Approved

VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
June 13, 2014

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 1:40 p.m., on June 13, 2014 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

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

MEMBERS PRESENT:
Charles E. Gaskins, III, D.D.S.
Al Rizkalla, D.D.S.
Melanie C. Swain, R.D.H.
James D. Watkins, D.D.S.
Bruce S. Wyman, D.M.D.

MEMBERS ABSENT:
Surya P. Dhakar, D.D.S.
Myra Howard, Citizen Member
Evelyn M. Rolon, D.M.D.
Tammy K. Swecker, R.D.H.

STAFF PRESENT:
Sandra K. Reen., Executive Director
Huong Q. Vu, Operations Manager

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT:
Wayne T. Halbleib, Senior Assistant Attorney General
Gerald A. Milsky, Adjudication Specialist
Andrea Pegram, Court Reporter, Court Reporting Services, LLC.

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

Tracy E. Spraker, R.D.H.
Case No.: 155393

Ms. Spraker was not present in accordance with a Notice of the Board dated May 13, 2014.

Mr. Halbleib 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 Ms. Spraker's address of record on file with the Board. He also stated that signed certified mail documents were returned from the Post Office.

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. Levin swore in the witnesses.

Following Mr. Halbleib's opening statement, Dr. Levin admitted into evidence Commonwealth's Exhibits 1 through 4.

Testifying on behalf of the Commonwealth were the following:
In person: Laura Pezzulo, DHP Senior Investigator
By phone: Brandon Scott Fletcher, Pharmacist of Rite-Aid Pharmacy in Wytheville, Virginia.

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 consider the matter of Dr. White. Additionally, he moved that Board staff, Ms. Reen, Ms. Vu, and Board counsel, Mr. Rutkowski to 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. The motion was seconded and passed.

Ms. Swain moved to revoke Ms. Spraker's license. The motion was seconded and passed.

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ADJOURNMENT: The Board adjourned at 2:41 p.m.

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

9/12/14
Date

Sandra K. Reen, Executive Director

September 12, 2014
Date