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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

6 In the Matter of)
7) Case # 2002-5008
8 John C. Helton Jr. D.C.)
9)
10) **NOTICE OF PROPOSED**
11 Licensee) **SUSPENSION OF LICENSURE**
12)
13 _____)

14 The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state
15 agency responsible for licensing, regulating and disciplining chiropractic physicians and certified
16 chiropractic assistants in the State of Oregon. John C. Helton Jr. (hereafter "Licensee"), is a
17 Licensee to the Board to practice as a chiropractic physician in Oregon.

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19 1.

20 Dr. John. C. Helton D.C. is a chiropractor licensed under ORS 684.054 who has
21 practiced 4615 S.E. Woodstock Boulevard, Portland Oregon, 87206 known as Woodstock
22 Chiropractic Center. The board proposes to suspend Licensee's license for the following
23 reasons:

24 2.

25 Licensee has failed to pay taxes owed to the Oregon Department of Revenue and the
26 Department of Revenue has been unable to obtain payment of the tax through other methods of
27 collection for year 1998. The above information was provided by the Department of Revenue
28 and was based on neglect or refusal to pay personal income taxes for year 1998.

1 3.

2 On October 16, 2002, the OBCE received notice (Exhibit A) of Licensee's deficiencies of
3 tax payment and a request from the director of the Oregon Department of Revenue to suspend
4 Licensee's business license.

5 4.

6 The above described acts of Licensee constitute violations of ORS chapter
7 305.385 4 (c). Therefore, pursuant to ORS 305.385 the Board is authorized to suspend
8 Licensee's license to practice chiropractic.

9 5.

10 **NOTICE OF RIGHT TO A HEARING**

11 Licensee has the right, if Licensee requests, to a hearing as provided by the
12 Administrative procedures Act (ORS Chapter 183) before the Board or its hearing officer to
13 contest the matter set out above. At the hearing, Licensee may be represented by an attorney,
14 and may subpoena and cross-examine witnesses. A request for hearing must be made in writing
15 to the Board, and must be received by the Board within 30 days from the date of mailing of this
16 notice (or if not mailed, the date of personal service), and must be accompanied by a written
17 answer to the charges contained in this Notice. Upon receipt of a request for hearing, the Board
18 will notify Licensee of the time and place of the hearing. If Licensee requests a hearing,
19 Licensee will be given, prior to the commencement of the hearing, information on the
20 procedures, right of representation, and other rights of parties relating to the conduct of the
21 hearing as required by ORS 183.413(2).

22
23 6.

24 Licensee's answer shall be made in writing to the Board and shall include an admission
25 or denial of each factual matter alleged in this Notice, and a short plain statement of each

1 relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged
2 in this notice and not denied in the answer shall be presumed admitted; failure to raise a
3 particular defense in the answer will be considered a waiver of such defense; and new matters
4 alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency, and
5 evidence shall not be taken on any issue not raised in the Notice and answer.

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8 If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the
9 hearing, the Board may issue a final order by default and impose the above sanctions against
10 Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file
11 regarding the subject of this case automatically becomes part of the evidentiary record of this
12 disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).

13

14 DATED this 25th day of November, 2002.

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BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

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Original signature on file
at the OBCE office.

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By:

Dave McTeague, Executive Director


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2 **VERIFICATION**

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4 State of Oregon)
5 County of Marion) Case # 2002-5008
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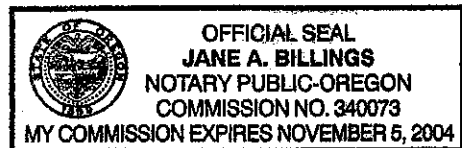
7 I, Dave McTeague, being first duly sworn, state that I
8 am the Executive Director of the Board of Chiropractic Examiners
9 of the State of Oregon, and as such, am authorized to verify
10 pleadings in this case: and that the foregoing Notice is true to
11 the best of my knowledge as I verily believe.

12 Original signature on file
13 at the OBCE office.

14 
15 DAVE McTEAGUE, EXECUTIVE DIRECTOR
16 OREGON BOARD OF CHIROPRACTIC EXAMINERS

17 SUBSCRIBED AND SWORN to before me
18 this 25 day of Nov, 2002.
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21 NOTARY PUBLIC FOR OREGON
22 My Commission Expires: 11-5-04
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CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on November 25 , 2002, I served the foregoing Notice upon John C. Helton Jr., Applicant, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

John C. Helton Jr.
7106 SE 116th Avenue
Portland OR 97266

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners



Oregon

John A. Kitzhaber, M.D., Governor

Department of Revenue

955 Center Street NE

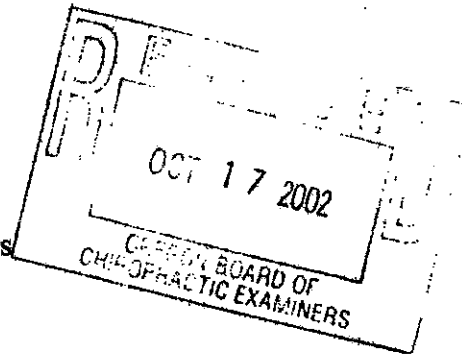
Salem OR 97310-2501

Telephone: (503) 945-8479

FAX: (503) 945-8735

October 16, 2002

Board of Chiropractic Examiners
3218 Pringle Rd SE, Suite 150
Salem, OR 97302-6311



REQUEST FOR SUSPENSION OF BUSINESS LICENSE

By law (ORS 305.385), the Oregon Department of Revenue requests you to suspend the Chiropractor License:

Taxpayer/Licensee
Taxpayer ID#
Mailing Address

John C. Helton, Jr. License #1587
554-70-8411
7106 SE 116th Ave
Portland, OR 97266

We request this action because the Department has determined that John C. Helton, Jr. , (1) has neglected or refused to file any return or pay any tax, (2) has not filed a good faith petition before the Department, and (3) the Department has been unable to obtain payment of the tax through other methods of collection.

John C. Helton, Jr. is entitled to a written notice and a hearing pursuant to your applicable hearing procedures. The Department requests notification of any hearing scheduled concerning this suspension proceeding so that it may intervene. Contact Revenue Agent Cheryl at (503) 945-8479.

This suspension procedure applies to any license, or other written authority required by Oregon law or ordinance as a prerequisite to the conduct of a business, trade, or profession. This suspension shall remain in effect until the Department has certified that the taxpayer is in good standing (ORS 305.385(4)(c)).

Original signature on file
at the OBCE office.

Elizabeth Harchenko
Director

cc: John C. Helton, Jr.
Cheryl/Revenue Agent

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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

6 In the Matter of)
7) Case # 2002-5008
8 John C. Helton Jr.)
9) **NOTICE OF BOARD ORDER**
10) **ALLOWING DEPARTMENT OF**
11 D.C. Licensee.) **REVENUE TO INTERVENE AS**
12) **INTERESTED AGENCY**
13 _____)

14 The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state
15 agency responsible for licensing, regulating and disciplining chiropractic physicians and certified
16 chiropractic assistants in the State of Oregon. John C. Helton Jr. (hereafter "Licensee"), is a
17 Licensee to the Board to practice as a chiropractic physician in Oregon.

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19 1.

20 On November 25, 2002, the Oregon Board of Chiropractic Examiners issued a Notice of
21 Proposed Suspension of License on the above Licensee.

22 2.

23 Pursuant to ORS 305.385(4)(c) and OAR 137-003-0540, and based on the Department of
24 Revenue's request to be named as an interested agency in the above license proceeding, the
25 Oregon Board of Chiropractic Examiners hereby grants the formal request.

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27 3.


28 This order is granted based on the Notice of proposed discipline issued on November 25,
29 2002 by this Board and is based on a request for suspension of a business license dated October
30 16, 2002, and signed by the Director of the Department of Revenue, Elizabeth Harchenko. The
31 Department of Revenue has an interest in the outcome of the license suspension proceeding

1 pursuant to its duty to administer and enforce the tax laws of this state. In addition, pursuant to
2 ORS 305.385(4)(c) the Department of Revenue has statutory right to intervene.

3
4 IT IS SO ORDERED, that the Department of Revenue is an interested agency in the above-
5 entitled matter and shall participate in the contested case proceedings as permitted by statute and
6 rule.

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8 DATED this _____ day of January 2003.

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10 **BOARD OF CHIROPRACTIC EXAMINERS**
11 State of Oregon

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By:  Original signature on file
at the OBCE office.
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

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VERIFICATION

State of Oregon)
County of Marion) Case # 2002

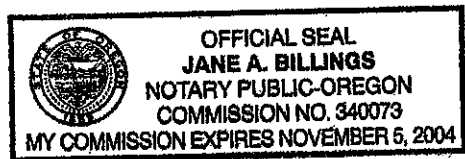
I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice is true to the best of my knowledge as I verily believe.

Original signature on file
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 15th day of JAN, 2003.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-5-04



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CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on January 15, 2003, I served the foregoing Order of Intervention upon John C. Helton, Jr., the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

John C. Helton Jr.
4615 SE Woodstock
Portland OR 97206

Ann Redding
Hearing Officer Panel, Transportation Section
1905 Lana Avenue NE
Salem, Oregon 97314

Melisse S. Cunningham, AAG (represented Department of Revenue)
1162 Court St. NE
Salem, Oregon 97301-4096

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners