

**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 1:10 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:** Jose Avila  
License No.: 0701002091  
Case No.: 136641

**RESPONDENT’S  
WITNESSES:** Rebecca Hernandez Hamilton, LPC

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

COMMONWEALTH  
WITNESSES:

Cecile Custer, Senior Investigator

DISCUSSION:

Jose Avila appeared before the Board in person in accordance with a Notice and Statement of Particulars dated April 8, 2011. Mr. Avila was not represented by an attorney. The Board received evidence and sworn testimony regarding the allegations in the Notice from witnesses called to testify.

CLOSED SESSION:

Upon a motion by Patricia Mullen 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 Jose Avila. Additionally, Ms. Mullen 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 Sandra Malawer and duly seconded by Mary Lou Argow, the Board made certain Findings of Fact and Conclusions of Law. Further, upon a motion by Mary Lou Argow and duly seconded by Charlotte Markva, the Board voted to reinstate the license of José Avila and place him on indefinite probation with terms and conditions. The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 3:00 p.m.

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Dr. Donnie Conner, Chair

Date

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Evelyn B. Brown, Executive Director

Date