APPROVED

VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
June 12, 2014

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 8:10 a.m., on June 12, 2014, in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Henrico, VA 23233.

PRESIDING: Jeffrey Levin, D.D.S., President

MEMBERS PRESENT:
Surya P. Dhakar, D.D.S.
Charles E. Gaskins, III, D.D.S.
A. Rizkalla, D.D.S.
Tammy K. Swecker, R.D.H.
James D. Watkins, D.D.S.
Bruce S. Wyman, D.M.D.

MEMBERS ABSENT:
Myra Howard, Citizen Member
Evelyn M. Rolon, D.M.D.
Melanie C. Swain, R.D.H.

STAFF PRESENT:
Sandra K. Reen, Executive Director
Donna Lee, Discipline Case Manager

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT:
James E. Schliessmann, Senior Assistant Attorney General
Gerald A. Milsky, Adjudication Specialist
Andrea Pegram, Court Reporter, Court Reporting Services, LLC

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

Kym Johnson-Virgil, D.D.S.
Case Nos.: 153370, 154963, 155254, and 155255

Dr. Johnson-Virgil was not present in accordance with a Notice of the Board dated May 13, 2014.

Mr. Schliessmann addressed that proper notice was given to the Respondent, and introduced into evidence an Affidavit signed by Ms. Reen that verified that the Formal Hearing and Statement of Particulars were sent by certified mail to Dr. Johnson-Virgil's address of record on file with the Board.

Dr. Levin ruled that adequate notice was given in this case based upon the representations of the Commonwealth, and the hearing proceeded in the Respondent's absence.

Dr. Watkins informed the Board that he met the Respondent, Dr. Johnson-Virgil, in October of 2013, and she wanted to talk to him about being evicted by her landlord; however, Dr. Watkins told the Respondent that he could not be of assistance because the Board did not get involved in landlord disputes. Dr. Watkins also stated that he did not talk to the Respondent about anything

that would cause a conflict regarding him hearing this case.

Mr. Schliessmann stated he had no objections to Dr. Watkins participating in the formal hearing because Dr. Watkins would be fair and impartial in rendering a decision in this matter.

Dr. Levin ruled that Dr. Watkins did not have to recuse himself from participating in the formal hearing.

Dr. Levin swore in the witnesses.

Following Mr. Schliessmann's opening statement, Dr. Levin admitted into evidence Commonwealth Exhibits 1 through 6.

Testifying on behalf of the Commonwealth were the following:
In person: Meghan R. Wingate, DHP Senior Investigator.
By Telephone: Irving Goldstein, Esquire, attorney for Tower Park Real Estate; and Michael Andrew Shapiro, Associate Broker for Tower Park Real Estate.

Closed Meeting: Dr. Gaskins moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) and § 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Kym Johnson-Virgil. Additionally, Dr. Gaskins moved that Ms. Reen, Mr. Rutkowski, and Ms. Lee attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and passed.

Reconvene: Dr. Gaskins moved that the Board 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: Dr. Gaskins moved to accept the Findings of Facts and Conclusions of Law as presented by the Commonwealth. The motion was seconded and passed.

Dr. Gaskins moved to revoke the right of Dr. Johnson-Virgil to renew her license to practice dentistry in the Commonwealth of Virginia. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 9:14 a.m.

Jeffrey Levin, D.D.S. Chair
Melanie Swain BSDH RDH
9/12/14
Date

Sandra K. Reen, Executive Director
September 12, 2014
Date

Approved

VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
June 12, 2014

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 2:00 p.m., on June 12, 2014 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jeffrey Levin, D.D.S.

MEMBERS PRESENT:
Charles E. Gaskins, III, D.D.S.
A Rizkalla, D.D.S.
Melanie C. Swain, R.D.H.
James D. Watkins, D.D.S.

MEMBERS EXCUSED:
Surya P. Dhakar, D.D.S
Tammy K. Swecker, R.D.H.
Bruce S. Wyman, D.M.D.

MEMBERS ABSENT:
Myra Howard, Citizen Member
Evelyn M. Rolon, D.M.D.

STAFF PRESENT:
Kelley W. Palmatier, Deputy Executive Director
Huong Q. Vu, Operations Manager

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT:
Corie Wolf, Assistant Attorney General
Shevaun Roukous, Adjudication Specialist
Wanda Blanks, Court Reporter, Farnsworth & Taylor Reporting

ESTABLISHMENT OF A QUORUM: With five members present, a panel was established.

Farhad Hakim, D.D.S.
Case No.: 145247

Dr. Hakim appeared with Kenneth C. Hirtz, Esquire in accordance with a Notice of the Board dated March 17, 2014.

Dr. Levin swore in the witnesses.

Following Ms. Wolf's opening statement, Dr. Levin admitted into evidence Commonwealth's exhibits 1 through 3.

Following Mr. Hirtz's opening statement, Dr. Levin admitted into evidence Respondent's exhibit A and B.

Testifying on behalf of the Commonwealth were Ron Houser, DHP Senior Investigator, Andy Inge, DHP Investigative Assistant, and Patient A.

Dr. Hakim testified on his own behalf.

Closed Meeting: Ms. Swain moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) and Section 2.2-3712(F) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Farhad Hakim, DDS. Additionally, she moved that Board staff, Ms. Palmatier, Ms. Vu, and Board counsel, Mr. Rutkowski 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: Ms. Swain 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: Ms. Swain moved to accept the Findings of Facts and Conclusion of Law as presented by the Commonwealth, amended by the Board, and read by Mr. Rutkowski. The motion was seconded and passed.

Mr. Rutkowski reported that the Board decided to reprimand and place Dr. Hakim on INDEFINITE PROBATION subject to the following terms and conditions:

- Monetary Penalty - $10,000.00 to be paid to the Board within 90 days from entry of Order;
- Continuing Education – 7 hours in ethics and 4 hours in risk management within 12 months from entry of Order;
- Staff training – on proper accounting and billing practices within 6 months from entry of Order;
- Unannounced Inspection - Dr. Hakim's practice will be subject to unannounced inspection within 12 months from completion of staff training; and
- Inspection fee – Dr. Hakim is solely responsible for the inspection fee of $350.00 to be paid to the Board within 30 days from such inspection.

Ms. Swain moved to adopt the sanctions as read by Mr. Rutskowski. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 7:26 p.m.

~~Jeffrey Levin, D.D.S.~~, President

9/12/14
Date

Sandra K. Reen, Executive Director

September 12, 2014
Date