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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

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In the Matter of)
Mark Walsh, D.C.) STIPULATED FINAL ORDER
Licensee.) Case # 2009-5008

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The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Mark Walsh, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the State of Oregon. The Board proposes to discipline Licensee for the following reasons.

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Findings of Fact

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1.

On August 15, 2006, Licensee signed a Stipulated Final Order in case numbers 2004-1036 and 2004-3003. That order required in paragraph 2 of the stipulations:

Licensee agrees to make a civil penalty in the total of \$20,000 beginning when the six month suspension has been served by Licensee. Licensee will make monthly payments of \$200, due and payable by the 1st of every month, until the remaining amount owed is paid.

Paragraph 6 of the stipulation also stated "if Licensee violates any of the terms of this order, the Board may, after notice and hearing, enter further disciplinary orders."

2.

Licensee's six month suspension began in November 2006 and ended May 1, 2007. After two letters were written to Licensee in May and June 2007, Licensee responded saying he would send payment for both May and June with future payments from this point on. That was June 4, 2007. Licensee failed to make any payments as promised in the stipulation and further communications.

On March 18, 2008 the account was assigned to the Department of Revenue for collections.

The only amounts collected on this debt were \$21 collected by the Department of Revenue. The balance owing to date is \$19,979.

1 On July 16, 2009, the Board directed staff to return the account at Department of Revenue
2 and cease collections. The Board voted on July 16, 2009 to proceed with disciplinary action
3 against Licensee for failure to follow the Board order.
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5 Licensee has failed to make any payments, nor make arrangements with Board staff to
6 make future payments. Licensee has not made 35 payments of \$200 as of the date of this order,
7 which would have been \$7,000 towards his civil penalty obligation.
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9 **Conclusions of Law**

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11 3.
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13 The Board finds that Licensee's failure to make payments as agreed in his Stipulated
14 Final Order is unprofessional conduct and is a violation of ORS 684.100 (1)(g); OAR 811-035-
15 0015(23).
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18 **Stipulations**

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20 4.
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22 Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:
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- 24 1. The parties have agreed to enter this stipulated final order. Licensee agrees that he is
25 aware of his right to a hearing with his attorney present to contest the charges and hereby
26 waives that right and agrees to entry of this order. The signature of this order also waives
27 any right to appeal. The parties wish to settle and resolve the above matter without
28 further proceedings.
- 29 2. Licensee agrees to become current in his payment plan of \$200 per month towards his
30 \$20,000 civil penalty within 60 days of the effective date of this Stipulated Final Order.
31 As of September 1 that amount would be \$7,200. Future payments of \$200 per month are
32 due by the 1st of the month. Licensee also agrees to abide by the terms of the August 15,
33 2006 agreement.
- 34 3. Licensee's license is automatically suspended if payments are delinquent for more than
35 30 days and shall remain suspended until Licensee becomes current with his payment
36 plan.
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38 I have fully read and fully understand all of the above facts and agree to the above terms:
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40 IT IS SO ORDERED effective last date signed below;
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42 **BOARD OF CHIROPRACTIC EXAMINERS**
43 State of Oregon
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