

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
William David Stoltz) Case # 2005-1012
D.C. Applicant.)
FINAL DEFAULT BY
ORDER
(Denial of License Application)

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. William David Stoltz (hereafter "Applicant"), has requested to be licensed by the Board to practice as a chiropractic physician in Oregon.

FINDINGS OF FACT

1.

On March 28, 2005, the OBCE received Applicant's application for a license to practice as a chiropractic physician in Oregon. The application was forwarded to Executive Director Dave McTeague for the Board to review and approve.

2.

Applicant stated in his application dated March 24, 2005, that he had not ever been convicted of, pled guilty or pled nolo contendere to any offense, misdemeanor or felony that could have resulted in state or local imprisonment.

3.

Applicant was previously licensed in Oregon and allowed his license to lapse and expire on July 31, 2001. Applicant also has a discipline history while he was licensed. On December 18, 1990, Applicant received a written reprimand for his conviction on the Assault IV in the Josephine County Case. He was directed at that time to conform his behavior to the

requirements of Oregon law and to refrain from engaging in unprofessional or dishonorable conduct which included violent outbursts. On June 5, 1991, Applicant received a civil penalty in the sum of \$300 and a written reprimand for practicing chiropractic during a time when his license had expired. At the time Applicant notified the Board that he was not renewing his license in 2001, a complaint was pending against him concerning billing practices. Applicant met with the Peer Review Committee and they voiced several concerns with the patient records that were reviewed. Applicant was told that should he apply for a license to practice Chiropractic in Oregon in the future, the issues raised in that case (Case #98-1009) would need to be addressed as part of the application process. On July 23, 2001, Applicant was given a letter of concern for that matter in other than a contested case.

4.

After the license application was received by this Board, an investigation began. Further investigation by the OBCE revealed that Applicant's Oregon Computer Criminal History record indicates on December 22, 1989 applicant was arrested for assault IV. On October 5, 1990, Applicant was convicted of Assault IV, an A misdemeanor and received a maximum of 1 year in jail, a \$2500 fine and a three year of supervised probation which included completion of anger management, a polygraph requirement, no use of weapons or intoxicants and urine and breath tests.

On May 20, 1991 Applicant was arrested for possession of marijuana and was convicted of possession of less than one ounce of marijuana on February 18, 1992, as a violation.

5.

During the investigation, the Board also became aware of other altercations the applicant has had with the various police agencies in the last six years. In 2001, Applicant was arrested for Assault, Menacing, Interfering with making a report, reckless endangerment, criminal mischief in the 2nd degree and harassment. Applicant was not convicted for any of those arrests.

Between 1999 and 2004, Applicant was involved in four different altercations as a resident in the state of Hawaii. While living in Hawaii, Applicant was a licensed chiropractic physician in that state. All involved various forms of alleged assault and combative behavior. Applicant was arrested 4 times and three of the cases are still currently pending in that state.

6.

During March 2005, the Board received a complaint that Applicant was offering unlicensed chiropractic services to a patient in the Grants Pass area. It was alleged that he was trading services with a physical therapist wherein he would provide chiropractic services to her in exchange for receiving physical therapy treatments for himself. In addition, it was alleged that after offering services for trade, that Applicant engaged in a romantic personal relationship with the physical therapist while treating her and receiving treatments from her.

7.

On May 26, 2005, Applicant was served with a Notice of Proposed Denial of License. That document instructed Applicant to request a hearing within a specified time. Applicant signed via certified mail for that Notice of Proposed Denial on June 15, 2005. The time for Applicant to request a hearing on that denial has run as of August 15, 2005. Applicant is currently in default. In the Notice of Proposed Denial of License, Applicant was warned that a default order would be issued if he failed to request a hearing.

CONCLUSIONS OF LAW

8.

The Board finds that the acts and conduct of Applicant described above violates the standards as set forth in ORS 684.100(1)(d) as a conviction of a felony or misdemeanor

involving moral turpitude. In addition, not being truthful on the application is unprofessional conduct pursuant to ORS 684.100(1)(g). Specifically, ORS 684.100(1)(g) and OAR 811-035-0015 (16) allows the Board to refuse to grant a license upon a finding of unprofessional conduct including but not limited to resorting to fraud, misrepresentation or deceit in applying for or obtaining a license. Applicant was not truthful in his conviction history when respond to questions posed in the application.

9.

The Board finds that there were misrepresentations in the application for the licensure in terms of applicant's criminal conviction history. In addition, the Board finds that there is a long history of discipline with this Board with this applicant, and other behavior that continued since 1999 of unprofessional and/or dishonorable conduct. The Board has reviewed the application and convictions in addition to the continual unprofessional and/or dishonorable conduct that warrants denial of the license.

ORDER

Applicant, William David Stoltz is hereby denied licensure by the Oregon Board of Chiropractic Examiners and is found to be in default in his request for a hearing in his denial of said license.

DATED this 23rd day of August, 2005.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: Original Signatures on file
at the OBCE Office
Dave McTeague, Executive Director

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.

VERIFICATION

State of Oregon)
County of Marion) Case # 2005-1012

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 Signatures on file
at the OBCE Office

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 22nd day of Aug, 2005.

Original Signatures on file
at the OBCE Office

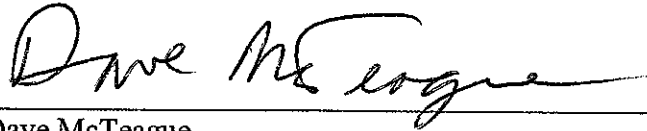
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/7/07



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on August 23, 2005, I served the foregoing Final Order by Default upon William David Stoltz, Applicant, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

William David Stoltz
433 Wonderlane
Wilderville OR 97543



Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners