TABLE OF AUTHORITIES

state board is properly considered to be a private actor, and the two-prong Midcal standard

purposes of this motion, that the Board did in fact issue Cease and Desist Orders (Complaint ¶ 20), which leaves the issue of where the Board finds the authority to so act.

The Board argues that its authority to “act” to prevent non-dentist teeth whitening “may [illegible]

If instead the Board is denying that its conduct is per se unlawful, that contention is irrelevant to the Board's motion to dismiss.

VII. CONCLUSION