

APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, January 20, 2012 Department of Health Professions Henrico, Virginia
Perimeter Center
9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 12:31 p.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Deeni Bassam, M.D.
J. Randolph Clements, D.P.M.
Stuart Mackler, M.D.
Claudette Dalton, M.D.

BOARD COUNSEL: Howard Casway, Senior r. Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager

COURT REPORTER: Wanda Blanks, Farnsworth & Taylor Ct. Reporting

**PARTIES ON BEHALF OF
COMMONWEALTH:** Corie E. Tillman Wolf, Assistant Attorney General
J. Fielding Yelverton, Adjudication Specialist

**WITNESSES FOR THE
COMMONWEALTH:** T.C. Butera, D.P.M., Senior Investigator, DHP
Individual A
Individual B
Individual C
Individual D
Individual E

MATTER SCHEDULED: Robert G. Fenton, M.D. License No.: 0101-246955
Case No.: 138782

PRELIMINARY MATTER: The Chair noted that Dr. Fenton was not present and the time was currently 12:32 p.m. and Dr. Fenton had been noticed to appear before the Board at 11:00 a.m.

Ms. Wolf advised that no communication had been received from Dr. Fenton and presented Commonwealth Exhibit #3, an affidavit signed by the Executive Director of the Board attesting that the Notice of Formal Hearing had been sent by certified and 1st class mail to Dr. Fenton's address of record with the Board.

RULING:

Based upon the representations of Assistant Attorney General Corie E. Tillman Wolf and upon the information contained in Commonwealth's Exhibit #3, the Chair ruled that proper Notice of the proceeding had been provided to Dr. Fenton at his address of record on file with the Board. Therefore, the formal hearing would proceed in Dr. Fenton's absence and Commonwealth's Exhibit #3 was admitted into evidence.

DISCUSSION:

Dr. Fenton did not appear before the Board in person in accordance with a Notice of the Board dated December 16, 2011, nor was he represented by counsel at the hearing.

The Board received evidence and sworn testimony from witnesses called by the Commonwealth regarding the matters as set forth in the Statement of Particulars dated December 16, 2011.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Bassam, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Fenton. Additionally, he moved that Mr. Casway, Ms. Deschenes, and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Dalton, and duly seconded, the Board made certain Findings of Fact and Conclusions of Law and voted to revoke Dr. Fenton's license.

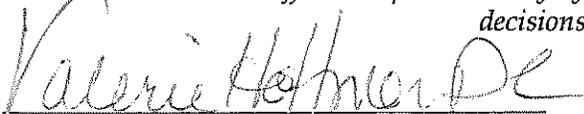
VOTE:

The vote was unanimous.

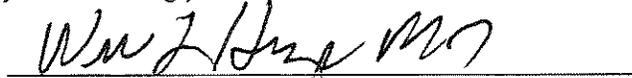
ADJOURNMENT:

The Board adjourned at 1:54 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Valerie Hoffman, D.C., Chair



William L. Harp, M.D., Executive Director

2/23/12
Date

2/29/12
Date

APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, January 20, 2012 Department of Health Professions Henrico, Virginia
Perimeter Center
9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 2:10 p.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Deeni Bassam, M.D.
J. Randolph Clements, D.P.M.
Stuart Mackler, M.D.
Thomas Parish, PA-C

BOARD COUNSEL: Howard Casway, Senior Assistant Attorney General

STAFF PRESENT: William L. Harp, M.D., Executive Director
Renée S. Dixson, Discipline Case Manager

COURT REPORTER: Wanda Blanks, Farnsworth & Taylor Ct. Reporting

**PARTIES ON BEHALF OF
COMMONWEALTH:** Wayne Halbleib, Sr. Assistant Attorney General
Gerald Milsky, Adjudication Specialist

**WITNESSES FOR THE
COMMONWEALTH:** Amy Stewart, Case Manager, HPMP
Patricia Harte-Byers, Senior Investigator, DHP

OTHERS PRESENT: Eugene Pometto
Michael Bickford

MATTER SCHEDULED: Patricia Sue Pometto, P.A. License No.: 0101-001832
Case No.: 128047

PRELIMINARY MATTER: Ms. Pometto submitted additional documentation which was marked as Respondent's Exhibit A.

RULING: Hearing no objections from Mr. Halbleib on behalf of the Commonwealth, the Chair ruled that Respondent's Exhibit A would be admitted into evidence.

DISCUSSION:

Ms. Pometto appeared before the Board in person in accordance with a Notice of the Board dated December 16, 2011. She was not represented by counsel and confirmed that she wished to proceed without counsel.

The Board received evidence and sworn testimony from witnesses by the Commonwealth and Ms. Pometto regarding the matters as set forth in the Statement of Particulars dated December 16, 2011.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Bassam, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Ms. Pometto. Additionally, he moved that Mr. Casway, Dr. Harp, and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Bassam, the Board made certain Findings of Fact and Conclusions of Law and voted to indefinitely suspend Ms. Pometto's license and ordered that she could not petition in not less than one (1) year from entry of the Order for reinstatement of her license.

VOTE:

The vote was unanimous.

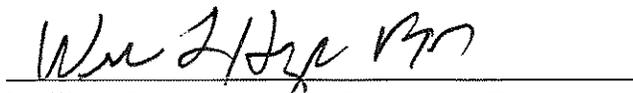
ADJOURNMENT:

The Board adjourned at 6:41 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Valerie Hoffman, D.C., Chair



William L. Harp, M.D., Executive Director

2/23/12
Date

2/29/12
Date