

**VIRGINIA BOARD OF COUNSELING
FORMAL HEARING
MINUTES**

CALL TO ORDER: A panel of the Board of Counseling (“Board”) convened on Friday, May 6, 2011, at 3:12 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia, Board Room 2.

MEMBERS PRESENT: Donnie Conner, Board Chair
Mary Lou Argow, Board Member
Sandra Malawer, Board Member
Charlotte Markva, Board Member
Charles McAdams, III, Board Member
Patricia Mullen, Board Member

BOARD COUNSEL: Howard Casway, Senior Assistant Attorney General

STAFF PRESENT: Evelyn Brown, Executive Director
Patricia Larimer, Deputy Executive Director
Jennifer Lang, Administrative Assistant

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

RESPONDENT: James Jacobs
License No.: 0717000722
Case No.: 137085

**RESPONDENT’S
WITNESSES:** None

**PARTIES ON
BEHALF OF THE
COMMONWEALTH:** Peter Opper, Adjudication Spec., Administrative
Proceedings Div.

COMMONWEALTH
WITNESSES:

Cecile Custer, Senior Investigator

DISCUSSION:

James Jacobs appeared before the Board in person in accordance with a Notice and Statement of Particulars dated April 13, 2011. Mr. Jacobs was represented by Neil Kuchinsky, Esquire. The Board received evidence and sworn testimony regarding the allegations in the Notice from witnesses called to testify.

CLOSED SESSION:

Upon a motion by Sandra Malawer and duly seconded, 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 James Jacobs. Additionally, Ms. Malawer moved that Mr. Casway, Ms. Larimer, Ms. Brown and Ms. Lang 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 reconvened in open session and announced its decision.

DECISION:

Upon a motion by Patricia Mullen and duly seconded by Sandra Malawer, the Board made certain Findings of Fact and Conclusions of Law. Further, upon a motion by Mary Lou Argow and duly seconded by Patricia Mullen, the Board voted to deny the reinstatement application of James Jacobs and to continue his license on indefinite suspension. The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 5:13 p.m.

Dr. Donnie Conner, Chair

Date

Evelyn B. Brown, Executive Director

Date