APPROVED

VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
June 9, 2016

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 1:08 p.m., on June 9, 2016 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Charles E. Gaskins, III, D.D.S., President

MEMBERS PRESENT:
John M. Alexander, D.D.S.
A. Rizkalla, D.D.S.
Evelyn M. Rolon, D.M.D.
Carol R. Russek, J.D., Citizen Member
Melanie C. Swain, R.D.H.
Tammy K. Swecker, R.D.H.
James D. Watkins, D.D.S.
Bruce S. Wyman, D.M.D.

MEMBERS ABSENT: Tonya A. Parris-Wilkins, D.D.S.

STAFF PRESENT:
Sandra K. Reen, Executive Director
Donna M. Lee, Discipline Case Manager

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT:
James E. Schliessmann, Senior Assistant Attorney General
Shevaun Roukous, Adjudication Specialist
Andrea Pegram, Court Reporter

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

Kimberly D. Johnson, R.D.H. Reinstatement Case Nos.: 171896 and 159434

Ms. Johnson was present without legal counsel in accordance with the Notice of the Board dated May 19, 2016.

Dr. Gaskins swore in the witnesses.

Ms. Johnson made an opening statement, and she did not have any exhibits to present to the Board.

Following Mr. Schliessmann' s opening statement and presentation of Commonwealth's Exhibits 1-5, Ms. Johnson objected to the statements made by Mr. Schliessmann pertaining to the Virginia Alcohol Safety Action Program ("VASAP"). Dr. Gaskins overruled Ms. Johnson's objection, and admitted into evidence Commonwealth's Exhibits 1 through 5. Dr. Gaskins informed Ms. Johnson she could address her concerns about VASAP in her testimony to the Board.

Mr. Schliessmann informed the Board that Commonwealth's Exhibit 2, which is the mandatory suspension Order entered April 29, 2015, was missing Page 2 that contains Dr. Brown's signature when the exhibit packet was mailed to Ms. Johnson and the Board members. Mr. Schliessmann requested that Page 2 of the April 29, 2015 Order be admitted into evidence. Dr. Gaskins admitted Page 2 of the April 29, 2015 Order into evidence.

Ms. Reen stated that also in Commonwealth's Exhibit 2, the bate-stamped pages 5 and 6 are placed in the wrong order in the exhibit in that page 6 is before page 5.

Mr. Schliessmann stated that by letter dated June 2, 2016, he informed Ms. Reen and Ms. Johnson that he intended to amend the language in allegation number 2(a) of the Statement of Allegations in the Notice of Formal Hearing dated May 19, 2016. Mr. Schliessmann requested that the Board enter into evidence his letter that shows the amended language for allegation Number 2(a). Dr. Gaskins admitted into evidence the letter dated June 2, 2016 from Mr. Schliessmann to amend the Formal Hearing Notice.

Ms. Johnson testified on her own behalf.

Testifying on behalf of the Commonwealth was John W. Turner, DHP Senior Investigator.

Closed Meeting: Dr. Rizkalla 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 for the purpose of deliberation to reach a decision in the matter of Ms. Johnson. Additionally, he moved that Board staff, Ms. Reen, Ms. Lee, and Board counsel, Mr. Rutkowski 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. Rizkalla moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted

from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

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

Decision: Dr. Rizkalla moved to accept the Findings of Facts and Conclusion of Law as presented by the Commonwealth, amended by the Board, and read by Mr. Rutkowski. The motion was seconded and passed.

Mr. Rutkowski reported that the Board denied Ms. Johnson's application for reinstatement of her license to practice dental hygiene in the Commonwealth of Virginia.

Dr. Rizkalla moved to adopt the decision as read by Mr. Rutkowski. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 3:08 p.m.

A. Rizk

~~Charles E. Gaskins, III~~, D.D.S., President
A. Rizkalla DDS

9.16.16
Date

Sandra K Reen

Sandra K. Reen, Executive Director

September 16, 2016
Date