

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
June 6, 2013**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:20 a.m., on June 6, 2013 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Herbert R. Boyd, III, D.D.S., President

MEMBERS PRESENT: Martha C. Cutright, D.D.S.
Surya P. Dhakar, D.D.S.
Evelyn M. Rolon, D.M.D.
Melanie C. Swain, R.D.H.
Tammy K. Swecker, R.D.H.

MEMBERS EXCUSED: Charles E. Gaskins, III, D.D.S.
Jeffrey Levin, D.D.S.
James D. Watkins, D.D.S.

MEMBER ABSENT: Myra Howard, Citizen Member

STAFF PRESENT: Sandra K. Reen., Executive Director
Huong Q. Vu, Operations Manager

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

OTHERS PRESENT: Wayne T. Halbleib, Senior Assistant Attorney General
Indy Toliver, Adjudication Specialist
Denise Holt, Court Reporter, Crane-Snead & Associates, Inc.

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

**Sam E. English, D.D.S.
Case No.: 132888 and
137309**

Dr. English appeared with counsel, Joseph D. Morrissey, in accordance with a Notice of the Board dated November 6, 2012.

Mr. Morrissey asked the Board to convene a closed meeting to discuss settlement. The request was granted.

Closed Meeting: Dr. Cutright moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) and Section 2.2-3712(F) of the Code of Virginia to consider settlement in the matter of Dr.

English. Additionally, it was moved that Board staff, Ms. Reen, Ms. Vu, Board counsel, Mr. Casway, Dr. English, Mr. Morrissey, Mr. Goldman, Mr. Halbleib, and Ms. Toliver 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:

Dr. Cutright 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.

Closed Meeting:

Dr. Cutright moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) and Section 2.2-3712(F) of the Code of Virginia to consider settlement in the matter of Dr. English. Additionally, it was moved that Board staff, Ms. Reen, Ms. Vu, and Board counsel, Mr. Casway to 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:

Dr. Cutright 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.

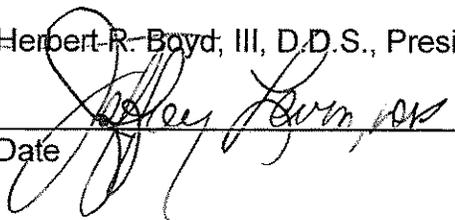
Decision:

Dr. Boyd reported that in lieu of holding the formal hearing, Dr. English and the Board have agreed to a Consent Order which requires that Dr. English be:

- assessed an \$18,000.00 monetary penalty and
- placed on INDEFINITE PROBATION subject to the following terms and conditions:
 1. Completion of continuing education consisting of 14 hours in practice management, 7 hours in ethics, and 7 hours in recordkeeping and risk management;
 2. Obtaining a financial audit of patient transactions by an independent certified forensic accountant; and
 3. restitution in full on the accounts of Patients A-M.

Ms. Swecker moved to adopt the agreed to Findings of Fact and Conclusions of Law and the Sanctions as read by Dr. Boyd. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 1:15 p.m.

~~Herbert R. Boyd, III, D.D.S., President~~

Date _____

Sandra K. Reed
Sandra K. Reen, Executive Director
September 13, 2013
Date