Approved

VIRGINIA BOARD OF DENTISTRY
FORMAL HEARINGS
December 2, 2010

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 11:06 a.m. on December 2, 2010 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Robert B. Hall, Jr., D.D.S.

MEMBERS PRESENT:
Jeffrey Levin, D.D.S.
Paul N. Zimmet, D.D.S.
Herbert R. Boyd, III, D.D.S.
Myra Howard, Citizen Member
Martha C. Cutright. D.D.S.

MEMBERS EXCUSED:
Augustus A. Petticolas, Jr., D.D.S.
Meera Gokli, D.D.S.
Jacqueline G. Pace, R.D.H.

MEMBER ABSENT: Misty Mesimer, R.D.H.

STAFF PRESENT:
Sandra K. Reen., Executive Director
Huong Vu, Administrative Assistant

COUNSEL PRESENT: Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT:
Kelley Wynne, Adjudication Specialist
Lynn Taylor, Court Reporter, Farnsworth & Taylor Reporting

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

Robert E. Cruickshanks, D.D.S.
Case No. 131225: The initial hearing was convened at 11:06 am and adjourned at 12:15 pm. Dr. Cruickshanks was not present.

Following the arrival of Dr. Cruickshanks, the Board decided to vacate the previous hearing and to re-convene at 1:05 pm.

ADDITIONAL MEMBER ABSENT AT THIS HEARING: Jeffrey Levin, D.D.S.

ESTABLISHMENT OF A PANEL:

With five members present, a panel was established.

Dr. Cruickshanks appeared without counsel in accordance with a Notice of the Board dated September 20, 2010.

Dr. Hall swore in the witnesses.

Following Ms. Wynne's opening statement, Dr. Hall admitted into evidence Commonwealth's exhibit 1 through 5.

Dr. Cruickshanks had no evidence to submit after his opening statement.

Testifying on behalf of the Commonwealth was Rose DeMatteo, the Board of Dentistry Compliance Manager.

Dr. Cruickshanks testified on his own behalf.

Closed Meeting:

Dr. Boyd moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Dr. Cruickshanks. Additionally, it was moved that Board staff, Sandra Reen, Huong Vu, and Board counsel, Howard Casway, 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. Boyd moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

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

Decision:

Dr. Hall asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Mr. Casway reviewed the findings and conclusions then reported that the Board decided to suspend Dr. Cruickshanks's license indefinitely for a period of not less than 60 days. At such time as Dr. Cruickshanks petitions the Board for reinstatement of his license, he shall be noticed to appear before a Special Conference Committee of the Board which shall have the

authority to determine whether to reinstate his license and upon such terms as it may deem necessary.

Dr. Zimmet moved to adopt the Findings of Fact, Conclusions of Law and Sanctions as read by Mr. Casway. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 3:40 p.m.

Robert B. Hall, Jr., DDS, Vice President

3/11/11
Date

Sandra K. Reen, Executive Director

March 11, 2011
Date