APPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "C"

TIME AND PLACE: Special Conference Committee "C" convened on May 10, 2013, at 10:40 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, Virginia 23233.

PRESIDING: Myra Howard

MEMBERS PRESENT: Evelyn M. Rolon, D.M.D.
James D. Watkins, D.D.S.

STAFF PRESENT: Kelley W. Palmatier, Deputy Executive Director
Donna Lee, Discipline Case Manager
Julia K. Bennett, Adjudication Specialist
Indy Toliver, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Robert Johnson, DMD
Case Nos.: 132325 and 134272

Dr. Johnson appeared with counsel, Richard Stahl and Alan Dumoff (appearing *pro hac vice*), to discuss the allegations set forth in a Notice of the Board dated November 16, 2012. The Committee received statements from Dr. Johnson, Mr. Stahl, and Mr. Dumoff and discussed the allegations with them. Keith Williamson, Court Reporter, was also present at the request of Dr. Johnson to record the proceedings.

Ms. Bennett informed the Committee that Gary D. Klasser, D.M.D., was present by video conference as an expert witness on behalf of the Board, and she presented Dr. Klasser's curriculum vitae and a brief educational review of his credentials.

Mr. Dumoff objected to Dr. Klasser being present for the entire informal conference since he would be used as an expert witness "de novo" if there is a formal hearing, and also that confidential information may need to be discussed with the Committee.

Ms. Bennett stated that the meeting was open to the public and that if the Committee went into closed session, she and Dr. Klasser would be excluded from the closed session.

Mr. Dumoff also objected to Dr. Klasser being an expert because he was not sure Dr. Klasser had expertise in the specific areas that were before the Committee.

The Committee overruled the objections and approved Dr. Klasser as an expert. The Committee received statements from Dr. Klasser and discussed the allegations with him.

Closed Meeting:

Dr. Watkins moved that the Committee 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 Robert Johnson. Additionally, Dr. Watkins moved that Ms. Palmatier, Ms. Lee, and Ms. Toliver attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Watkins moved that the Committee certify that it 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.

DECISION:
Case Nos.: 132325 and 134272

Ms. Toliver reported that after reviewing the facts before it, the Committee found that it could not resolve this matter within the limits of its authority and that a Formal Hearing would be convened.

Dr. Watkins moved to adopt the decision of the Committee. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 9:50 p.m.

Myra Howard, Chair

6-21-13
Date

Sandra K. Reen, Executive Director

June 21, 2013
Date