Approved

VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
September 12-13, 2013

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:06 a.m. on September 12, 2013 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jeffrey Levin, D.D.S., President

MEMBERS PRESENT: Charles E. Gaskins, III, D.D.S.
Al Rizkalla, D.D.S.
Melanie C. Swain, R.D.H.
Tammy K. Swecker, R.D.H.

MEMBER ABSENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

STAFF PRESENT: Sandra K. Reen, Executive Director
Huong Vu, Operations Manager

COUNSEL PRESENT: Charis A. Mitchell, Assistant Attorney General

OTHERS PRESENT: Corie Wolf, Assistant Attorney General
Indy Toliver, Adjudication Specialist
Denise Holt, Court Reporter, Crane-Snead & Associates, Inc.

ESTABLISHMENT OF A QUORUM: With five members present, a panel was established.

Robert B. Johnson, D.M.D.
Case Nos. 134272 and 132325:

Dr. Johnson appeared with counsel, D. Heath Gates, Jr., and Alan Dumoff (appearing *pro hac vice*), in accordance with a Notice of the Board dated July 12, 2013.

Dr. Levin swore in the witnesses.

Following Ms. Wolf's opening statement; Dr. Levin admitted into evidence Commonwealth's exhibits 1 through 9.

Following Mr. Dumoff's opening statement; Dr. Levin admitted into evidence Respondent's exhibit 1.

Testifying on behalf of the Commonwealth were the followings:
In Person: Maima Fellers, DHP Senior Investigator, Andy Inge, DHP Investigative Assistant, William Lee, MD, Sushma Hirani, MD, Shaw Jones, MD, and Gary D. Klasser, DMD, Associate Professor of Louisiana State University Health Science Center-School of Dentistry.
By Phone: Patient BB, Patient I, Patient O, and Patient L.

Testifying on behalf of Dr. Johnson were the followings:
By video conference: Stephen D. Blood, DO and Michael Hattwick, MD.
In Person: Mark McClure, DMD

Dr. Johnson testified on his own behalf.

RECESSED: The Board recessed at 9:50 p.m. on September 12, 2013. Dr. Levin stated that the hearing will reconvene the next day, September 13, 2013 at 12:30 p.m. in the same room. Dr. Levin reminded the witnesses that they are still under oath.

RECONVENE: The meeting of the Virginia Board of Dentistry was called to order at 12:30 p.m. on September 13, 2013 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia

PRESIDING: Jeffrey Levin, D.D.S., President

MEMBERS PRESENT: Charles E. Gaskins, III, D.D.S.
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COUNSEL PRESENT: Charis A. Mitchell, Assistant Attorney General

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Indy Toliver, Adjudication Specialist
Sherelle A. Weaver, Court Reporter, Crane-Snead & Associates, Inc.

Testimony resumed.

Closed Meeting: Ms. Swain moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia to

deliberate for the purpose of reaching a decision in the matter of Dr. Johnson. Additionally, it was moved that Board staff, Sandra Reen, Huong Vu, and Board Counsel, Charis Mitchell, 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: Ms. Swain 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. Gaskins moved to adopt the Findings of Fact and Conclusions of Law. The motion was seconded and passed.

Ms. Swecker moved to revoke Dr. Johnson's license. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 12:15 a.m. on September 14, 2013.

Jeffrey Levin, D.D.S., President

December 5, 2013
Date

Sandra K. Reen, Executive Director

December 5, 2013
Date