VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
March 09, 2017

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 12:46 p.m., on March 09, 2017 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Tonya A. Parris-Wilkins, D.D.S

MEMBERS PRESENT:
Nathanial C. Bryant, D.D.S.
August A. Petticolas Jr., D.D.S.
Tammy C. Ridout, R.D.H.
Bruce S. Wyman, D.M.D.

MEMBERS ABSENT:
Al Rizkalla, D.D.S
Patricia B. Bonwell, R.D.H., PhD
John M. Alexander, D.D.S.
James D. Watkins, D.D.S
Carol R. Russek, JD

STAFF PRESENT:
Sandra K. Reen, Executive Director
Christine M. Houchens, Licensing Manager
Sheila Beard, Executive Assistant

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT:
Julia Bennett, Assistant Attorney General
Tammie D. Jones, Adjudication Specialist
Jacqueline Barreto, Court Reporter
Marc A. Brown, Esquire, Respondent's Counsel

ESTABLISHMENT OF A QUORUM: With 5 Board members present, a panel was established in accordance with Va. Code §54.1-2400(11).

Cleophus Clark, D.D.S.

Case Nos. 162414, 163160, and 171201

Dr. Clark was present with legal counsel in accordance with the Notice of the Board dated February 7, 2017.

Dr. Parris-Wilkins swore in the witnesses.

Prior to opening statements, Ms. Bennett noted that the respondent and the Commonwealth entered into a stipulation agreement, consenting to the findings of fact and conclusions of law set forth in allegations #3-6 of the Statement of Allegations. The joint motion to accept the agreement was granted by Dr.

Parris-Wilkins prior to the Formal Hearing and therefore only allegation #2 would be discussed during the Formal Hearing.

Following Ms. Bennett's opening statement; Dr. Parris-Wilkins admitted into evidence Commonwealth's exhibits 1-11.

Following Mr. Brown's opening statement; Dr. Parris-Wilkins admitted into evidence Respondent's exhibits 1-11.

Testifying on behalf of the Commonwealth were Karen Brooke, DHP Senior Investigator and witness "Patient A".

Testifying on behalf of Dr. Clark was Dr. Jason Hong. Dr. Clark testified on his own behalf.

Closed Meeting: Dr. Wyman 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 Dr. Clark. Additionally, he moved that Board staff, Ms. Reen, Ms. Houchens, Ms. Beard, 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. Wyman moved to certify that this panel of the Board 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. Petticolas moved to accept the Findings of Facts and Conclusion of Law as presented by the Commonwealth, amended by the Board and read by Mr. Rutowski. The motion was seconded and passed.

Mr. Rutkowski reported that Dr. Clark is assessed a monetary penalty of $5000 and required to complete, within 6 months from the date of entry of the Order, a 3 credit hour course in the subject of recordkeeping and a 4 credit hour course in the subject of implant surgical placement. The continuing education courses shall be obtained from a program accredited by the Commission on Dental Accreditation ("CODA") of the American Dental Association.

Dr. Petticolas moved the adoption of the sanctions imposed as read by Mr. Rutkowski. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 5:35 p.m.

Tonya A. Parris-Wilkins D.D.S., Secretary-Treasurer

Sandra K. Reen, Executive Director

Date

Date