

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
June 11, 2015**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 1:30 p.m., on June 11, 2015 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Melanie C. Swain, R.D.H., President

MEMBERS PRESENT: John M. Alexander, D.D.S.
Sharon W. Barnes, Citizen Member
Surya P. Dhakar, D.D.S.
Al Rizkalla, D.D.S.
Evelyn M. Rolon, D.M.D.
Tammy K. Swecker, R.D.H.
James D. Watkins, D.D.S.

MEMBERS EXCUSED: Charles E. Gaskins, III, D.D.S.
Bruce S. Wyman, D.M.D.

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

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT: James E Schliessmann, Assistant Attorney General
Tiffany A. Laney, Adjudication Specialist
Holly M. Bush, Court Reporter, Farnsworth & Taylor Reporting.

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

**Robert S. Kidder, D.D.S.
Case No.: 155322 and
161450**

Dr. Kidder was present without legal counsel in accordance with the Notice of the Board dated May 11, 2015.

Ms. Swain swore in the witnesses.

Following Dr. Kidder's opening statement, Ms. Swain admitted into evidence Respondent's Exhibits A.

Following Ms. Wolf's opening statement, Ms. Swain admitted into evidence Commonwealth's Exhibits 1 through 6.

Testifying on behalf of the Commonwealth were Marcella Luna, DHP Senior Investigator and Phillip Powers, US Probation Officer.

Dr. Kidder testified on his own behalf.

Closed Meeting:

Dr. Watkins 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 for the purpose of deliberation to reach a decision in the matter of Dr. Kidder. Additionally, he moved that Board staff, Ms. Reen, 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:

Dr. Watkins 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.

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

Decision:

Dr. Watkins 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.

Dr. Watkins moved to deny Dr. Kidder's reinstatement application to practice in the Commonwealth of Virginia. Following a second, a roll call vote was taken. The motion passed unanimously.

ADJOURNMENT:

The Board adjourned at 3:20 p.m.



Melanie C. Swain, R.D.H., President



Sandra K. Reen, Executive Director



Date



Date