

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
April 28, 2023**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:01 a.m., on April 28, 2023, in the Chickahominy Room at the Drury Hotel, 11049 West Broad Street, Henrico, Virginia, 23233.

PRESIDING: Nathaniel C. Bryant, D.D.S., President

MEMBERS PRESENT: Sidra Butt, D.D.S.
Sultan E. Chaudhry, D.D.S.
Jamiah Dawson, D.D.S.
Alf Hendricksen, D.D.S.
Margaret F. Lemaster, R.D.H.
J. Michael Martinez de Andino, J.D.
Emelia H. McLennan, R.D.H.
Dagoberto Zapatero, D.D.S.

MEMBERS ABSENT: William C. Bigelow, D.D.S.

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Erin T. Weaver, Deputy Executive Director
Donna Lee, Discipline Case Manager
Sarah Moore, Executive Assistant

COUNSEL PRESENT: James E. Rutkowski, Senior Assistant Attorney General

OTHERS PRESENT: Sean Murphy, Senior Assistant Attorney General
Rebecca Smith, Adjudication Specialist
Juan Ortega, Court Reporter
Nora T. Ciancio, Esquire, Respondent's Counsel
Michael L. Goodman, Esquire, Respondent's Counsel
Steven Sclafani, Sergeant, Virginia State Police

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

**Eric Smith, D.D.S.
Case No.: 217153** Dr. Smith was present with legal counsel in accordance with the Notice of the Board dated December 14, 2022.

Dr. Bryant swore in the witnesses.

Upon a request by Mr. Murphy, and no objections by Ms. Ciancio, the witnesses were sequestered.

Following Mr. Murphy's opening statement, Dr. Bryant admitted into evidence Commonwealth's Exhibits 1-2.

Following Ms. Ciancio's opening statement, Dr. Bryant admitted into evidence Respondent's Exhibits A-D.

The following witnesses testified on behalf of the Commonwealth:

- Jessica Wilkerson, Senior Investigator, DHP
- Dr. Elizabeth Cash
- Ashlyn Thompson, Insurance Coordinator, Riverview Dental
- Jennifer Watkins, Dental Hygienist, Riverview Dental
- Paula Wright, Office Manager, Riverview Dental

Sergeant Sciafani left the hearing at 12:32 p.m.

Dr. Bryant swore in Dr. James Thompson and Lisa Diecks.

The following witnesses testified on behalf of the Respondent:

- Dr. James Thompson, Chief Medical Officer with Master Center
- Lisa Dieck, Office Manager, Oyster Point Dental

Dr. Eric Smith testified on his own behalf in closed meeting.

Closed Meeting:

Dr. Dawson moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(16) of the Code of Virginia for the purpose of consideration and discussion of medical and mental health records of Eric Smith that are excluded from the Freedom of Information Act by Virginia Code Section 2.2-3705(A)(5). Additionally, she moved that Board staff, Ms. Sacksteder, Ms. Weaver, Ms. Lee, Ms. Moore, and Board counsel, Mr. Rutkowski; Mr. Ortega, Mr. Murphy, Ms. Smith, Ms. Ciancio, Mr. Goodman, and Mr. Smith attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and passed.

Mr. Murphy and Ms. Ciancio provided closing statements.

Reconvene:

Dr. Dawson moved that the Board certify that it heard, discussed, or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Closed Meeting:

Dr. Dawson moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) and § 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Eric Smith, D.D.S. Additionally, she moved that Board staff, Ms. Sacksteder, Ms. Weaver, Ms. Lee, Ms. Moore, and the Board Counsel, Mr. Rutkowski 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. Dawson moved to certify that the Board heard, discussed, or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Decision:

Mr. Rutkowski reported that Dr. Smith's license to practice dentistry in the Commonwealth of Virginia is indefinitely suspended for a period of not less than two years from the date of entry of the Order.

Dr. Dawson moved to accept the Board's decision as read by Mr. Rutkowski. Rutkowski. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 5:17 p.m.



Nathaniel C. Bryant, D.D.S., President

25 Jun 2023

Date



Jamie C. Sacksteder, Executive Director

6/16/23

Date