

**VIRGINIA BOARD OF PSYCHOLOGY
FORMAL HEARING
DRAFT MINUTES**

CALL TO ORDER: A panel of the Board of Psychology (“Board”) convened on Friday, August 7, 2012, at 1:10 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia, Board Room 2.

MEMBERS PRESENT: Michael Stutts, Ph.D., Chair
Virginia Van de Water, Ed. D., Vice Chair
Edward A. Peck, Ph.D.
Thomas Ryan, Ph.D.
William Hathaway, Ph.D.

BOARD COUNSEL: Howard M. Casway, Sr. Assistant Attorney General

STAFF PRESENT: Catherine Chappell, Executive Director
Patricia L. Larimer, Deputy Executive Director
Debbie Harris, Administrative Assistant

COURT REPORTER: Wanda T. Banks, Farnsworth & Taylor Reporting, LLC

**PARTIES ON BEHALF
OF THE COMMONWEALTH:** Peter Opper, Adjudication Specialist

**COMMONWEALTH
WITNESSES:** Vicky Fox, DHP Senior Investigator

RESPONDENT: Dr. James Stewart
License No.: 0810-001945
Case No.: 143038

**RESPONDENT’S
WITNESSES:** Kenny Diggs
Dave Dawson

DISCUSSION: Dr. James R. Stewart appeared before the Board in person in accordance with a Notice and Statement of Particulars dated June 28, 2012. He was not represented by counsel.

The Board received evidence and sworn testimony regarding Dr. Stewart’s application for reinstatement from witnesses called to testify.

CLOSED SESSION: Upon a motion by Dr. Ryan and duly seconded by Dr. Van de Water, 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 Dr. Stewart. Additionally, Dr. Ryan moved that Mr. Casway,

Ms. Chappell, Ms. Larimer and Ms. Harris 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 Dr. Peck, and duly seconded by Dr. Van de Water, the Board made certain Findings of Fact and Conclusions of Law. Further, upon a motion by Dr. Peck, and duly seconded by Dr. Van de Water, the Board voted to deny Dr. Stewart's application for reinstatement. Further, the Board placed Dr. Stewart's license on suspension and stayed said suspension contingent upon the Board receiving written evidence that Dr. Stewart has entered into, and remains compliant with, a contract with the Virginia Health Practitioners Monitoring Program. The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 3:45 p.m.

Michael Stutts, Chair

Catherine Chappell, Executive Director

Date

Date