

FINAL APPROVED

**VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE
MINUTES**

Thursday, January 28, 2010

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite #300

Henrico, Virginia

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 9:15 a.m.
- MEMBERS PRESENT:** Malcolm L. Cothran, Jr., M.D., Chair
Stuart Mackler, M.D.
- STAFF PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager
Julia Bennett, Adjudication Specialist
- OTHERS PRESENT:** Cheryl Marston [*present on behalf of Dr. Marston*]
Reverend Frank Potter [*present on behalf of Dr. Marston*]
Brenda C. Mouser
Dwayne Mouser
Stephanie E. Grana, Esquire
- MATTER:** Jonathan E. Marston, M.D. License No.: 0101-054648
Case No.: 124489
- DISCUSSION:** Dr. Marston appeared before the Committee in person in accordance with a Notice of the Board dated November 23, 2009. Dr. Marston was represented by Anisa P. Kelley, Esquire.
- The Committee fully discussed the allegations in the Notice with Dr. Marston.
- CLOSED SESSION:** Upon a motion by Dr. Mackler, and duly seconded, the Committee 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. Marston. Additionally, he moved that Ms. Deschenes and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee 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 Committee re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mackler, and duly seconded, the Committee made certain Findings of Fact and Conclusions of Law and voted to issue Dr. Marston a reprimand and subject his license on certain terms.

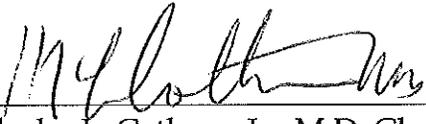
VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 11:20 a.m.

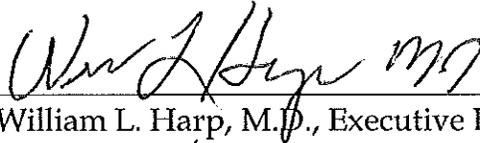
As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Marston, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Marston, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.



Malcolm L. Cothran, Jr., M.D. Chair

6.24.10

Date



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

6/30/10

Date

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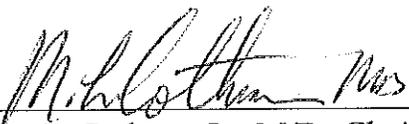
- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 12:07 p.m.
- MEMBERS PRESENT:** Malcolm L. Cothran, Jr., M.D., Chair
Stuart Mackler, M.D.
Michael Signer, Ph.D., J.D.
- STAFF PRESENT:** William L. Harp, M.D., Executive Director
Renée S. Dixon, Discipline Case Manager
Stacy Thompson, Adjudication Specialist
- MATTER:** Kaveh Ofogh, M.D. License No.: 0101-052243
Case No.: 125566
- DISCUSSION:** Dr. Ofogh appeared before the Committee in person in accordance with a Notice of the Board dated November 30, 2009. Dr. Ofogh was represented by Tracy T. Hague, Esquire and Patrick Hurd, Esquire.
- The Committee fully discussed the allegations in the Notice with Dr. Ofogh.
- CLOSED SESSION:** Upon a motion by Dr. Mackler, and duly seconded by Dr. Signer, the Committee 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. Ofogh. Additionally, he moved that Dr. Harp and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee 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 Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Mackler, and duly seconded by Dr. Signer, the Committee made certain Findings of Fact and Conclusions of Law and voted to issue Dr. Ofogh a reprimand.

VOTE: The vote was unanimous.

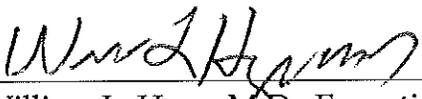
ADJOURNMENT: The Committee adjourned at 2:08 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Ofogh, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Ofogh, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.



Malcolm L. Cothran, Jr., M.D., Chair

6.24.10
Date



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

6/30/10
Date