

DATE: January 23, 2023

TO: Members of the MDS House of Delegates

FROM: MDS Election Commission

RE: MDS Election Commission Report

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In advance of the 2023 Massachusetts Dental Society House of Delegates, the Election Commission has become aware of violations by, and on behalf of, slated candidate for MDS Secretary Dr. Jeffrey Lowenstein. The Commission has attempted to resolve these issues prior to the election; however the involved parties refuse to comply with the rules of campaigning, and in addition, raise other ethical concerns.

The violations are as follows:

1. Improper communication to all statewide delegates and alternate delegates inviting them to a reception hosted by the Metropolitan District Dental Society. (The guidelines specifically state that the candidates shall only attend District meetings where a candidates' forum will be held at the invitation of the District where both candidates have been invited).
2. Advertising an event described as a Massachusetts Dental Society Caucus meeting. (While District caucus meetings are appropriate forums to be held within the Districts, an MDS caucus meeting can only be initiated by the Speaker of the House and is exclusively held during the annual House of Delegate session).
3. Listing as an agenda item an implied opposition to a potential future candidate for ADA office. (Such listing is prohibited at this date by the ADA, and further is the business of the District 1 delegation to the ADA House of Delegates, not part of the business of the MDS House of Delegates).

#### **Summary of Infractions**

The Metropolitan District Dental Society has solicited the voting members of the entire MDS House of Delegates and Alternate Delegates directly and on social media for a free dinner for what has been determined by the Commission to be an unofficial and unsanctioned gathering of the HOD.

Election guidelines are specific that candidates in a contested election may only campaign at District meetings with equal opportunity for each candidate to present their position.

The two candidates for Secretary were invited for a Zoom meeting with the Commission to discuss guidelines, but Dr. Lowenstein refused to meet, so neither candidate was allowed to attend. A letter was sent to Dr. Ken Marsh of the Metropolitan District who had requested contact information from the MDS for the entire state delegation. This letter is attached as Exhibit A.

In addition to pointing out the campaign violations in hopes of diverting them, the Commission also offered to assist in mediating other guidelines that could be agreed to between the two candidates.

The response to the letter was an email sent by Dr. Marsh on behalf of the Metropolitan District, and is included here as Exhibit B. In it, it is maintained by the District that no election exists because no candidate had announced a candidacy from the floor at least 60 days prior to the House of Delegates. It has been confirmed that two other candidates had properly announced their intentions with all supporting documents prior to September 30th, 2022. While one candidate has since recused from the election, Dr. Maritza Morell is a properly vetted and qualified candidate for the election. Her candidacy is not from the floor.

The Metropolitan District is also asserting that there is precedence for such a meeting since they have been doing this annually for over 150 years. In reality, no District, including the Metropolitan District, has ever hosted such an event as far as the Commission can determine. While the Districts routinely caucus prior to the HOD, these caucuses are limited to members of the District only. Exhibit C and Exhibit D are two of the social media postings by Dr. Lowenstein on behalf of the Metropolitan District and the "New England Dental Society." Compare those postings to two of the postings from one year ago, Exhibit E and Exhibit F. In those, and in all previous years, the caucus invitation was extended to members of the District only.

The nature of this campaigning is not the only issue that the Election Commission is concerned about. At the bottom of Exhibit D, you will notice that this meeting is being promoted as an MDS Caucus. This false and unethical use of the Massachusetts Dental Society name usurps the duty and function of the Board of Trustees as well as the membership of the entire Society.

Lastly, there are agenda items listed on these postings that may conflict with the American Dental Association policies, exposing not just the Metropolitan District, but also the Massachusetts Dental Society and its Board members.

The Election Commission remains committed to ensuring a fair process to all members who wish to volunteer in leadership positions and is available at the disposal of the Board of Trustees in any way that you see fit. Thank you.



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January 6, 2023

Dr. Kenneth Marsh  
Secretary, Metropolitan District Dental Society  
[kmarshfamily4@verizon.net](mailto:kmarshfamily4@verizon.net)

Dear Dr. Marsh,

Thank you for your inquiry regarding a statewide delegate meeting hosted by the Metropolitan District. Election guidelines are specific that campaigning is limited to District meetings only. The Election Commission of the Massachusetts Dental Society has determined that an open meeting to the MDS' voting members for the purpose of campaigning would constitute a non-voting gathering of the House of Delegates and would be in violation of this guideline.

Additionally, candidates shall accept an invitation to a District meeting only if the invitation has been extended to all candidates.

There is the ability of candidates to negotiate with each other and to enter into any agreement concerning the conduct of a campaign, so long as that it does not contravene and is not in conflict with any of the current campaign rules. You are encouraged to exercise that ability. The Election Commission stands ready and available to moderate such a negotiation.

The Election Commission is committed to ensuring that all statewide elections of the Massachusetts Dental Society are fair to each candidate and looks forward to healthy and professional debate moving forward. Please feel free to contact me directly if I can be of assistance with this or any other issue regarding this particular election. Thank you.

With warmest regards,

David S. Samuels, DMD  
Vice Chair, MDS Election Commission

cc: Dr. L. Jeffrey Lowenstein



David Samuels &lt;drdsamuels@gmail.com&gt;

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## Request for Delegate Information

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**Dr Ken Marsh** <kmarshfamily4@verizon.net>

Fri, Jan 6, 2023 at 3:11 PM

Reply-To: Dr Ken Marsh &lt;kmarshfamily4@verizon.net&gt;

To: "drdsamuels@gmail.com" &lt;drdsamuels@gmail.com&gt;

Cc: "cchase@massdental.org" <cchase@massdental.org>, "tinalwang63@gmail.com" <tinalwang63@gmail.com>, "adamlowenstein@comcast.net" <adamlowenstein@comcast.net>, "fschianodmd@yahoo.com" <fschianodmd@yahoo.com>, Dr Ken Marsh <kmarshfamily4@verizon.net>, "lpitluck@gmail.com" <lpitluck@gmail.com>, "drspitz@smileboston.com" <drspitz@smileboston.com>, "maryamshomalidmd@gmail.com" <maryamshomalidmd@gmail.com>, "david@davidwolfdds.com" <david@davidwolfdds.com>, "moskaloms@aol.com" <moskaloms@aol.com>, "metdent@rcn.com" <metdent@rcn.com>, "a.pratap1234@gmail.com" <a.pratap1234@gmail.com>, "sbader127@aol.com" <sbader127@aol.com>, "johnbuehlerdmd@aol.com" <johnbuehlerdmd@aol.com>, "drjaverdmd@gmail.com" <drjaverdmd@gmail.com>, "rustommehta@mac.com" <rustommehta@mac.com>, "neelagandhi2003@yahoo.com" <neelagandhi2003@yahoo.com>

Dear Dr. Samuels

Your letter addressed to me and sent through Colleen Chase today contained erroneous misjudgments concerning the annual Metropolitan District caucus that I wish to correct so that we are perfectly clear about our purpose and intent. For over 150 years the Metropolitan District has held a caucus before the MDS House of Delegates. It has always been, and will continue to be, open to all members, delegates and non-delegates as well. Your calling it in your very first sentence a statewide delegate meeting is erroneous and misleading.

In your very next sentence, you said that the caucus' purpose was for campaigning...that is completely false. In its entire history, the caucus has never been a place where campaigning is involved or even allowed, whether candidates were from Metropolitan or not. In the past, Metropolitan has always strictly adhered to the bylaws and regulations regarding equal representation of candidates at our official meeting, which was always in March, and corresponded with the HOD, which was ritually in June. The purpose of the caucus is to become familiar with the upcoming resolutions and the HOD particulars and procedure. The only adjustment to that paradigm came last year when there was a contested election for Treasurer, and due to the pandemic we conducted a Zoomcast where both candidates were given exclusive and equal time according to the rules.

Thirdly, and quite significantly, you insinuate that there is a contested election. After a scrupulous review of the bylaws and regulations, the Metropolitan Executive Board wholeheartedly disagrees with that. The respected members of the MDS Nominations Committee worked diligently to vet candidates and appropriately present a slate of officers to be elected. Long after the sixty-day requirement had expired on November 25th no other candidates had submitted appropriate documentation of intent and District support in order to run for office from the floor of the House. There were to be no contested elections, and allowing any other candidacy now is out of order, and furthermore disenfranchises the respected Nominations Committee and their recommendations.

That being said, the Executive Board of Metropolitan District adamantly concludes that you, and your commission, has no jurisdiction over our caucus. We may invite whomever we choose.

Respectfully,

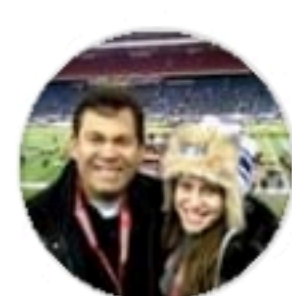
Ken Marsh, DDS, Secretary Metropolitan District Dental Society

Dr Ken Marsh

***In the End It's OK; if It's Not OK, It's Not the End***

[Quoted text hidden]





Jeff Lowenstein shared a link.



Dec 22, 2022 · 🐾

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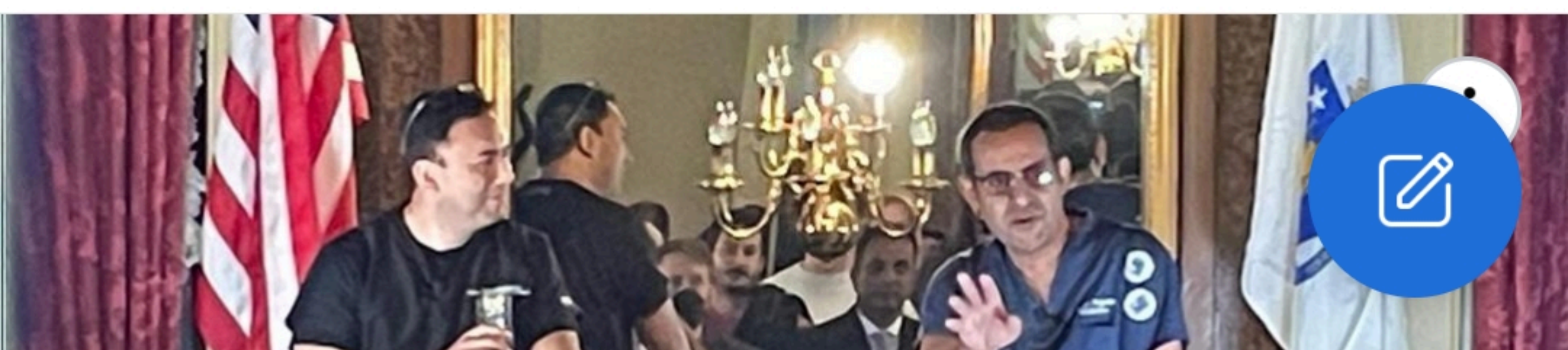
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***THE ADVOCACY AGENDA FOR 2023 WITH  
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***AND HOWARD ZOLOT FOR ADA  
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MDS Caucus &amp; Celebration of Question 2

## THE METROPOLITAN DISTRICT ZOOM CAUCUS

Once a year before the MDS House of the Delegates all members of the district are called together to discuss the issues, resolutions and candidates who will be up for election at the House. This year more than ever YOUR VOICE is needed. Inflation of dental supplies, new governmental regulations, pro-dental bills before the Massachusetts Legislature, the stagnant mid-level dental therapist conundrum, dental student debt, moving date of future Yankee Dentals and so much more will be discussed.

Please register and you will be provided with the zoom link and additional links to the resolutions, budget & financial reports, Executive Director & MDS President reports, profiles of the two candidates for MDS Treasurer and so much more.







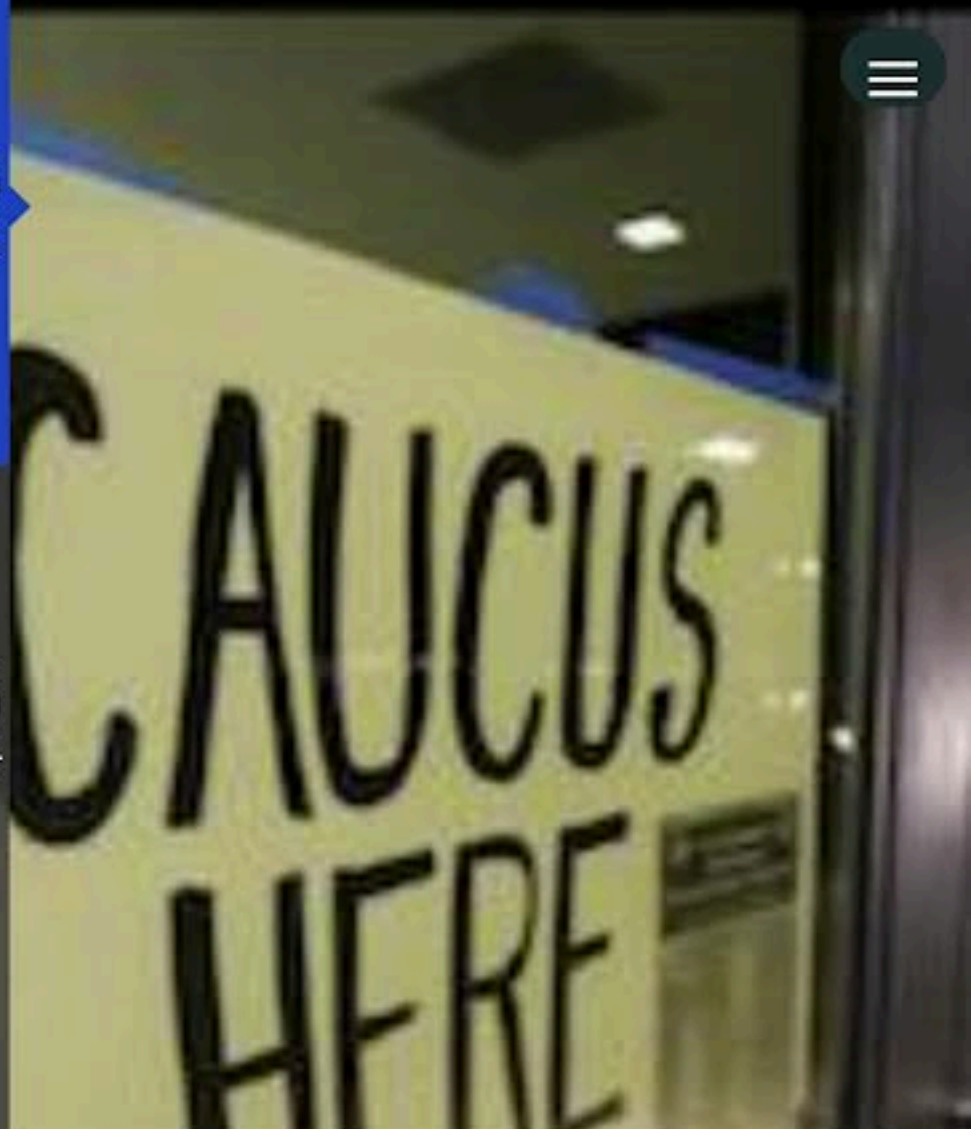
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## All 576 District Members Are Cordially Invited to Attend the Metropolitan Zoom Caucus

*Join the discussion on resolutions,  
issues & candidates before the MDS  
House*

JAN 19 2022  
7:00 PM — 9:00 PM EST

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