

**VIRGINIA BOARD OF COUNSELING  
MINUTES OF A FORMAL HEARING**

**CALL TO ORDER:** A panel of the Virginia Board of Counseling was called to order at 9:45 a.m., on September 26, 2008, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Boardroom 1, Richmond, Virginia.

**PRESIDING OFFICER:** Donnie G. Conner, Ph.D., LPC, LMFT, Chair

**MEMBERS PRESENT:** Donnie G. Conner, Ph.D., LPC, LMFT  
Mary Lou Argow, LPC, MFT, LSATP  
Sandra Malawer, LPC, MFT  
Vivian Sanchez-Jones  
William R. Scott, Ph.D., LPC, LMFT

**OAG & STAFF PRESENT:** Howard M. Casway, Sr. Assistant Attorney General, Board Counsel  
Evelyn B. Brown, Executive Director, Board of Counseling  
Patricia L. Larimer, Deputy Executive Director, Board of Counseling  
Diana Pollick, Administrative Assistant, Board of Counseling

**PARTIES OF BEHALF OF  
THE COMMONWEALTH:** James Schleissmann, Assistant Attorney General  
Peter Opper, Adjudication Specialist

**OTHERS PRESENT:** Janice McMillan, Ph.D., Consultant to the Board of Counseling  
D. M. Cooper, Associate Professor, Chair, VCU Patient Counseling Program

**COURT REPORTER:** Sandra Spinner, Capitol Reporting

**MATTER SCHEDULED:** **Mary Ellers, LPC Applicant**  
**Case No.: 119250**

**DISCUSSION:**

Ms. Ellers appeared before a panel of the Board in accordance with a Notice of Formal Hearing and Statement of Particulars dated September 11, 2008, to demonstrate that she possesses a qualified counseling related degree that meets the requirements of 18 VAC 115-20-49(B), and to act upon Ms. Ellers' application for registration of her post-graduate supervision. Ms. Ellers was represented by Marjorie L. Wall, Esquire. The Board received evidence and sworn testimony in the matter.

The proceedings were recorded by a certified court reporter.

**CLOSED SESSION:** Upon a motion by Sandra Malawer and duly seconded by Mary Lou Argow, the Board voted 5-0 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 Mary Ellers. Additionally, she moved that Mr. Casway, Ms. Brown, Ms. Larimer and Ms. Pollick 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 of Virginia the Board reconvened in open session.

**DECISION:** Upon a motion by Mary Lou Argow and duly seconded by Vivian Sanchez-Jones, the Board voted 5-0, to accept the Findings of Fact and Conclusions of Law as read by Mr. Casway.

William Scott moved to accept the Board's decision as read by Howard Casway, which was to affirm the Credentials Committee's determination that Ms. Ellers did not meet the minimum degree requirements of 18 VAC 155-20-49(B) of the Regulations Governing the Practice of Counseling and that she is not approved to proceed with supervision towards licensure as a Licensed Professional Counselor. The motion passed unanimously.

**ADJOURNMENT:** The Board adjourned at 1:42 p.m..

*This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions and decision of this formal hearing panel.*

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Donnie G. Conner, Ph.D., LPC, LMFT, Chair

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Evelyn B. Brown, Executive Director

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Date

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Date

