

**APPROVED**

**BOARD OF DENTISTRY**

**MINUTES**

**SPECIAL CONFERENCE COMMITTEE "B"**

**TIME AND PLACE:** Special Conference Committee "B" convened on March 18, 2016 at 9:08 a.m., at the Department of Health Professions, Perimeter Center, 2<sup>nd</sup> Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

**FIRST CONFERENCE:** 9:08 a.m.

**PRESIDING:** A. Rizkalla, D.D.S.

**MEMBERS PRESENT:** John M. Alexander, D.D.S.  
Carol R. Russek, J.D.

**STAFF PRESENT:** Kelley W. Palmatier, Deputy Executive Director  
Donna Lee, Discipline Case Manager  
Tiffany A. Laney, Adjudication Specialist

**QUORUM:** All three members of the Committee were present.

**Christopher Dail, D.D.S.  
Case Nos.: 161746 and  
162716** Dr. Dail appeared without counsel to discuss the allegations set forth in a Notice of the Board dated December 23, 2015. The Committee received statements from Dr. Dail and discussed the allegations with him. Patient A appeared and provided statements to the Committee.

**Closed Meeting:** Dr. Alexander moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(15) of the Code of Virginia for the purpose of consideration and discussion of medical and mental health records in the matter of Christopher Dail. Additionally, Dr. Alexander moved that Ms. Palmatier, Ms. Lee and Ms. Laney attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene** Dr. Alexander moved that the Committee 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.

**Virginia Board of Dentistry  
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**Closed Meeting:** Dr. Alexander moved that the Committee 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 Christopher Dail. Additionally, Dr. Alexander moved that Ms. Palmatier, Ms. Lee, and Ms. Laney attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:** Dr. Alexander moved that the Committee 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.

**DECISION:**  
**Case Nos.: 161746 and 162716**  
Ms. Laney reported that the Committee granted Dr. Dail's petition for modification of the Consent Order dated March 7, 2014.

The license of Dr. Dail to practice dentistry is indefinitely suspended; with the suspension stayed and shall remain stayed contingent upon his continued compliance with all of the requirements of the Virginia Health Practitioners' Monitoring Program ("HPMP") for the duration specified by the HPMP.

Based on the findings in the March 7, 2014 Consent Order, Dr. Dail is assessed a monetary penalty of \$1,000.00; within 12 months from the date of entry of the Order, Dr. Dail shall successfully complete a 30 hour hands-on surgical continuing education course covering implant training, and a 7 hour continuing education course in recordkeeping and risk management. Dr. Dail is prohibited from performing and/or completing any surgical procedures or implants as set forth in the March 7, 2014 Consent Order.

Within 90 days from the date of entry of the Order, Dr. Dail shall pay the administrative costs assessed in the March 7, 2014 Consent Order in the amount of \$5,000.00.

Ms. Russek moved to adopt the decision of the Committee. The motion was seconded and passed.

**SECOND CONFERENCE:** 1:46 p.m.

**PRESIDING:** A. Rizkalla, D.D.S.

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**MEMBERS PRESENT:** John M. Alexander, D.D.S.  
Carol R. Russek, J.D.

**STAFF PRESENT:** Kelley W. Palmatier, Deputy Executive Director  
Donna Lee, Discipline Case Manager  
Shevaun Roukous, Adjudication Specialist

**QUORUM:** All three members of the Committee were present.

**Mesfin Zelleke, D.D.S.  
Case No.: 155676** Dr. Zelleke appeared with counsel, Daniel Kincheloe, to discuss the allegations set forth in a Notice of the Board dated August 11, 2015. The Committee received statements from Dr. Zelleke and Mr. Kincheloe and discussed the allegations with them.

**Closed Meeting:** Dr. Alexander moved that the Committee 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 Mesfin Zelleke. Additionally, Dr. Alexander moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:** Dr. Alexander moved that the Committee 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.

**DECISION:  
Case No.: 155676** Ms. Roukous reported that after reviewing the facts before it, the Committee found that it could not resolve this matter within the limits of its authority and that a Formal Hearing would be convened.

Ms. Russek moved to adopt the decision of the Committee. The motion was seconded and passed.

**Approval of Minutes:** Upon a motion by Ms. Russek, the minutes from the Informal Conference conducted on January 29, 2016 were approved.

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**ADJOURNMENT:** With all business concluded, the Committee adjourned at 4:00 p.m.

A. Rizkalla, D.D.S.  
A. Rizkalla, D.D.S., Chair

Sandra K. Reen  
Sandra K. Reen, Executive Director

4/29/16  
Date

May 2, 2016  
Date