

FINAL APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, Friday, June 22, 2012

Department of Health Professions

Henrico, Virginia

Perimeter Center

9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 9:10 a.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Deeni Bassam, M.D.
J. Randolph Clements, D.P.M.
Claudette Dalton, M.D.
Stuart Mackler, M.D.
Karen Ransone, M.D.
Jane Maddux

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

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

COURT REPORTER: Holly Bush, Farnsworth & Taylor Reporting

**PARTIES ON BEHALF OF
COMMONWEALTH:** Wayne Halbleib, Senior Assistant Attorney General
Tracy Robinson, Adjudication Specialist

**WITNESSES ON BEHALF
OF COMMONWEALTH:** Vicki Garrison, Acting Deputy Director, Enforcement, DHP
Jeffrey A. Hollar, D.C.
Jason Grund
Lee Rothgebb

RESPONDENT'S WITNESSES: Cameron Hatam, D.C.

MATTER SCHEDULED: Sarah Hatam Peterson, D.C. License No.: 0104-001683
Case Nos.: 108093, 115939, 122952, 143738

PRELIMINARY MATTER: 1) Mr. Goodman renewed his objections for the record that had previously been ruled on by the Chair. Likewise, Mr. Halbleib renewed his response on behalf of the Commonwealth to the objections.

RULING: The Chair acknowledged that these objections would be so noted and preserved for the record.

2) Mr. Halbleib presented three affidavits signed by an investigator, and the supervisors for former investigators attesting to the accuracy of their investigative reports. Mr. Halbleib requested that the affidavits be marked and admitted into the record.

Mr. Goodman noted objections to the affidavit signed by Faye Lemon, Director of Enforcement, on behalf of Inv. Tony Butera who is not longer employed with the agency. Mr. Goodman advised that this affidavit allowed hearsay upon hearsay and took away Dr. Peterson's ability to cross examine Inv. Butera regarding aspects of his investigation that there were questions about. Mr. Goodman acknowledged that he was aware that hearsay is allowed in administrative proceedings however, this double layer of hearsay put Dr. Peterson at an unfair disadvantage.

Mr. Halbleib responded that since Inv. Butera was no longer employed at the agency, then the affidavit was appropriate since Ms. Lemon oversees all investigations.

RULING:

The Chair overruled Mr. Goodman's objections, however, the Board would consider his objections and give the information appropriate weight in its deliberations in the matter. The affidavits were admitted into evidence as Commonwealth's Exhibits #5, #6, and #7.

DISCUSSION:

Dr. Peterson appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 18, 2012. Dr. Peterson was represented by Michael L. Goodman, Esquire.

The Board received testimony from witnesses called by both parties. At the conclusion of the testimony, the Board received closing remarks from Mr. Halbleib and Mr. Goodman before going into closed session to deliberate.

CLOSED SESSION:

Upon a motion by Dr. Bassam, 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. Peterson. Additionally, he moved that Ms. Barrett, 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. Mackler, and duly seconded, the Board made certain Findings of Fact and Conclusions of Law and voted to grant Dr. Peterson's petition for reinstatement and placed her license on certain terms and conditions.

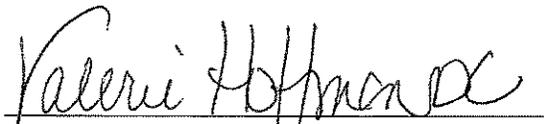
VOTE:

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

ADJOURNMENT:

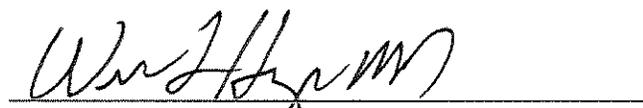
The Board adjourned at 4:30 p.m.

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

7-12-12
Date



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

7/13/12
Date