VIRGINIA BOARD OF DENTISTRY
FORMAL HEARINGS
December 1, 2011

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 2:20 p.m. on December 1, 2011 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Robert B. Hall, Jr., D.D.S.

MEMBERS PRESENT:
Herbert R. Boyd, III, D.D.S.
Martha C. Cutright. D.D.S.
Jeffrey Levin, D.D.S.
Misty Mesimer, R.D.H.
Jacqueline G. Pace, R.D.H.
Augustus A. Petticolas, Jr., D.D.S.

MEMBER ABSENT:
Surya P. Dhakar, D.D.S.
Meera Gokli, D.D.S.
Myra Howard, Citizen Member

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

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

OTHERS PRESENT:
Kelly Wynne, Adjudication Specialist
Sherelle A. Weaver, Court Reporter, Crane-Snead & Associates, Inc.

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

Roy S. Shelburne, D.D.S.
Case No. 140102: Dr. Shelburne appeared in accordance with a Notice of the Board dated November 8, 2011.

Dr. Hall swore in the witnesses.

Following Ms. Wynne's opening statement; Dr. Hall admitted into evidence Commonwealth's exhibits 1 through 4.

Following Dr. Shelburne's opening statement; Dr. Hall admitted into evidence Applicant's exhibits A through C.

Testifying on behalf of the Commonwealth was Vicky Fox, RN, DHP Senior Investigator.

Testifying on behalf of Dr. Shelburne in person were Randy Aldridge, Dr. Charles Blair, DDS, and Jessie Frazer. Testifying on behalf of Dr. Shelburne by phone were Linda Harvey and Dr. Jamie Brown, DDS. Dr. Shelburne testified on his own behalf.

Closed Meeting:

Dr. Petticolas 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 deliberate for the purpose of reaching a decision in the matter of Dr. Shelburne. Additionally, it was moved that Board staff, Sandra Reen, Huong Vu, and Board counsel, Howard Casway, 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. Petticolas 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. Hall asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Mr. Casway reviewed the findings and conclusions then reported that the Board decided to reinstate Dr. Shelburne's license on indefinite probation for a period of not less than three years of actual practice with terms to include:

- Dr. Shelburne shall notify the Board, within 10 days of resuming practice, of his practice location(s) and any subsequent changes in his practice activities;
- Unannounced audit(s) of a random sampling of his patient treatment records including financial records shall be conducted as determined by the Board; and
- At the conclusion of three years of practice, Dr. Shelburne may petition the Board for termination of his probation.

Dr. Levin moved to adopt the Findings of Fact, Conclusions of Law and Sanctions as read by Mr. Casway. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 6:10 p.m.

Robert B. Hall, Jr., D.D.S., President	Sandra K. Reen, Executive Director
Date	Date