

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARINGS
JUNE 11, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:10 a.m. on June 11, 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: Darryl J. Pirok, D.D.S.
James D. Watkins, D.D.S.
Jacqueline G. Pace, R.D.H.
Paul N. Zimmet, D.D.S.

MEMBERS EXCUSED: Jeffrey Levin, D.D.S.
Myra Howard, Citizen Member
Robert B. Hall, Jr., D.D.S.

MEMBERS RESCUSED: Misty Mesimer, R.D.H.
Augustus A. Petticolas, Jr., D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Executive Director

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

OTHERS PRESENT: Wayne Halblieb, Assistant Attorney General
Gail E. Ross, Adjudication Specialist
Sandra Spinner, Court Reporter, Capitol Reporting, Inc.

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

Bland Massie, Jr., D.D.S. Dr. Massie appeared with his counsel, Larry Pochucha in accordance with a Notice of the Board dated April 30, 2009.

Case No. 117021

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

The respondent advised that he had no additional exhibits.

Dr. Gokli swore in the witnesses.

Testifying on behalf of the Commonwealth was Jennifer Baker, Senior Investigator.

Dr. Massie testified on his 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 Dr. Massie. Additionally, it was moved that Board staff, Alan Heaberlin 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.

Ms. Pace moved to adopt the Findings of Fact and Conclusions of Law as reported by Mr. Casway and to issue an order stating that Dr. Massie practiced without a current active and valid license from April 1, 2006 to April 27, 2008. Dr. Massie shall be issued a monetary penalty in the amount of \$7,000, shall successfully complete the Board's Dental Law Examination and complete 4 hours of continuing education in Risk Management. The motion was seconded and passed.

**SECOND FORMAL
HEARING:**

Convened at 11:57 am.

PRESIDING:

Meera A. Gokli, D.D.S.

MEMBERS PRESENT:

Darryl J. Pirok, D.D.S.
James D. Watkins, D.D.S.
Jacqueline G. Pace, R.D.H.
Augustus A. Petticolas, Jr. D.D.S.
Paul N. Zimmet, D.D.S.
Robert B. Hall, Jr. D.D.S.

MEMBERS EXCUSED:

Jeffrey Levin, D.D.S.
Myra Howard, Citizen Member

MEMBER ABSENT:

Misty Mesimer, R.D.H

STAFF PRESENT:

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

COUNSEL PRESENT:

Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT: William Clay Garrett, Assistant Attorney General
Gail E. Ross, Adjudication Specialist
Sandra Spinner, Court Reporter, Capitol Reporting, Inc.

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

**Evan S. Weiner,
D.D.S.
Case No. 117714**

Dr. Weiner did not appear in accordance with a Notice of the Board dated May 8, 2009.

Dr. Gokli rules that adequate notice was provided to Dr. Weiner and the hearing proceed in his absence.

Dr. Gokli admitted into evidence Commonwealth's exhibits 1 and 5.

Dr. Gokli swore in the witnesses.

Testifying on behalf of the Commonwealth were Helene J. Kelly, R.N., M.S.N., Senior Investigator, Marta J. Ishmael, DHP Inspector, Paul M. Spector, D.O., and Charles L. Cuttino, D.D.S.

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. Weiner. Additionally, it was moved that Board staff, Sandra Reen, and 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.

Ms. Pace moved to adopt the Findings of Fact and Conclusions of Law as reported by Mr. Casway and to issue an order that Dr. Weiner's privilege to renew his license is hereby indefinitely suspended. Dr. Weiner shall not petition the Board for reinstatement of his license for a period of at least twelve months from the date of entry of this Order. If Dr. Weiner decides to seek reinstatement of his license, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 1:57 p.m.

Meera A. Gokli, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date