontanodds@gmail.com>


Date: Fri, Jul 22, 2022 at 1:42 PM

Subject: #M2020-882 Montano = continuing education requirements

To: Gadman, Scott G (DOH) <scott.gadman@doh.wa.gov>, <Lydia.Koroma@doh.wa.gov>

I, Sandy Montano am formally submitting the attached document for submission, please forward to your supervisors. Feel free to contact my legal representation, i have exhausted my attempts with Lydia Kokoma without a response nor resolution to request due process. This request is to forward this motion to dental quality assurance commission's attention on August 2,2022 hearing date.

if you have any questions contact my legal representative.
Sandy Montano

 **Final document.pdf**
1956K

Denied Due Process by Erin Obentand
Lydra Koroma
RCW 18.32.675.

REF: M2020-882

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION

In the Matter of:

Sandy Montano, DDS

Case No. 2022-403DE

NOTICE OF INTENT TO ISSUE
SUBPOENA FOR RECORDS


On behalf of the Dental Quality Assurance Commission and pursuant to the authority granted to same in Chapter 18.130.050(4), this office intends to serve an Investigative Subpoena in the above referenced matter. A copy of the Subpoena is attached to this Notice. The Subpoena requests Spokane Teaching Health Clinic to produce the following records or information:

1. A complete copy of all medical and counseling records records of Sandy Montano (DOB:3/2/1978) for the past two years (2020-present).

The attached Investigative Subpoena will be served to Spokane Teaching Health Clinic on or after April 4, 2022. Production of the documents will follow unless a Motion to Quash is filed in a court of law prior to April 4, 2022.

DATED: March 15, 2022

DENTAL QUALITY ASSURANCE COMMISSION


Angelo Pizzillo/Mar 15, 2022 12:16 PDT

TONY PIZZILLO, SUPERVISING INVESTIGATOR

Clark
Wisswell's
supervisor

to look into

Medical Records from his involvement
of the assault.

NOTICE OF INTENT TO ISSUE
SUBPOENA FOR RECORDS

M 2022-403DE; 2022-455
NOI 170 (2)

6. CONCLUSION

The Executive Director of the Dental Quality Assurance Commission, on designation by the Commission, believes the evidence establishes a reasonable basis to believe that Respondent may not be able to practice as a dentist with reasonable skill and safety. Pursuant to RCW 18.130.170(2), U. James Chaney, Executive Director, requests the Commission to issue an Order for Investigative Physical Examination.

DATED this 6 day of March, 2023

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION

U. James Chaney

uJamesChaney (Mar 6, 2023 14:47 PST)

U. JAMES CHANEY,
EXECUTIVE DIRECTOR



THOMAS F. GRAHAM, WSBA #41818
ASSISTANT ATTORNEY GENERAL

*Based off Clark Wisswell's cover up.
M2022-455 NO1 170(2) Emily Webb
M2022-403DE; Medical Records*


ATTORNEY GENERAL OF WASHINGTON

Don Bushell
July 5, 2022
Page 2

You will note that we have not provided Evidence Bates 27, the Dry Shield. Because the Department retains the evidence in its possession, special arrangements are required.

If you have any questions about what you have received, please feel free to contact me.

Sincerely,


THOMAS F. GRAHAM
Assistant Attorney General
tom.graham@atg.wa.gov
360.586.0091

TFG:da
Enclosures

State provided evidence
in regards to State employees
fabrication under state qualified
immunity. Using "Commission" jurisdiction
to violate civil rights, due process.
With discrimination in retaliation of
department of health state employees
misconduct.



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

July 5, 2022

SENT VIA EMAIL

Don Bushell, Esq.
Law Office of Don Bushell
13036 SE Kent Kangley Rd #456
Kent, WA 98030
don@donbushell.com

RE: *Sandy Montano, DE*
Docket No. M2021-1016

Dear Mr. Bushell:

A copy of the Department of Health's investigative file is being provided to you via our Secure File Transfer (SFT) website. A link to the documents has been sent to your email account: don@donbushell.com. The password was sent in a separate email. If you have any difficulties downloading these documents, please contact my office. *Please note – these documents will remain on the site for 14 days, after 14 days they will expire.*

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Additionally, the names of former complainants have been redacted from the enclosed documents in compliance with the Whistleblower Protection Statute, RCW 43.70.075.

therein, and acknowledging your disapproval of the events, and that the respective State Agency is Responsible together with their employees for all claims as set forth more fully in annexed Confession of Judgement.

Please Take Further Notice that if you are named herein and receiving this Legal Notice & Demand it is because of the **Respective State Agency placing blame and responsibility on you in their defense.**

IF This legal notice is not responded to with the annexed Confession of Judgment Executed by you in a timely fashion you may be named as a Defendant in Federal Civil Action to be filed.

Please review all annexed documents and expedite execution and return to the undersigned at above stated address within 10 business days.

**Dr. Sandy Montano,
Plaintiff**

October 6th, 2023

----- Forwarded message -----

From: John N Phillips <jp@jnp-legal.com>

Date: Wed, Sep 6, 2023 at 2:32 PM

Subject: RE:UPDATE

Results of today's status conference for Dr. Montano before the State Health Commission.

I informed the commission of Sandy's efforts to seek additional legal expertise and health examination.

I asked for a three-month continuance so that Sandy may receive mental health evaluation and treatment as needed.

The State AG and Commission felt the continuance was reasonable and an order will be drafted for another status conference at 11 a.m. Tuesday, December 5, 2023.

I noted our willingness to provide the State with interim status reports, to be negotiated in the future with the State's staff attorney.

The State AG indicated that regardless of the discipline case being continued, given Sandy's non-compliance with the order for evaluation by the clinician of the State's choosing, the State will proceed with a charge of unprofessional conduct for failure to comply.

John N. Phillips Esq.

Seattle, Washington

JNP Legal PLLC | 206.383.4881 | <https://jnppllc.com>

CONFIDENTIALITY: This email and attachments are solely for the use of the named addressees, and may contain information that is PRIVILEGED, CONFIDENTIAL or ATTORNEY WORK PRODUCT. If you have received this email in error, any dissemination is prohibited: please delete it, destroy all copies and promptly notify the sender. Thank you.

----- Forwarded message -----

From: Webb, Emily L (DOH) <Emily.Webb@doh.wa.gov>

Date: Wed, Sep 27, 2023 at 4:04 PM

Subject: ****CONFIDENTIAL**** Montano, Sandy, DE, M2022-455, NOI 170(2)

To: jp@jnp-legal.com <jp@jnp-legal.com>

Cc: sandymontanodds@gmail.com <sandymontanodds@gmail.com>, Koroma, Lydia S (DOH) <lydia.koroma@doh.wa.gov>

Good afternoon,

Attached please find the following documents:

- Cover Letter dated September 27, 2023;
- Notice of Intent to Order Investigative Physical Examination;
- Proposed Stipulated Findings of Fact, Conclusions of Law and Agreed Order for Investigative Mental/Physical Examination; and
- Declaration of Service by Mail dated September 27, 2023.

Action needs to take place on or before October 17, 2023 by email, U.S. postal mail, or facsimile at (360) 236-4930.

Please contact our office if you have any questions.

Hard copies to follow. Thank you.

Emily Webb

Legal Assistant Supervisor

Office of Investigative & Legal Services

Washington State Department of Health

emily.webb@doh.wa.gov

564-669-4925 | www.doh.wa.gov

360-236-4930 (fax)

To mail documents, please use the address below:

Washington State Department of Health

P.O. Box 47873

Olympia, WA 98504-7873

The information in this email and in any attachments is confidential and may be privileged. If you are not the intended recipient, please destroy this message, delete any copies held on your system and notify the sender immediately. You should not retain, copy or use this email for any purpose, nor disclose all or any part of its contents to any other person.

Resolution by Peer Review Organization members under *Chapter B: Eligible Entities B-9* as responsible party / individuals under their jurisdiction as “Commission” in the State of Washington: Ronald, Marsh DDS, Bryan Swanson DDS, vice-chairperson, Sonia Pal DMD, Tiffany Bass DDS, Marlynne Fulton, public member, Joy McDaniel DMD, McKinley Rainey, public member Miryam Nossa EFDA, Kathleen Eiling EFDA, Samantha Kofler DDS, Lyle McClenann DDS, John Liu DDS, Karen Clements DDS, Sarah Khan DMD, Nisha Sharoff DDS, Carolin Spice, public member as “Dental Quality Assurance Commission” as individuals in this settlement providing testimony in settlement agreement .

I _____ *print name*
current /former member/involved party in Dental Quality Assurance Commission in the State of Washington (2021- present member) under 2)(a) In the case of a license holder who is regulated by a board or commission identified in RCW 18.130.040(2)(b) known as “Commission” under its jurisdiction and individuals responsible in the matter of:
Dr. Sandy Montano; DENT.DE.60486669
STATE OF WASHINGTON:ALL CASES#M2020-882 ; #M2021-13967/ #M2021-1016;
#M2022-455,NOI 170(2).- TILL PRESENT. DCN: 5500000185251786;
DCN:5500000192158430; DCN:5500000195841039;DCN: 5500000192357893;
DCN:5500000193329537.TILL PRESENT.FOR DISMISSAL AND IMMEDIATE REINSTATEMENT OF DENTIST LICENSURE.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief of this agreement in testimony of my involvement or endorsing of any civil rights violation,lack of due process, discrimination based off state employee misconduct,fraud and fabrication done and executed without consent by me as an individual and member of the dental board “Commission” under Peer Review Organization members under *Chapter B: Eligible Entities B-9*.Code of Federal Regulations;Title 45 under the dental “commission” jurisdiction executed in the State of Washington under 2)(a) In the case of a license holder who is regulated by a board or commission identified in RCW 18.130.040(2)(b) as individuals in public service.

I do not endorse as an “individual” as responsible under federal law, in civil rights violation actions by the State and its state employee’s misconduct actions against Dr Sandy Montano in their misuse their state qualified immunity to bypass due process under as the Peer Review Organization known as Dental Quality Assurance Commission dba DQAC or “Commission” under its dental jurisdiction to issue unlawful sanctions and disciplinary actions that violate civil rights and his due process. Therefore in effort to restoring civil rights we order that all matters of Dr. Sandy Montano and State of Washington,Department of Health be executed under the premise or jurisdiction of Dental Quality Assurance Commission, hereby dismiss and discharge all claims,charges,sanctions including suspension,or any allegation or investigations against Dr.Montano used by State of Washington employees serious and willful misconduct.In favor of immediate reinstatement of his license to full restitution under this Commission order effective immediately under all extent of the law.

Therefore under this settlement agreement we individuals of the peer review organization declare with this request to the State of Washington, Department of Health responsible party for ensuring safety to the public under their supervision and employee policy to handle this state employee misconduct, without our

individual endorsement in misuse to violate civil rights. We therefore as corrective action as follows: Reinstatement of Dr. Montano's Dentist License, without limitations and in good standing and any applicable financial and reputational restitution, covered costs in licensing reissuance, restitution of associated expenses and monetary losses caused both by state damages by this unauthorized decision made to issue "suspension" and violate due process and civil rights by the State, its state employees misconduct without consent of Dental Board members, its individuals as such, made under the jurisdiction of the "Commission" in all cases associated with Dr. Montano's civil rights violation and unlawful suspension by Washington state Department of Health employees supplied misinformation by State employees Clark Wisswell, Erin Obenland, Trina Crawford and Lydia Koroma as witness processed for the department of health under its qualified immunity to violate civil rights without authorization and knowledge by the DQAC Commission and as "individual" responsible under federal law for endorsing civil rights violation under its dental jurisdiction without merit. Therefore dental commission members make this judgment with this form to fully restore Dr. Montano's civil rights. Henceforth, we determined reversal of suspension and reinstatement of dentist licensure and any cases or action brought by the state of Washington under "Commission" jurisdiction against Dr. Montano to be issued as dismissed and closed for no further action or investigation. Cease and desist for the State of Washington and its state employees for any further cases or further unauthorized publication or action against Dr. Montano effective immediately for any published misinformation in removal of all venues of communication of any aforementioned cases made by the State under the DQAC jurisdiction without authorization and due process to Dr. Montano by state employees misconduct in this misuse under state qualified immunity.

Initials

_____ Individuals of the Dental Commission members, in the best interest ensuring code of conduct, oath of public service and ensuring ethics, due process on any matter under the use of jurisdiction of the "Commission". It is therefore our request for removal of Dr. David Carsten, Erin Obenland, Trina Crawford, Lydia Koroma as Department of Health witness, due to conflict of interest. No longer the aforementioned be in any way representing dental "commission" in matters of jurisdiction with the department of health in any form involved in any Dr. Montano's cases, files due to ongoing due process violations and involvement with the aforementioned employees responsible for misconduct. Therefore Shirley Carpenter assigned for NPDB reporting and Sharon Moysiuk Communications for DOH New Releases to all news media to issue a retraction as corrective action from the misinformation published to the public by the misconduct of state employees violating Dr. Montano's civil rights and due process.

_____ Upon review of Department of Health inspector/Investigator for DQAC. Clark Wisswell's September 7, 2022 communication with Dr. Montano, admitting on record to "there was no imminent danger for suspension" and then contradicting himself of the existence of his own Dec 1, 2021 inspection report presented to DQAC Dec 3, 2021 of his 1 hour inspection leading to Dr. Montano's suspension. We therefore take this confession of judgment for the record of intentional misconduct of his case files #M2021-13967/#M2021-1016; #M2022-455, NOI 170(2). Therefore any role from Dr. David Carsten, Erin Obenland, Trina Crawford, Clark Wisswell and Lydia Koroma as witness, are responsible party as department of health employees misconduct in misleading dental commission in the matter of Dr. Montano, leading to a "suspension" based on misinformation. Therefore any case or reporting's based on any of the aforementioned party are dismissed by the "Commission" without further action and

considered not credible and null for any further investigation on Dr. Montano's violation of due process by aforementioned employees of the Department of Health.

_____ Dr. David Carsten has been excluded from any executed decision against Dr. Montano basis of personal conflict of interest in Peer review proceedings under Dental jurisdiction known as DQAC or under the "Commission" under 2)(a) In the case of a license holder who is regulated by a board or commission identified in RCW 18.130.040(2)(b). Therefore any of Dr Carsten action or involvement in suspension or as chairperson in the dental commission role in Dr. Montano's cases are null and void as it does not follow Code of ethics of Conducts by the Peer review dental commission board, Dr. Carsten failed to uphold public service oath, endorsed obstruction of justice as a mandated reporter. Dr. Carsten had the opportunity to address his concern for Dr. Montano in many instances with dental board meeting members yet neglected to fulfill his role in alignment with the dental commission. Therefore we do not endorse any decision made or personal actions, political beliefs of Dr. Carsten as they do not reflect me as a former/current board member and dentists code of conduct in Washington State or under American Dental Association.

_____ Dr Montano under RCW 18.32.675 of WA State law protects dentists from any corporate misconduct therefore under by judgment by default as peer review dentists. Dr Montano was denied due process on January 2022 in the clarification of this reporting under WA State and Clear any case reporting State of case # REF: #M2020-882 Montano; Therefore this should have been applied and state failed to do so. Erin Obenland, Trina Crawford and Lydia Koroma present as witness are involved in this matter. Therefore this should be overturned and stricken from the record under default judgment by this form overriding any stipulation based on this law that should be noted, applied and stricken from all public records. We therefore under our jurisdiction issue dismissal of this matter to be removed and stricken from any WA State records in violation of due process and employee policy.

_____ On Dec 3, 2021 Erin Obenland and Trina Crawford along with Lydia Koroma as witness were present for dental board decision of no suspension or wrongdoing by Dr. Montano while following OSHA federal guidelines. The health inspector Clark Wiswell's Dec 1 inspection who then changed the case number along with aforementioned to then mislead the dental board to cover up their misconduct with intent to harm Dr. Montano's license and civil rights to due process.

_____ On video Dec 3, 2021 10 am, Dr. Sandy Montano was assaulted by a convicted felon Charlie Villegas after meeting with Clark Wiswell on Dec 2, 2021 claiming he was sent by the "department of state" during the dental board meeting commission on Dec 3, 2021. Basis for Clark Wiswell to cover up and intentionally misinform Dental "Commission" and continued efforts to retaliate against Dr. Montano and commit further unauthorized actions to leading towards suspension of Dr. Montano as documents confirm. His violation of State Employee policy ethics policy and outside activities affiliation lead to his misuse of his role as department of health duties as health inspector or investigator for the dental "commission" in personal agenda to further investigate Dr. Montano's injuries or confidentiality based on his involvement as state employee. Further more falsely accusing Dr. Montano of unprofessional misconduct on January 4, 2022 in retaliation after Dr. Montano presented a civil rights complaint to the Department of Health on employee misconduct connected to the assault and obstruction of justice for no arrest for the assailant under Clark's agreement dated Dec 2, 2021 for state qualified

immunity protection for the convicted felon as main witness for suspension of Dr. Montano's dentist license.

_____ The Dental Commission does not endorse any "assault" against any dentist nor protecting a convicted felon as credible for "witness" nor any "witnesses" whom perform crime as embezzlement, HIPAA violation and tort law and destruction of intellectual property which violates federal guidelines for whistleblower protection by fraud and false testimony shall not be considered witness nor Dental board protects under State Qualified immunity in endorsing violence for unjust policing by health inspector Clark Wisswell's misconduct in misinforming the board in having 3 versions of 1 confirmed report inspection already reviewed by Board members on Dec 3, 2021 and denying its existence in effort to place blame on the Dental board commission members for federal violations from fraud and fraudulently creating a new case number with adulterated facts which compromise the credibility of the dental commission members. Therefore we Commission, DISMISS all charges made towards Dr. Montano and reinstate his license and VOID and CLEAR all associated publication and reporting on any WA State public records and its website and news media or federal database as NPDB..

_____. #M2021-1016; Witnesses Dismissal due to lack of credibility, committing if a crime, state, federal, tort interference, intellectual property, destruction of property, false police reporting, false allegations without merit, physical assault by Convicted felon Charles Villegas for assault and destruction of property for \$616,000 under qualified immunity. We dismiss witnesses Maleena Palmer, Brooklynn Kennedy, Jamie Decker due to lack of credibility based on Sheriff's Garza ordering the employees to leave the premises after a false 911 call to falsely accuse Dr. Montano. Therefore under standards of healthcare law proceedings and hearings we the "commission" determine #M2021-13967 /#M2021-1016; Dismissal on these grounds of witness dismissal on questionable actions and lack of credibility.

_____ Dec 3, 2021 decision by the dental board members Dr. Sonia Patel, Dr. Karen Clements, Dr. Joy McDaniel, McKinley Rainey, public member found no wrongdoing, violation under OSHA /WISHA nor any unprofessional misconduct or suspension was found against Dr. Montano compliance of the inspection report Dec 1, 2021 for one hour Clark Wisswell found no infection control violations at premises and after one hour inspection with no findings Dr. Montano under OSHA law requested his attorney who spoke over the phone with Health Inspector Wisswell for attorney to be present if any further inspection would be needed dated Dec 1, 2021 reviewed by the dental board Dec 3, 2021 under #M2021-13967 /#M2021-1016 Montano. Clark Wisswell's Dec 1, 2021 report was reviewed, Erin Obenland, Trina Crawford and Lydia Koroma were present as witnesses that on Dec 1 Clark Wisswell did inspect premises and his report of non findings were reviewed yet on May 2022 state employees Clark Wisswell, Erin Obenland, Trina Crawford and Lydia Koroma were present as witnesses, intentionally recreated a different narrative based in Dec 1, 2021 inspection in which the aforementioned state employees fabricated a new case number intentionally on May 2022 and created an expert witness report by Dr. Heather Geigle under the new version of omitted facts to commit fraud, in violation due process based on discrimination with the intent of malice to defame by initiating suspension based on fraud and false narrative to the public under the "commission", its members and the Department of Health.

_____ We current and former members of the dental quality assurance "commission" whether involved directly or not in Dr. Montano's case review. We as peer review healthcare responsible to uphold code of ethics and protect public and dentists, do not endorse any violence or unlawful decision or justification made against Dr. Sandy Montano from the review of the transcript and preliminary hearing August 2, 2022. Initial obstruction from Dr. Carsten stemming of non-dental quality assurance

“commission” related functions, were used to discriminate Dr. Sandy Montano basis of race to speak in open to the public dental commission meeting on January 27, 2022 in which Dr. Carsten intentionally told moderator Bruce Bronoske to not let Dr. Montano exercise freedom of speech entitled to all US Civil rights laws. On August 2, 2022 upon preliminary hearing review. Dr. Carsten endorsed violence in the suspension in favor of convicted felon and knowingly neglected facts in favor to obtain favoritism in positioning in the dental quality assurance commission as “chairperson”. In endorsing in actions that violate oath in public service and obstruction of justice by negligence in questioning why hearing was more assault based than actual dental peer reviewed facts based in which Dr. Carsten acted not in accordance to Dental board standards code of conduct under Oath of public service nor “commission’s” role in protecting the public during August 2, 2022 preliminary hearing which Dr. Carsten endorsed supporting a convicted felon with questionable testimony in favor of assaulting Dr. Montano and issuing the suspension endorsement in violating civil rights within dental jurisdiction as the “commission”.

_____ #M2021-1016; We Commission exclude expert witness statement and submitted report as not valid for any action against Dr. Montano. We excuse Dr. Heather Geigle and her written expert testimony report as basis for suspension. Written May 2022 based on Dec 1, 2021 inspection. Opposing its Dec 3, 2021 dental board commission members decision of same case inspection. We exclude her from any hearing on the State’s case as expert witness on any case related to Dr. Montano due to the supplied misinformation by State employees Clark Wisswell, Erin Obenland, Trina Crawford and Lydia Koroma as Department of health employees, therefore the report as expert witness is null and void as the intentional omission of facts was intentional and not approved by the dental board commission based on inaccuracy of its content and state employees misinformation to create the report for the suspension in case #M2021-13967 /#M2021-1016; Dr Heather Geigle created a different narrative based on fraud and inaccuracies of confirmed existence of report by Clark Wissell. Therefore not valid for any healthcare law jurisdiction use due to the inaccuracy and misinformation provided by the state employees committing fraud determining under healthcare law as #M2021-13967 /#M2021-1016; Commission recommends and requests the State to reinstate Dr Montano’s license in good standing in case dismissed and considered closed.

_____ We void any documents signed by Lyle McClenann DDS, John Liu DDS, Kathleen Eilling EFDA, McKinley Rainey, public member Marlynne Fulton, public member based on misinformation provided to the board based by state employee fraud to mislead dental commission members compromising due process and violation of civil rights without consent of other dental commission members of existing facts on Dec. 3, 2021 in order to create a new case file to execute a “suspension” of the same inspection of Dec 1, 2021 by Clark Wisswell.

_____ Case#M2022-455, NOI 170(2) We do not acknowledge Ulysses James Chaney as a dentist nor as sole dental “commission” member in “solely” deciding for any dental peer review or under the jurisdiction of the “commission” matters. Therefore this breach in his signed request against Dr. Montano as LGBTQ healthcare provider premise to violate civil rights with discrimination execute in effort to use an order under signed as “ordered by dental commission”. We do not endorse any discrimination under our “Commission” jurisdiction nor his signing on March 6, 2023 valid. This unauthorized action is therefore without grounds and not Valid in any part representing this request on behalf of Dental Board Commission members or as liable individuals for this decision. Therefore his signature is not acknowledged as dental board member or dental board “dentist” nor sole decision maker for any order for physical or mental health evaluation request on this matter of dentist Dr. Sandy Montano as a minority LGBTQ healthcare provider on basis of fraud and discrimination of race, sexual

orientation nor gender as this violates civil rights as individual members of dental commission does not endorse such. Therefore case#M2022-455,NOI 170(2) is not valid due to Clark Wisswell's based misconduct of fraud of his request upon access of records due to his involvement in the assault against Dr.Montano. Any discrimination or HIPAA violation made by any state employee using dental board members without authorization to violate civil rights against a LGBTQ healthcare provider like Dr Montano.The dental commission does not endorse discrimination made by the state employees attempt to commit fraud and discrimination using dental commission jurisdiction therefore #M2022-455,NOI 170(2) and not valid by the dental commission.

_____ Void of Case#M2022-455,NOI 170(2) in request for any Physical and Mental exam on Dr .Montano as a form of violating his due process on basis of Clark Wiswell's investigative findings were based on fraud and HIPAA violation for personal gain in involvement with orchestrating the assault under Case#M2022-455,NOI 170(2) and retaliation of his involvement in violation of employee policy.September 7,2022 communication confirms his misconduct.Therefore this request is not valid nor approved under dental board "commission" approval and should be considered VOID and dismissed order as this request was made without the formal vote or authorization of the "Commission", its basis of fraud by department of health employees misconduct ,discrimination and is a non jurisdiction in dental or healthcare law hearing as this clearly violates civil rights and due process.

_____ We the Dental Commission void any request issued unauthorized for any Physical and Mental evaluation case #M2022-455,NOI 170(2). Not valid under Dental Peer "Commission" jurisdiction due to Clark Wisswell based misconduct of investigative fraud ,HIPAA Violation and civil rights violation against Dr.Sandy Montano nor under any unauthorized state action to be first healthcare board in the US to ban and discriminate LGBTQ healthcare providers, violating civil rights and its due process by any unauthorized state employee or any other non- dental board peer board member using or claiming that individuals in the dental commission are committing and endorsing this discrimination violating federal laws in which creates liability from actions against Dr.Montano by State of Washington and no dental board state employees misconduct. case#M2022-455,NOI 170(2) is therefore not applicable nor valid due to Clark Wisswell's based misconduct of fraud on all of Dr. Montano's cases were assigned by Clark Wisswell,Erin Obenland ,Trina Crawford and Lydia Koroma were present as witnesses that violated due process and not by any dental board member initial on this form.

_____ Immediate removal of record in the State of Washington and Department of Health to order Sharon Moysiuk Department of health new release communications reporting to issue a retraction, to clear and remove all relating to Dr.Montano in all news media platforms in issuing reputational restitution covered all costs by the State of Washington . New Release of Suspension of Dr.Montano and its release on KREM2 news and removal from all Department of Health Washington State sites, online platforms , Google , NPDB and youtube as its based on employee fraud and not under the approval of dental commission or its individuals responsible as "peer review".We request the state the removal of its Washington State Public records ".GOV" websites and from Google. State to issue a retracted in corrective action of announcement of Dr.Montano's reinstatement of his dentist license and conclusion of no suspension action against him.

_____ Removal void of any NPDB reporting made by Shirley Carpenter within jurisdiction of the reporter made under the "commission" which were made without proper due process and authorization of Dental commission members and reported without approval. We determine VOID and

NULL any charges against Dr.Montano. DISMISS all charges made towards Dr.Montano and reinstate his license and VOID and CLEAR all associated NPDB reporting and removal of its Washington State Public records websites.

_____ We Commissioned member hold harmless from this employee misconduct and therefore under RCW 70.05.120 refer this to State Board of Health to investigate and enforce state department of health employee misconduct under this statute of : Chapter 49.60 RCW:Discrimination-Human Rights,Chapter 42.52 RCW:Ethics in Public Service,RCW 9A.36.080;Hate crime offense, Violation of Department of Health employee Ethics policy and outside activities policy as state employees. We therefore refer this for any state ,criminal, federal enforcement of intentional federal fraud reporting in violation of 18 U.S.C. 1001 and 18 U.S.C. 3571(d) along to any federal /state enforcement agency for criminal prosecution and for other related misconduct deriving from federal violation of established federal guidelines or any further baseless reporting or defamation by the State of Washington misuse of the “Commission” and its individual members we dismiss all cases till present or further more against Dr.Montano.

Signature of Dental Board member

Print name

Date

Forn to be filled out and sent before Oct 17,2023 to be forwarded.
Copy of signed response form sent to sandymontanodds@gmail.com to be forwarded in compliance.

IN THE MATTER OF DR. SANDY MONTANO, WA STATE LIC No. DENT.DE.60486669.
All cases# M2022-455,NOI 170(2),#M2020-882 ; #M2021-13967 /#M2021-1016.- Present.
FOR DISMISSAL AND IMMEDIATE REINSTATEMENT OF DENTIST LICENSURE.
Oct 6,2023

Confession of Judgement /Confessed Judgment Form Dental Board Members/Individual/s: FORM 2

Ronald, Marsh, DDS, Bryan Swanson, DDS, vice-chairperson,
Sonia Pal, DMD, Tiffany Bass, DDS, Marlynne Fulton, public member, Joy McDaniel, DMD McKinley Rainey,
public member, Miryam Nossa, EFDA, Samantha Kofler DDS, Sarah Khan, DMD Nisha Sharoff, DDS, Carolin
Spice, public member. as Dental Quality Assurance Commission "DQAC" Dental Jurisdiction responsible under
Peer Review Organization members/individuals responsible under *Chapter B: Eligible Entities B-9 of Federal law.*

*Copy of signed response form sent to sandymontanodds@gmail.com to be forwarded in
compliance. Form to be filled out by board member and sent before Oct 17, 2023.

To: Emily Webb emily.webb@doh.wa.gov cc: amber.freeberg@doh.wa.gov

This form serves as corrective action from the reporting of misinformation processed by State of
Washington, Department of Health and its related employee misconduct in violation of policy in
misinforming the "Commission" as Peer Review Organization members under *Chapter B: Eligible
Entities B-9* as "individual/s" as responsible party under federal law to provide due process to
Dr. Montano. This has compromised the integrity of any DQAC action in its jurisdiction in "suspension"
associated with Dr. Montano made by state employees misconduct. Clark Wisswell's misconduct has
compromised the integrity of any DQAC members and its commission decisions on various case files
associated with Dr. Montano. Therefore the board stands against unlawful basis of this case allegation #
M2022-455, NOI 170(2) stemming from #M2020-882 ; #M2021-13967 /#M2021-1016. We therefore
restrict any further involvement of Erin Obenland, Trina Crawford and Ulysses James Chaney. We hereby
exclude Dr. David Carsten for any further involvement, any role or investigation against Dr. Montano. We
therefore exclude any action for any allegations including of any physical and mental exam request under
the jurisdiction of the "commission", on any request based on any state employee's misconduct, HIPAA
violation, fraud, violation of civil rights, any discrimination on the basis of Dr. Montano's LGBTQ status
in his medical records, discrimination based of race, sex orientation or gender, resulting in discrimination
and obstruction of due process under state employee's misuse of qualified immunity. Therefore
compromising liability to DQAC, its individual dental board members for any civil federal lawsuit from
such serious and willful misconduct made without dental board members authorization under the
"commission" including cases #M2020-882 ; #M2021-13967 /#M2021-1016. Convicted Felon's
questionable credibility in DQAC healthcare law hearing process has been misused as "main witness"
under dental jurisdiction to restrict the dentist's freedom of speech, civil rights in due process violation
by state employee's misconduct in misuse of DQAC's jurisdiction with misinformation and issuing
retaliation without consent of facts nor authorization for suspension in publication. DQAC as Peer review
entity and individual board members responsible, take this dismissal action as a corrective action, in favor
of Dr. Montano in restoring his civil rights.

Henceforth, we the "peer review organization" under our jurisdiction in the state of Washington under
2)(a) In the case of a license holder who is regulated by a board or commission identified in RCW
18.130.040(2)(b), determine all case files till present date to be dismissed as void, dismissed and closed. It
is immediate the order of reinstatement of his dentist license in good standing by the State for removal of
all aforementioned case files against Dr. Montano, as corrective action by DQAC, its board members. Thus
stricken from WA State public records and redacted in any published platform by the State or news
release. Henceforth, we execute and determined this including # M2022-455, NOI 170(2) matter
dismissed, resolved and closed for no further action or investigation.

Dental Quality Assurance Commission member signature / printed name date