

**VIRGINIA BOARD OF PHARMACY
MINUTES OF A PANEL OF THE BOARD**

Tuesday, August 4, 2015
Commonwealth Conference Center
Second Floor
Board Room 4

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233

CALL TO ORDER: A meeting of a panel of the Board of Pharmacy ("Board") was called to order at 9:40 a.m.

PRESIDING: Cindy Warriner, Chair

MEMBERS PRESENT: Jody Allen
Melvin Boone
Sheila Elliott
Ryan Logan
Ellen Shinaberry

STAFF PRESENT: Caroline D. Juran, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Sharon Davenport, Administrative Assistant
James Rutkowski, Assistant Attorney General
Corie Tillman Wolf, Assistant Attorney General
Wayne Halbleib, Senior Assistant Attorney General
Mykl D. Egan, DHP Adjudication Specialist

QUORUM: With six (6) members of the Board present, a panel was established.

KILEY J. KESSLER
Registration No. 0230-023259

A formal hearing was held in the matter of Kiley J. Kessler to discuss allegations that she may have violated the laws and regulations governing the practice of pharmacy technicians in Virginia.

Ms. Kessler was not present at the hearing. The Board proceeded with the hearing in Ms. Kessler's absence as the Notice of Hearing was mailed to her legal address of record, both by regular and certified mail. Ms. Warriner ruled that adequate notice was provided to Ms. Kessler.

Corie Tillman Wolf, Assistant Attorney General, presented the case with the assistance of Mykl D. Egan, DHP Adjudication Specialist.

Jennifer Challis, DHP Senior Investigator; and David Flamia, Kroger District Manager, testified on behalf of the Commonwealth. Further, Daniel Sikes, former Kroger Loss Prevention Manager, testified by telephone for the Commonwealth.

Closed Meeting:

Upon a motion by Ms. Allen, and duly seconded by Mr. Boone, the panel voted 6-0, to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code"), for the purpose of deliberation to reach a decision in the matter of Kiley J. Kessler. Additionally, she moved that Cathy Reiniers-Day, Caroline Juran and James Rutkowski attend the closed meeting.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the panel re-convened in open meeting and announced the decision.

Decision:

Upon a motion by Ms. Elliott, and duly seconded by Ms. Allen, the panel voted 6-0 to accept the Findings of Fact and Conclusions of Law as proposed by Ms. Tillman Wolf, amended by the Board, and read by Mr. Rutkowski.

Upon a motion by Ms. Elliott and duly seconded by Ms. Allen, the panel voted 6-0 to revoke the right of Ms. Kessler to renew her registration to practice as a pharmacy technician.

EMILE S. BROWN
Registration No: 0230-014591

Wayne Halbleib, Senior Assistant Attorney General, presented a summary of the evidence in the case for the Board to consider a summary suspension. Mykl D. Egan, DHP Adjudication Specialist, was also present.

Upon a motion by Ms. Allen, and duly seconded by Ms. Elliott, the Board voted 6-0 in favor of the motion that, according to the evidence presented, the continued practice by Emile S. Brown as a pharmacy technician poses a substantial danger to the public; and therefore, the registration of Emile S. Brown to practice as a pharmacy technician be summarily suspended. Further, in lieu of a formal hearing, a Consent Order shall be offered to Ms. Brown for the revocation of her pharmacy technician registration.

Adjourn:

With all business concluded, the meeting adjourned at 11:45 a.m.

Cindy Warriner, Chair

Cathy M. Reiniers-Day
Deputy Executive Director

Date

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