

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

Teresa Faber

CCA Applicant

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) Case # 2005-5005
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**FINAL ORDER ON DEFAULT
DENIAL OF LICENSE**

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Teresa Faber (hereafter "Applicant"), applied for a license as a certified chiropractic assistant in Oregon. The Board is denying the license of the above applicant on the following basis:

Findings of Fact

1.

On April 28, 2005, the OBCE received CCA's application for a license to practice as a certified chiropractic assistant in Oregon. On question five of the application where Applicant was asked if she had ever been arrested or charged with a violation, misdemeanor or felony, Applicant responded yes. In the attached explanation for that response, Applicant provided a handwritten statement that she had an altercation with a café waitress and had thrown some food on the ground when the waitress refused to refund her money. That resulted in the police citing her with a violation for disorderly conduct in 2004.

2.

On question 7 of the application where it asks if they have ever been convicted of, pled guilty, or no contest to any offense, misdemeanor or felony which could have resulted in imprisonment, Applicant responded no.

3.

Board staff followed up in and found that Applicant had been arrested and charged for possession of a controlled substance in 1984. Subsequently Applicant was convicted of a Class B felony of controlled substances in December, 1984. That conviction involved a large amount of marijuana being grown on property in the custody of Applicant. When an explanation was requested from Applicant as to why she responded "no" to question 5 and 7 in regards to the controlled substance issue, Applicant stated that she thought it was "automatically expunged" after two years and complying with the court requirements. Applicant was not truthful in her responses on the application and failed to provide adequate explanation to the Board.

4.

On July 29, 2005, the Board served applicant with a Proposed Notice of Denial of License by certified mail with instructions that she needed to request a hearing within 60 days in order to protect her right to contest the matter. In addition, the Notice included language stating that if she failed to appear or request a hearing, a final order by default would be prepared and the Board would rely on the record as evidence. Applicant failed to timely request a hearing.

Conclusions of Law

5.

The Board finds that the acts and conduct of applicant in her application and responses to such, are cause to refuse to grant a license to Applicant. The misrepresentations in the responses to questions regarding criminal convictions is evidence of fraud or misrepresentation in applying for or procuring a license; in violation of **OAR 811-010-0110(14)(b)**. In addition, the Board may also deny a license for conviction of a misdemeanor involving moral turpitude or a felony pursuant to **OAR 811-010-0110(14)(c)**. The Board finds that a felony conviction for possession of controlled substances is a crime involving moral turpitude. The Board finds that applicant is in default to request a hearing on this matter.

Order of the Board

6.

Due to the aforementioned findings of fact and conclusions of law, the OBCE formally denies applicant a license based on the above.

DATED this 3rd day of October 2005.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: _____
Original Signatures on file
at the OBCE Office
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

Appeal Rights:

You are entitled to judicial review of this order in accordance with ORS Chapter 183.480. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of this order.

LICENSE OF SERVICE

I, Dave McTeague, certify that on October 3, 2005, I served the foregoing Notice of Proposed License Denial upon Teresa Faber, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Teresa Faber
1991 Sherman Ave. #13
North Bend, Oregon 97459

Original Signatures on file
at the OBCE Office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners