

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARINGS
SEPTEMBER 10, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:42 a.m. on September 10, 2009 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Meera A. Gokli, D.D.S.

MEMBERS PRESENT: Jacqueline G. Pace, R.D.H.
Paul N. Zimmet, D.D.S.
Myra Howard, Citizen Member
Robert B. Hall, Jr., D.D.S.
Augustus A. Petticolas, Jr., D.D.S.
Herbert R. Boyd, III, D.D.S.
Martha C. Cutright. D.D.S.

MEMBERS ABSENT: Misty Mesimer, R.D.H.
Jeffrey Levin, D.D.S.

STAFF PRESENT: Sandra K. Reen., Executive Director
Huong Vu, Administrative Assistant

COUNSEL PRESENT: Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT: James E. Schliessmann, Assistant Attorney General
Leigh C. Kiczales, Adjudication Specialist
Melissa H. Custis, Court Reporter, Capitol Reporting, Inc.

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

**Brandi L. Gunter,
R.D.H.
Case No. 125724**

Ms. Gunter appeared without counsel in accordance with a Notice of the Board dated August 7, 2009.

Dr. Gokli admitted into evidence Commonwealth's exhibits 1 through 3.

Dr. Gokli admitted into evidence Respondent's exhibits A and B.

Dr. Gokli swore in the witnesses.

Testifying on behalf of the Commonwealth were Lisa Oliphant, Senior Investigator and Sarah William Jones, Office Manager of Hunting Hills Family Dentistry.

Testifying on behalf of the respondent was her husband, Stephen Gunter.

Ms. Gunter testified on her own behalf.

Closed Meeting: Ms. Pace moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Ms. Gunter. Additionally, it was moved that Board staff, Sandra Reen, Huong Vu and Board counsel, Howard Casway 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. Pace 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: Dr. Gokli asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Dr. Petticolas moved to adopt the Findings of Fact and Conclusions of Law as reported by Mr. Casway and to issue an order stating that Ms. Gunter's license is continued on suspension indefinitely with said suspension stayed contingent upon her continued compliance with the terms of her HPMP Recovery Monitoring Contract. The motion was seconded and passed.

SECOND FORMAL HEARING:

Convened at 11:40 am.

PRESIDING:

Meera A. Gokli, D.D.S.

MEMBERS PRESENT:

Jacqueline G. Pace, R.D.H.
Paul N. Zimmet, D.D.S.
Myra Howard, Citizen Member
Robert B. Hall, Jr., D.D.S.
Augustus A. Petticolas, Jr., D.D.S.
Herbert R. Boyd, III, D.D.S.
Martha C. Cutright. D.D.S.

MEMBERS ABSENT:

Misty Mesimer, R.D.H.
Jeffrey Levin, D.D.S.

STAFF PRESENT:

Sandra K. Reen., Executive Director
Huong Vu, Administrative Assistant

COUNSEL PRESENT: Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT: James E. Schliessmann, Assistant Attorney General
Gail E. Ross, Adjudication Specialist
Melissa H. Custis, Court Reporter, Capitol Reporting, Inc.

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

**Peter Francisco,
D.D.S.
Case No. 125616**

Dr. Francisco appeared with counsel, Robert M. Gallumbeck, in accordance with a Notice of the Board dated August 6, 2009.

Dr. Gokli admitted into evidence Commonwealth's exhibits 1 and 2.

Dr. Gokli admitted into evidence Respondent's exhibits A, B and C.

Dr. Gokli swore in the witnesses.

Testifying on behalf of the Commonwealth were Donald M. Jackson, Department of Health Professions Inspector, Christopher Gilley, Special Agent of Virginia State Police – Wytheville Office, and Marsha Nash, Dental Assistant of Lutz Family Dentistry.

Testifying on behalf of the Respondent was his wife, Elaine Francisco.

Dr. Francisco testified on his on behalf.

Closed Meeting: Ms. Pace moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Dr. Francisco. Additionally, it was moved that Board staff, Sandra Reen, Huong Vu, and Board counsel, Howard Casway 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. Pace 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: Dr. Gokli asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Dr. Zimmet moved to adopt the Findings of Fact and Conclusions of Law as reported by Mr. Casway and to issue an order that Dr. Francisco's

license is continued on suspension indefinitely with said suspension stayed contingent upon his continued compliance with the terms of his HPMP Recovery Monitoring Contract. Further, during the period of stayed suspension, he shall be prohibited from prescribing, administering or dispensing any schedule II through V controlled substances. Upon completion of his Recovery Monitoring Contract, he may petition the Board for modification of this order. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 3:45 p.m.

Jeffrey Levin, D.D.S., President

Sandra K. Reen, Executive Director

Date

Date