



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX (503) 362-1260

E-mail: oregon.obce@state.or.us

www.obce.state.or.us

August 18, 2003

Tracy Nobiletti
4703 SE Rockwood
Milwaukie, Oregon 97222

Re: Case 2003-5007, Final Order
Issuance of Certification with Condition

Dear Ms. Nobiletti,

Enclosed is your chiropractic license certificate.

This letter acknowledges your agreement (see attached) to the Notice issued August 4, 2003.

Under the provisions of this Final Order and ORS 684.100 (1)(d) and ORS 670.280, you must disclose your conviction history to any and all chiropractic physicians with whom you seek employment. Failure to do so may result, after investigation and due process, in the revocation of your license.

Feel free to give me a call if you have any questions.

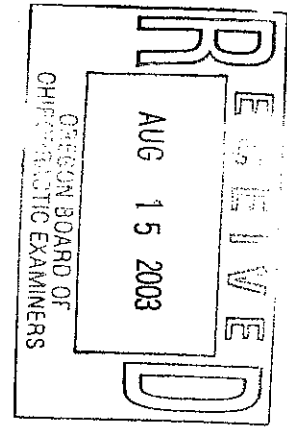
Sincerely,

**Original Signatures on file
at the OBCE Office**

Dave McTeague
Executive Director



BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON



In the Matter of the chiropractic assistant
application of

Tracy Nobiletti

AGREEMENT RE: PROPOSED
DISCIPLINARY ACTION

If Licensee does not wish to appear at hearing, Licensee may settle this matter by agreement. To do so, please check the appropriate space, sign and return this document to the Oregon Board of Chiropractic Examiners, Morrow Crane Building, 3218 Pringle Road SE, First Floor, Suite 150, Salem, Oregon 97302.

If Licensee wishes to have a hearing, and does not wish to stipulate to the facts, or if Licensee wishes to appear personally, Licensee must request a hearing in a separate document, filed with the Licensee's answer to the charges.

1. I, Tracy Nobiletti, D.C., agree that cause exists for the Oregon Board of Chiropractic Examiners to issue civil penalties and costs of this proceeding. I agree to the imposition of this discipline, and hereby waive my right to a hearing.

Original Signatures on file
at the OBCE Office

Dated: 8-11-03

2. I, _____, D.C., agree that the facts as alleged in the Notice of Proposed Disciplinary Action are true and accurate. I have an additional written statement that I wish the Board to consider in its deliberation of this matter. It is submitted with this agreement. I hereby request a hearing and waive my right to appear.

Dated: _____



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August 4, 2003

Tracy Nobiletti, Applicant
4703 SE Rockwood
Milwaukie, Oregon 97222

Re: Case 2003-5007
Proposed Issuance of Certification with Condition

Dear Ms. Nobiletti,

The Oregon Board of Chiropractic Examiners reviewed your application for certification (licensure) as a Certified Chiropractic Assistant at their July 31, 2003 meeting. They reviewed your history of a felony conviction and subsequent probation.

You plead guilty on December 1, 1997 to possession of a controlled substance and there is a judgment of conviction. You were placed on probation for 18 months and had to pay a fine.

It is the Board's finding that your record is indicative of a serious offense.

Under to the provisions of ORS 684.100 (1)(d) and ORS 670.280, the Board proposes that you be granted certification with the condition that you must disclose your felony conviction history to any and all chiropractic physicians with whom you seek employment, and that failure to do so will result, after investigation and due process, in the revocation of your license.

Since this is a proposed order you must answer and or request a hearing within 30 days. Please see attached your due process rights.

Enclosed is an agreement form for your use which is self-explanatory. If you decide to use either Option 1 or 2, please sign, date and return the agreement form to the OBCE. We will then process your application as soon as we can.

Feel free to give me a call if you have any questions.

Sincerely,

Original Signatures on file
at the OBCE Office

Dave McTeague
Executive Director

CC: Kimberly Guthrie DC

Tracy Nobiletti, Proposed Order for Certification with Conditions Page 1



1.

Applicant has the right, if Applicant requests, to have a formal contested case hearing before the OBCE or its hearing officer to contest the matter set out above. At the hearing, an attorney may represent Applicant and subpoena and cross-examine witnesses. That request for hearing must be made in writing to the OBCE, must be received by the OBCE within 30 days from the mailing of this notice (or if not mailed, the date of personal service), and must be accompanied by a written answer to the charges contained in this notice.

2.

The answer shall be made in writing to the OBCE and shall include an admission or denial of each factual matter alleged in this notice, and a short plain statement of each relevant affirmative defense Applicant may have. Except for good cause, factual matters alleged in this notice and not denied in the answer will be considered a waiver of such defense; new matters alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the notice and answer.

3.

If Applicant requests a hearing, before commencement of that hearing, Applicant will be given information on the procedures, rights of representation and other rights of the parties relating to the conduct of the hearing as required under ORS 183.413-415.

4.

If Applicant fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against Applicant. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

DATED August 4, 2003

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original Signatures on file
at the OBCE Office

I

Dave McTeague, Executive Director

State of Oregon)
County of Marion) Case # 2003-5007

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 verify and believe.

Original Signatures on file
at the OBCE Office

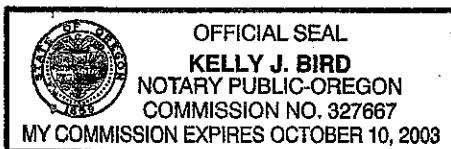
DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 4th day of August, 2003.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/10/03

Original Signatures on file
at the OBCE Office

W



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on August 5, 2003, I served the foregoing Proposed Order the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Tracy Nobiletti
4703 SE Rockwood
Milwaukie, Oregon 97222

Cc (by regular mail):
Kimberly Guthrie DC
4000 Kruse Way Pl, Bldg 2 #245
Lake Oswego, Oregon 97035

Original Signatures on file
at the OBCE Office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners