

**VIRGINIA BOARD OF COUNSELING  
FORMAL HEARING  
MINUTES**

**CALL TO ORDER:** A panel of the Board of Counseling (“Board”) convened on Friday, May 18, 2012, at 12:35 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia, Board Room 2.

**MEMBERS PRESENT:** John Penn Turner, LPC, Chair  
Johnston Brendel, Ed. D, LPC, LMFT  
Donnie G. Conner, Ph.D., LPC, LMFT  
Michael Fletcher  
Sandra Malawer, LPC, LMFT  
Charlotte Markva, LPC, LMFT, CSAC  
Charles R. McAdams, III, Ed. D, LPC, LMFT  
Catherine Shwaery  
Linda Seeman, Ph.D., LPC LMFT  
Terry Tinsley, LPC, LMFT

**BOARD COUNSEL:** Howard M. Casway, Sr. Assistant Attorney General

**STAFF PRESENT:** Catherine Chappell, Executive Director  
Patricia L. Larimer, Deputy Executive Director - Discipline  
Kathy Theado, Administrative Assistant

**PARTIES ON BEHALF  
OF THE COMMONWEALTH:** Peter Opper, Adjudication Specialist

**RESPONDENT:** Jose Luis Avila  
License No.: 0717000500  
Case No.: 142625

**RESPONDENT’S  
WITNESSES:** Rebecca Hernandez-Hamilton, LPC, LMFT

**DISCUSSION:** Jose Luis Avila appeared before the Board in person in accordance with a Notice and Statement of Particulars dated April 5, 2012.

The Board received evidence and sworn testimony regarding the allegations in the Notice from witnesses called to testify.

**CLOSED SESSION:** Upon a motion by Mr. Tinsley and duly seconded by Ms. Malawer, 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

Jose Avila. Additionally, he moved that Mr. Casway, Ms. Chappell, Ms. Larimer, and Ms. Theado 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 reconvened in open session and announced its decision.

**DECISION:**

Upon a motion by Dr. Seeman, and duly seconded by Ms. Markva, the Board made certain Findings of Fact and Conclusions of Law. Further, upon a motion by Dr. Seeman, and duly seconded by Dr. Conner, the Board voted to reinstate Jose Avila's LMFT license without restrictions. The vote was unanimous.

**ADJOURNMENT:**

The Board adjourned at 1:23 p.m.

  
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John Penn Turner, LPC, Chair

  
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Catherine Chappell, Executive Director

5/29/12  
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Date

6/13/12  
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Date