

1                   BEFORE THE OREGON BOARD  
2                   OF CHIROPRACTIC EXAMINERS

3 In the Matter of the                   )           STIPULATED AGREEMENT  
4 Chiropractic License of                )           FOR ENTRY OF FINAL ORDERS  
5 Dr. Anthony Esau, D.C.                 )

6           WHEREAS, the Oregon Board of Chiropractic Examiners, in  
7 April of 1988, filed and caused to be served upon Dr. Anthony  
8 Esau, D.C. Notice of Proposed Revocation of Chiropractic  
9 License which notice set out the basis for such proposed  
10 revocation, and,

11           WHEREAS, Dr. Anthony Esau, D.C., by and through his  
12 attorney, Steven M. Richkind, demanded a contested case hearing  
13 under the provisions of the Oregon Administrative Procedures  
14 Act as to this proposed revocation, and,

15           WHEREAS, the parties to this contested case proceeding,  
16 that is to say the Oregon Board of Chiropractic Examiners and  
17 Dr. Anthony Esau, D.C., by and through their attorneys, met and  
18 consulted with a view toward resolving the issues to be  
19 presented in the coming contested case, so as to avoid the  
20 expense and vexation of further litigation in this matter, and,

21           WHEREAS, as a result of this discussion Dr. Anthony Esau  
22 is willing for the Oregon Board of Chiropractic Examiners to  
23 enter Final Orders in this proceeding containing the following  
24 provisions:

- 25           1.   The Oregon Board of Chiropractic Examiners asserts  
26           and Dr. Anthony Esau agrees that the resolution of this

26   / / /

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1 case has not come about as a result of the exertion of  
2 force or coercion against any party.

3 2. Dr. Anthony Esau, D.C. neither admits nor denies the  
4 assertions of violations of law contained in the Notice of  
5 Proposed Revocation of Chiropractic License previously  
6 filed by the Oregon Board of Chiropractic Examiners and  
7 served upon him.

8 3. Within four working days of the 30th calendar day  
9 following the entry of this final order by the Oregon  
10 Board of Chiropractic Examiners Dr. Anthony Esau will  
11 surrender his license to practice chiropractic previously  
12 conferred upon him by the Oregon Board of Chiropractic  
13 Examiners. This surrender of the license to practice  
14 Chiropractic will involve the personal delivery or the  
15 mailing of the actual documentary license to practice  
16 chiropractic to the Oregon Board of Chiropractic  
17 Examiners, 112 State Office Building, 1400 Southwest 5th,  
18 Portland, Oregon 97201. Dr. Anthony Esau, D.C.  
19 understands and agrees that this actual surrender of the  
20 license to practice chiropractic constitutes an  
21 irrevocable surrender of the right to practice  
22 chiropractic in Oregon.

23 4. Immediately upon the receipt of Dr. Anthony Esau's  
24 actual license to practice chiropractic the Board of

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26 / / /

1 Chiropractic Examiners will enter an order dismissing  
2 further proceedings in this matter.

3 Original signature on file  
4 at the OBCE office.

Original signature on file  
at the OBCE office.

5 THOMAS E. TWIST  
6 Assistant Attorney General  
7 of Attorneys for Oregon Board  
8 of Chiropractic Examiners

STEVEN M. RICHKIND  
Attorney at Law  
of Attorneys for  
Dr. Anthony Esau, D.C.

9 Dated: May 27, 1988

Dated: May 26, 1988

10 SO ORDERED:

11 Original signature on file  
12 at the OBCE office.

13 STEVEN L. GARDNER, D.C., Chairman  
14 Oregon Board of Chiropractic Examiners

15 Dated: June 1, 1988

← Sign +  
date here  
only

16 IT IS HEREBY ORDERED, that based up  
17 Anthony Esau has physically surrendered  
18 Chiropractic Examiners his license to practice chiropractic in  
19 Oregon, further proceedings in this matter are hereby dismissed.

20 STEVEN L. GARDNER, D.C., Chairman  
21 Oregon Board of Chiropractic Examiners

22 Dated: \_\_\_\_\_

23 TET:cws/7057G  
24  
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3 - STIPULATED AGREEMENT FOR ENTRY OF FINAL ORDERS

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BEFORE THE OREGON BOARD  
OF CHIROPRACTIC EXAMINERS

In the Matter of the )  
Chiropractic License of )  
Dr. Anthony Esau, D.C. ) NOTICE OF PROPOSED  
REVOCATION OF  
CHIROPRACTIC LICENSE

TO: Anthony Esau, D.C.

The license to practice chiropractic issued to Dr. Anthony Esau by the Oregon Board of Chiropractic Examiners is proposed to be revoked. This revocation arises under the provisions of ORS 684.100.

The Board's reasons for this proposed revocation of license is based upon the following:

1. Commencing on or about November of 1986, and continuing until on or about April 3, 1988, Dr. Esau undertook responsibility for the care and treatment of one, Tom Morrow.

2. From on or about November of 1986 and until on or about April 3, 1988, Tom Morrow suffered from cancer involving his lungs, colon and liver. Dr. Esau was aware of this diagnosis, reached by competent medical authority, from the outset of the treatment he provided Tom Morrow.

3. From on or about November of 1986 and until on or about April 3, 1988, Tom Morrow's prognosis with respect to the disease described in paragraph 2 above, which prognosis was reached by competent medical authority and conveyed to Dr. Esau was that Tom Morrow was terminally ill and had but a short time to live.

4. Commencing on or about November of 1986 and continuing until on or about April 3, 1988, Dr. Esau prescribed and carried out a regimen of treatment of Tom Morrow's condition which was and is contrary to recognized standards of practice of the chiropractic profession and as such constituted unprofessional or dishonorable conduct in violation of ORS 684.100(1)(g)(B). This regimen of treatment was carried out and prescribed by Dr. Esau on Tom Morrow despite Dr. Esau's knowledge of the diagnosis reached by competent medical authority with respect to Tom Morrow and included but was not limited to injections of

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1 ozone gas and a substance composed at least partially of  
2 mistletoe as well as injections of laetrile.

3 5. Commencing on or about November of 1986 and continuing  
4 until on or about April 3, 1988, Dr. Esau represented to  
5 Tom Morrow that the manifestly incurable disease from  
6 which Tom Morrow suffered and which is described above,  
7 could be permanently cured, which representations involve  
8 unprofessional or dishonorable conduct in violation of ORS  
9 684.100(1)(i).

10 6. Commencing on or about November of 1986 and continuing  
11 until on or about April 3, 1988, Dr. Esau obtained fees  
12 from Tom Morrow through the misrepresentations set out in  
13 paragraph 5 above, all in violation of ORS 684.100(1)(j).

14 7. Commencing in November of 1986 and continuing until on  
15 or about April 3, 1988, Dr. Esau has aided and abetted the  
16 practice of medicine by an unlicensed person in that he  
17 has permitted and encouraged his wife one, Cheryl Esau, to  
18 inject Tom Morrow with certain vitamin preparations and  
19 other substances although Cheryl Esau has no license or  
20 competent legal authority to administer such injections,  
21 all in violation of ORS 684.100(1)(p).

22 8. Commencing in November of 1986 and continuing until on  
23 or about April 3, 1988, Dr. Esau has held himself out to  
24 Tom Morrow and Donna Morrow (Tom Morrow's wife) as one who  
25 treats cancer by a secret formula, method, treatment and  
26 procedure, all in violation of ORS 684.100(1)(r).

9. Dr. Esau's conduct with respect to the treatment he  
provided Tom Morrow, as it is described in paragraphs 1  
through 8 above, constitutes gross incompetence and gross  
negligence within the meaning set out in ORS 684.100(1)(t).

10. Dr. Esau committed "fraud" in the sense that term is  
used by OAR 811-15-005 in that he failed to keep complete,  
detailed and correct records of the services he rendered  
and the treatment he provided to Tom Morrow commencing on  
or about November of 1986 and continuing until on or about  
April 3, 1988.

11. Dr. Esau violated the provisions of OAR 811-15-015 by  
failing to obtain the written informed consent of Tom  
Morrow relative to the non-standard methods of treatment  
he provided to Tom Morrow during the period commencing on  
or about November of 1986 and continuing until on or about  
April 3, 1988.

26 / / /

1 You are entitled to a hearing before the Oregon Board of  
2 Chiropractic Examiners as provided by the Administrative  
3 Procedure Act (chapter 183, Oregon Revised Statutes). You may  
4 be represented by counsel at the hearing. If you desire a  
5 hearing, you must notify the Oregon Board of Chiropractic  
6 Examiners in writing that you request a hearing within 20 days  
7 of the date of the mailing of this notice to you. Upon receipt  
8 of your request, the Board will notify you of the time and  
9 place of the hearing.

10 If you request a hearing you will be given information on  
11 the procedures, right of representation and other rights of  
12 parties relating to the conduct of the hearing as required  
13 under ORS 183.413(2) before commencement of the hearing. If  
14 you fail to request a hearing within 20 days, or you fail to  
15 appear at a scheduled hearing, the Board may issue a final  
16 order by default revoking your license.

17 Dated <sup>MAY</sup> ~~April~~ 5, 1988.

18 " Original signature on file  
19 " at the OBCE office. *r.D.C.*

20 CHAIRMAN  
21 Oregon Board of Chiropractic  
22 Examiners

23 "A certified true copy"  
24 Betty Tower  
25 Administrative Assistant

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