

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
Brandy Michelle Enright,) Case # 2006-5010
CCA applicant)
) **FINAL ORDER BY DEFAULT**
) **DENIAL OF CERTIFICATE**
_____)

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. Brandy Michelle Enright (hereafter "Applicant"), applied for a license as a certified chiropractic assistant in Oregon. The Board proposes to deny the certificate of the above applicant on the following basis:

FINDINGS OF FACT

1.

On July 21, 2006, the OBCE received Applicant's application for a license 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 a theft conviction from a previous employer. The investigation revealed that on November 20, 2005 Applicant was arrested for Theft 2 for stealing coins from laundry machines from her employer, American Management Corporation. Court information shows that on December 12, 2005, Applicant pled guilty to that and was assessed fines, and ordered to pay restitution of \$70. The petition for plea states that the maximum possible sentence was 1 year in jail. There was no mention of any driving under the influence arrests mentioned in her response.

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 no.

3.

The investigation also found that on November 23, 1999, Applicant was arrested for driving while intoxicated and that matter was diverted through the courts. Applicant was not truthful in her responses on the application and failed to provide adequate explanation to the Board.

4.

On November 22nd, 2006 a Notice of Proposed Denial of Certificate was sent to Applicant at her address on the application. In that notice, it stated that if she disagreed with the proposed denial, she was to request a hearing within 60 days. The Notice also stated that if she failed to request a hearing, the Board could use the record as prima facie case for a default order. Since the mailing of the Notice of Proposed Denial of Certificate, the Board has not received a request for hearing from Applicant.

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. 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 misdemeanor conviction of Theft 2 is a crime involving moral turpitude.

ORDER

6.

The Board, based on the above hereby takes default and orders that the applicant's request for a certificate to practice as a chiropractic assistant is hereby denied.

DATED this February 2, 2007

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: Original Signatures on file
at the OBCE Office
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on February 2, 2007, I served the foregoing Final Order by Default upon Brandy Michelle Enright, the party hereto, by mailing, regular mail, a true, exact and full copy thereof to:

Brandy Michelle Enright
4502 45th Ave. NE
Salem, Oregon 97303

Original Signatures on file
at the OBCE Office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
Brandy Michelle Enright,) Case # 2006-5010
CCA applicant)
) **NOTICE OF PROPOSED**
) **DENIAL OF LICENSE**

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. Brandy Michelle Enright (hereafter "Applicant"), applied for a license as a certified chiropractic assistant in Oregon. The Board proposes to deny the certificate of the above applicant on the following basis:

1.

On July 21, 2006, the OBCE received Applicant's application for a license 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 a theft conviction from a previous employer. The investigation revealed that on November 20, 2005 Applicant was arrested for Theft 2 for stealing coins from laundry machines from her employer, American Management Corporation. Court information shows that on December 12, 2005, Applicant pled guilty to that and was assessed fines, and ordered to pay restitution of \$70. The petition for plea states that the maximum possible sentence was 1 year in jail. There was no mention of any driving under the influence arrests mentioned in her response.

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 no.

3.

The investigation also found that on November 23, 1999, Applicant was arrested for driving while intoxicated and that matter was diverted through the courts.

4.

Applicant was not truthful in her responses on the application and failed to provide adequate explanation to the Board.

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 misdemeanor conviction for theft II from an employer is a crime involving moral turpitude.

6.

NOTICE OF RIGHT TO A HEARING

Applicant has the right, if applicant requests, to a hearing as provided by the Administrative procedures Act (ORS Chapter 183) before the Office of Administrative Hearings to contest the matter set out above. At the hearing, applicant may be represented by an attorney, and may subpoena and cross-examine witnesses. A request for hearing must be made in writing to the Board, and must be received by the Board within 60 days from the date of 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. Upon receipt of a request for hearing, the Board will notify applicant of the time and place of the hearing. If a hearing is requested, applicant will be given, prior to the commencement of the hearing, information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing as required by ORS 183.413(2).

7.

Applicant's answer shall be made in writing to the Board 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 shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; and new matters alleged in the 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.

8.

If applicant fails to request a hearing within 60 days, or fails to appear as scheduled at the hearing, the Board 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 case automatically becomes part of the evidentiary record of this

Disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).

DATED this 22nd day of November 2006.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original Signatures on file
at the OBCE Office
By: _____
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

State of Oregon) Case # 2006-5010
County of Marion) Brandy Michelle Enright
) CCA applicant

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

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

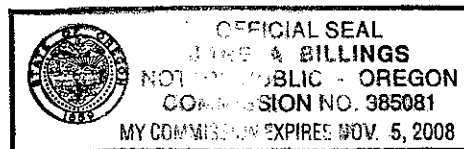
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 23 day of Nov, 2006

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

NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-5-08



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on November 22nd, 2006, I served the foregoing Notice of Proposed License Denial upon Brandy Michelle Enright, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Brandy Michelle Enright
4502 45th Ave. NE
Salem, Oregon 97303

Original Signatures on file
at the OBCE Office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners