

FINAL APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, September 16, 2011

Department of Health Professions
Perimeter Center

Henrico, Virginia

9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 10:31 a.m.

MEMBERS PRESENT: Claudette Dalton, M.D., Chair
Deeni Bassam, M.D.
J. Randolph Clements, D.P.M.
Irene Farquhar, Ph.D.
Gopinath Jadhav, M.D.
Valerie Hoffman, D.C.
Stuart Mackler, M.D.

BOARD COUNSEL: Amy Marschean, Senior Assistant Attorney General

STAFF PRESENT: William L. Harp, M.D., Executive Director of the Board
Jennie Wood, Case Manager

COURT REPORTER: Lanieda Briggs, Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** Kelley Wynne, Adjudication Specialist

**COMMONWEALTH
WITNESS:** Debra Hay-Pierce, Sr. Investigator

MATTER SCHEDULED: Larry Felix Weisner, M.D. License No.: 0101-050970
Case No.: 139134

Dr. appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated August 26, 2011, after waiving thirty (30) days notice prior to the convening of this proceeding. Dr. Weisner was not represented by counsel.

The Board received evidence and sworn testimony from witnesses called by the parties and Dr. Weisner regarding the matters as set forth in the Statement of Particulars dated August 26, 2011.

CLOSED SESSION:

Upon a motion by Dr. Hoffman, and duly seconded by Dr. Mackler, the Board voted to 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 Dr. Weisner. Additionally, she moved that Ms. Marschean, Dr. Harp and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Jadhav, the Board made certain Findings of Fact and Conclusions of Law and voted to reinstate the license of Dr. Weisner.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 11:14 a.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Claudette Dalton, M.D., Chair

Oct 20, 2011
Date



William L. Harp, M.D., Executive Director

10/21/11
Date

FINAL APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, September 16, 2011

Department of Health Professions
Perimeter Center

Henrico, Virginia

9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 1:00 p.m.

MEMBERS PRESENT: Valerie Hoffman, D.C. Chair
Claudette Dalton, M.D.
Deeni Bassam, M.D.
J. Randolph Clements, D.P.M.
Irene Farquhar, Ph.D.
Gopinath Jadhav, M.D.
Stuart Mackler, M.D.

BOARD COUNSEL: Amy Marschean, Senior Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager

COURT REPORTER: Lanieda Briggs, Crane-Snead & Associates

**PARTIES ON BEHALF OF
COMMONWEALTH:** Kelley Wynne, Adjudication Specialist

**COMMONWEALTH
WITNESS:** Cecile Custer, R.N., Senior Investigator

**RESPONDENT
WITNESSES:** George Burke, M.D.
Joseph O'Connor, Professor, George Washington University

MATTER SCHEDULED: David Fowler Burke, M.D. License No.: 0101-050970
Case No.: 137837

DISCUSSION: Dr. Burke appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated August 11, 2011. Dr. Burke was not represented by counsel.

The Board received evidence and sworn testimony from witnesses called by the parties and Dr. Burke regarding the

matters as set forth in the Statement of Particulars dated August 11, 2011.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Jadhav, the Board voted to 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 Dr. Burke. Additionally, he moved that Ms. Marschean, Ms. Deschenes, and Ms. Dixson attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Dalton, the Board made certain Findings of Fact and Conclusions of Law and voted to reinstate Dr. Burke's license to a full and unrestricted status

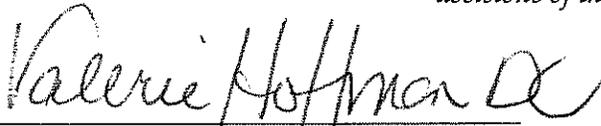
VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 3:06 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Valerie Hoffman, D.C., Chair

10/7/11
Date



William L. Harp, M.D., Executive Director

10/7/11
Date

FINAL APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, September 16, 2011

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite #300

Henrico, Virginia

CALL TO ORDER: A panel of the Board was called to order at 3:15 a.m.

MEMBERS PRESENT: Valerie Hoffman, D.C. Chair
Claudette Dalton, M.D.
Deeni Bassam, M.D.
J. Randolph Clements, D.P.M.
Irene Farquhar, Ph.D.
Gopinath Jadhav, M.D.
Stuart Mackler, M.D.

BOARD COUNSEL: Amy Marschean, Senior Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager

COURT REPORTER: Lanieda Briggs, Crane-Snead & Associates

**PARTIES ON BEHALF OF
COMMONWEALTH:** Corie E. Tillman Wolf, Assistant Attorney General
Kelley Wynne, Adjudication Specialist

**COMMONWEALTH
WITNESS:** Vicky Fox, Senior Investigator

MATTER SCHEDULED: Stephen Michael Erle, D.C. License No.: 0101-556636
Case No.: 135966

PRELIMINARY MATTERS: Dr. Erle requested that the Board allow him to submit another reference letter that he had just received.

Ms. Wolf noted no objections to the additional exhibit from Dr. Erle.

RULING: Hearing no objections from the Commonwealth, the Chair admitted the exhibit, which was marked as Respondent Exhibit G.

DISCUSSION:

Dr. Erle appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated January 11, 2011, and Amended Statement of Particulars dated August 18, 2011. Dr. Erle was not represented by counsel.

The Board received evidence and sworn testimony from witnesses called by the parties and Dr. Erle regarding the matters as set forth in the Amended Statement of Particulars dated August 18, 2011.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Clements, the Board voted to 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 Dr. Erle. Additionally, he moved that Ms. Marschean, Ms. Deschenes, and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Farquhar, and duly seconded by Dr. Dalton, the Board made certain Findings of Fact and Conclusions of Law and voted to continue the license of Dr. Erle on indefinite probation subject to certain terms and conditions. Further it was ordered that upon verification of compliance with the terms, his license to practice chiropractic will be fully reinstated.

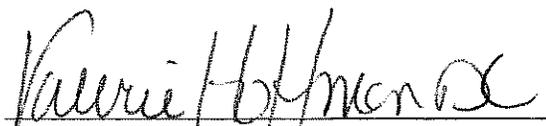
VOTE:

The vote was 6 to 1 with Dr Hoffman voting "no."

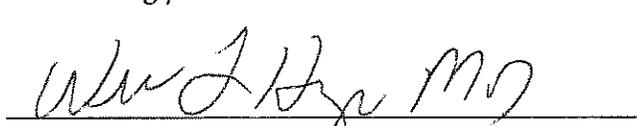
ADJOURNMENT:

The Board adjourned at 6:25 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.


Valerie Hoffman, D.C., Chair

10/7/11
Date


William L. Harp, M.D., Executive Director

10/7/11
Date