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

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In the Matter of)	
)	FINAL ORDER
Gwendolyn Willmon, D.C.)	ON DEFAULT
)	
)	
Licensee.)	Case # 2008-5008

14 The Board of Chiropractic Examiners (Board) is the state agency responsible for
15 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Wendy
16 Willmon, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
17 State of Oregon.

18 Findings of Fact

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20 1.

21 In her 2007 signed Licensee Renewal Notice and Affidavit filed on July 27, 2007,
22 Licensee affirmed that she had completed the required number of continuing education credits
23 that the license renewal required. The renewal application stated "I swear, and affirm that during
24 the previous license year, I completed the required number of CE credits for my license status
25 and my signature below verifies that all information hereon is true and correct." Licensee was
26 required to complete the CE by June 30, 2007.

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28 2.

29 However, upon audit and review by the Board of the credits that were actually taken by
30 Licensee during the required period, of the 20 that were required, Licensee was missing 13 hours
31 of CE credits and had only completed seven. Once Licensee was aware of the Board Audit,
32 Licensee took 14 additional hours in a good faith effort to respond to the audit, however, those
33 were not accomplished during the time period required. Those 14 hours were completed in
34 November 2007.

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36 3.

37 On January 23, 2008 a Proposed Notice of Civil Penalty was sent to Licensee at
38 her both addresses of record via certified mail. Licensee acknowledged receipt of the notice on
39 or about March 13, 2008 in a telephone conversation with the Board. In the Notice of Proposed
40 Civil Penalty, Licensee was notified to request a hearing within 30 days and given her notice of
41 contested case rights. Licensee stated she was not going to request a hearing and did not do so
42 within the 30 day time requirement. Licensee is now in default.

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2 Conclusions of Law
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4 4.

5 The Board finds that Licensee's failure to complete the CE within the time period
6 required is a violation of OAR 811-15-0025 and ORS 684.092. In signing the renewal affidavit
7 stating the CE was completed within that time period, when it was not, Licensee violated OAR
8 811-035-0015(16).
9

10 Order
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12 5.

13 The Board assesses a civil penalty in the sum of \$250 for signing a false affidavit and a
14 fine of \$650 (\$50 per hour of course not completed) for failure to complete the CE within the
15 time period required. Total civil penalty of \$900 is levied against Licensee. This civil penalty is
16 payable within 90 days of the date this order is signed.
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18 IT IS HEREBY ORDERED that Licensee is assessed a civil penalty in the sum of \$900 that is
19 payable within 90 days of the date of this signed order.
20

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22 DATED this 26th day of March 2008.
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24 BOARD OF CHIROPRACTIC EXAMINERS
25 State of Oregon

26 Original signature on file
27 at the OBCE office

28 By:

29 Dave McTeague, Executive Director
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34 A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant
35 to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of
36 State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is
37 requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the
38 petition is based is served.
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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.oregon.gov/OBCE

January 23, 2008

Gwendolyn Willmon DC
Bend Chiropractic Clinic, PC
54300 Huntington Rd.
P.O. Box 4842
Sunriver, Oregon 97707

Re: Case # 2008-5008, Notice of Proposed Civil Penalty

Dear Dr. Willmon,

The Board of Chiropractic Examiners reviewed your CE compliance at their recent meeting and voted to issue the enclosed Notice of Proposed Civil Penalty.

You have 30 days in which to respond and request a contested case hearing.

Sincerely,

Original signature on file?
at the OBCE office.

↓
Dave McTeague
Executive Director

Enclosure



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

6 In the Matter of)
7) NOTICE OF PROPOSED
8 Gwendolyn Willmon, D.C.) CIVIL PENALTY
9)
10)
11 Licensee.) Case # 2008-5008
12
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14 The Board of Chiropractic Examiners (Board) is the state agency responsible for
15 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Wendy
16 Willmon, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
17 State of Oregon. The Board proposes to discipline Licensee for the following reasons.
18

19 1.

20 In her 2007 signed Licensee Renewal Notice and Affidavit filed on July 27, 2007,
21 Licensee affirmed that she had completed the required number of continuing education credits
22 that the license renewal required. The renewal application stated "I swear, and affirm that during
23 the previous license year, I completed the required number of CE credits for my license status
24 and my signature below verifies that all information hereon is true and correct." Licensee was
25 required to complete the CE by June 30, 2007.
26

27 2.

28 However, upon audit and review by the Board of the credits that were actually taken by
29 Licensee during the required period, of the 20 that were required, Licensee was missing 13 hours
30 of CE credits and had only completed seven. Once Licensee was aware of the Board Audit,
31 Licensee took 14 additional hours in a good faith effort to respond to the audit, however, those
32 were not accomplished during the time period required. Those 14 hours were completed in
33 November 2007.
34

35 3.

36
37 The Board finds that Licensee's failure to complete the CE within the time period
38 required is a violation of OAR 811-15-0025 and ORS 684.092. In signing the renewal affidavit
39 stating the CE was completed within that time period, when it was not, Licensee violated OAR
40 811-035-0015(16).
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5 Due to the aforementioned violations, the OBCE proposes to levy a civil penalty in the
6 sum of \$250 for signing a false affidavit and the fine of \$650 (\$50 per hour of course not
7 completed) for failure to complete the CE within the time period required. A total civil penalty
8 of \$900 is levied against Licensee.

9 5.
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11 Licensee shall pay costs of this disciplinary proceeding, including investigative costs and
12 attorney fees pursuant to ORS 684.100(9)(g).
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14 6.
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16 Licensee has the right, if Licensee requests, to have a formal contested case hearing
17 before the Office of Administrative Hearings to contest the matter set out above. At the hearing,
18 Licensee may be represented by an attorney and subpoena and cross examine witnesses. That
19 request for hearing must be made in writing to the OBCE, must be received by the OBCE within
20 30 days from the mailing of this notice (or if not mailed, the date of personal service), and must
21 be accompanied by a written answer to the charges contained in this notice.
22

23 7.
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25 The answer shall be made in writing to the OBCE and shall include an admission or
26 denial of each factual matter alleged in this notice, and a short plain statement of each relevant
27 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this
28 notice and not denied in the answer will be considered a waiver of such defense; new matters
29 alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and
30 evidence shall not be taken on any issue not raised in the notice and answer.
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32 8.
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34 If Licensee requests a hearing, before commencement of that hearing, Licensee will be
35 given information on the procedures, rights of representation and other rights of the parties
36 relating to the conduct of the hearing as required under ORS 183.413-415.
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38 9.
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40 If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the
41 hearing, the OBCE may issue a final order by default and impose the above sanctions against
42 Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file
43 regarding the subject of this automatically become part of the evidentiary record of this

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3 disciplinary action upon default for the purpose of proving a prima facie case.
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5 DATED this 23rd day of January 2008.
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7 BOARD OF CHIROPRACTIC EXAMINERS
8 State of Oregon
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10 Original signature on file
11 By: at the OBCE office 
12 Dave McTeague, Executive Director
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1 State of Oregon

) Case # 2008-5008

2 County of Marion

) Gwendolyn Willmon DC

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5 I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the
6 Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this
7 case; and that the foregoing Notice of Proposed Civil Penalty is true to the best of my knowledge
8 as I verily believe.

9
10 Original signatures on file
11 at the OBCE office.

12 Dave McTeague, Executive Director
13 Oregon Board of Chiropractic Examiners

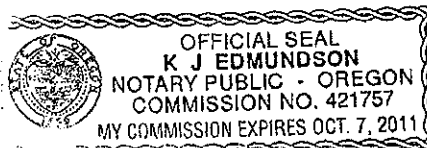
14
15 SUBSCRIBED AND SWORN to before me

16 this 22nd day of January, 2008

17 Original signatures on file
18 at the OBCE office.

19 NOTARY PUBLIC FOR OREGON

20 My Commission Expires: 10/7/11



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Certificate of Service

I, Dave McTeague, certify that on January 23, 2008, I served the foregoing Notice of Proposed Civil Penalty upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Gwendolyn Willmon DC
Bend Chiropractic Clinic, PC
54300 Huntington Rd.
P.O. Box 4842
Sunriver, Oregon 97707

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners