VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
September 7, 2012

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 1:00 p.m. on September 7, 2012 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Herbert R. Boyd, III, D.D.S., Secretary-Treasurer

MEMBERS PRESENT:
Jeffrey Levin, D.D.S.
Charles E. Gaskins, III, D.D.S.
Melanie C. Swain, R.D.H.
Tammy K. Swecker, R.D.H.
James D. Watkins, D.D.S.

MEMBER ABSENT:
Surya P. Dhakar, D.D.S.
Myra Howard, Citizen Member
Evelyn M. Rolon, D.D.S.

STAFF PRESENT:
Sandra K. Reen., Executive Director
Kelley W. Palmatier, Deputy Executive Director
Huong Vu, Operations Manager

COUNSEL PRESENT: Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT:
Frank Pedrotty, Senior Assistant Attorney General
Indy Toliver, Adjudication Specialist
Andrea Pegram, Court Reporter, Court Reporting Services, LLC

ESTABLISHMENT OF A QUORUM: With six members present, a quorum was established.

David J. Burrichter, D.D.S.
Case No. 140969: Dr. Burrichter appeared with counsel, Michael L. Goodman, in accordance with a Notice of the Board dated May 3, 2012.

Dr. Boyd swore in the witnesses.

Following Mr. Goodman's opening statement; Dr. Boyd admitted into evidence Applicant's exhibits A through D.

Following Mr. Pedrotty's opening statement; Dr. Boyd admitted into evidence Commonwealth's exhibits 1 through 4.

Testifying on behalf of the Commonwealth was Debra Hay-Pierce, DHP Senior Investigator and Rebecca Britt, M.S.W., Health Practitioners' Monitoring Program (HPMP) Case Manager.

Dr. Burrichter testified on his own behalf.

Closed Meeting: Dr. Levin moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) and Section 2.2-3712(F) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Dr. Burrichter. Additionally, it was moved that Board staff, Sandra Reen, Ms. Palmatier, Huong Vu, and Board counsel, Howard Casway, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene: Dr. Levin moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision: Dr. Boyd asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Mr. Casway reviewed the findings and conclusions then reported that the Board decided to grant Dr. Burrichter's license to practice dentistry and placing him on indefinite suspension, and staying the suspension contingent upon compliance with his agreements with the Virginia HPMP and the Minnesota's Health Professionals Services Program.

Dr. Gaskins moved to adopt the Findings of Fact, Conclusions of Law and Sanctions as read by Mr. Casway. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 3:21 p.m.

Herbert R. Boyd, III, D.D.S., President

Sandra K. Reen, Executive Director

Date

December 7, 2012
Date