BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS STATE OF OREGON

ase # 2005-5007
NAL ORDER BY EFAULT

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. Sara Jane Carpentier (hereafter "CCA applicant"), applied for a license as a certified chiropractic assistant in Oregon.

Findings of Fact

1.

On August 5, 2005, the OBCE received CCA's application for a certificate to practice as a certified chiropractic assistant in Oregon. On question five of the application where Applicant was asked if she had ever been arrested or charged with a violation, misdemeanor or felony, Applicant responded yes. In the attached explanation for that response, Applicant provided a handwritten statement that she had received a felony in September 2003 for unlawful use of a motor vehicle and was found guilty by association. She explained that items of hers were found in the car. She explained that she was going to get it expunged.

2.

On question 7 of the application where it asks if they have ever been convicted of, pled guilty, or no contest to any offense, misdemeanor or felony which could have resulted in imprisonment, Applicant responded yes.

3.

Board staff followed up and found that Applicant had been arrested and charged for unlawful use of a motorized vehicle in February 2003. The police report states that applicant took a Honda Accord on two test drives from the victim's location. Victim was advertising the car to be for sale. Applicant had mentioned to victim that the keys can be filled down and Honda's are easy to steal and asked questions about the safety of the neighborhood. The next day, the Honda was stolen from Victim. Police located the vehicle with the victims VIN number in Applicant's apartment parking lot. There were papers in the glove box in applicant's name, a Chemeketa College parking sticker belonging to Applicant on the car, and different plates were on the vehicle. The side panel which had been black was painted white. The police checked the

new plates and they came back to Applicants name. She was arrested and convicted of a felony of unlawful use of a motorized vehicle on September 23, 2003.

Applicant was not truthful in her explanation to the Board when she stated she was found guilty by association.

In her response to question 3, Applicant failed to divulge that she had been arrested in May 2001 for Assault in the 4th degree and recklessly endangering a child. Those charges were diverted and were dismissed in February 2002.

4.

On December 5, 2005 the Notice of Proposed Denial of Certificate was sent to Applicant at the address provided on the application for the certificate. In the notice, Applicant was instructed to request a hearing within 60 days, in writing, and that if a request for hearing was not received, the Board file would be used as the evidentiary record for denial and to prove a prima facie case. Applicant failed to timely request a hearing within the 60 day time period and is now in default.

Conclusions of Law

5.

The Board finds that the acts and conduct of applicant in her application and responses to such, are cause to refuse to grant a certificate to Applicant. The misrepresentations in the responses to questions regarding criminal convictions is evidence of fraud or misrepresentation in applying for or procuring a certificate; in violation of OAR 811-010-0110(14)(b). In addition, the Board may also deny a certificate for conviction of a misdemeanor involving moral turpitude or a felony pursuant to OAR 811-010-0110(14)(c). The Board finds that a felony conviction for unlawful use of a motorized vehicle is a crime involving moral turpitude.

Order

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IT IS HEREBY ORDERED that applicant's application for a certificate to practice as a certified chiropractic assistant is hereby denied based on violations of OAR 811-010-0110(14)(b) and (c).

ORDERED this 22nd day of February 2006.

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

Original Signatures on file at the OBCE Office

By: - 13

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

	State of Oregon)	Case # 2005-5007			
	County of Marion	4)	Sara Jean Charpentier, CCA	Applicant		
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	I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the						
Orego	n Board of Chiropractic Exar	niners, a	nd as suc	ch, am authorized to verify ple	eadings in this		
case: and that the foregoing Final Order by Default is true to the best of my knowledge as I							
verily	believe.			·			
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				e, Executive Director of Chiropractic Examiners			
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		SUBSCRIBED AND SWORN to before me					
		this	<u>22</u> -	al day of Februar	<u>u</u> , 2006		
	<i></i>	Or	_	Signatures on file e OBCE Office			
				LIC POR OREGON n Expires: \ \ \ \ 7 \ \ C	7		
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Certificate of Service

I, <u>Dave McTeague</u>, certify that on February 22, 2006, I served the foregoing Final Order by Default upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Sara Jean Charpentier 1351 Peace St. #7 Salem, Oregon 97302

Original Signatures on file at the OBCE Office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners