

1 4. The OBCE applied the \$100 towards the statutory \$125
2 late fee. Fletcher owed a \$25 balance.

3 5. Fletcher was notified on September 7, 1994, that she was
4 not licensed and could not practice unless she paid the
5 outstanding balance.

6 6. Fletcher sent a letter to request her license renewed
7 along with a \$25 late penalty. The envelope was postmarked
8 September 13, 1994.

9 7. An active license was issued on September 21, 1994.

10 **CONCLUSIONS AND REASONS**

11 1. Fletcher violated ORS 684.020 and 684.100(1)(g) by
12 practicing with an expired license for two calendar weeks. The
13 September 23, 1994 Notice contained an allegation that Fletcher
14 has practiced for three weeks without a license. However, the
15 evidence at hearing showed that Fletcher was issued a new license
16 on September 16, 1994 (Exhibit 4) and therefore could only have
17 practiced for two calendar weeks without a license.

18 2. The Notice proposed a penalty of \$100 for each calendar
19 week Fletcher practiced without a license. The OBCE believes that
20 this \$100 penalty is reasonable as a deterrent against unlicensed
21 practice in the future.

22 **FINAL ORDER**

23 Licensee did violate ORS 684.020 and 684.100(1)(g) by
24 practicing for two calendar weeks without an active Oregon
25 license. A civil penalty of \$200 is assessed against Fletcher for

26 ///

1 practicing without a license for two calendar weeks and is to be
2 paid ten days after the date of this order.

3 DATED this 24 day of May, 1995.

4 BOARD OF CHIROPRACTIC EXAMINERS
5 State of Oregon

6 By: _____ Original signatures on file
7 ch at the OBCE office. ctor

8 **NOTICE:** You are entitled to a judicial review of the Final Order.
9 Judicial review is by the Oregon Court of Appeals pursuant to the
10 provisions of ORS 183.482. Judicial review may be obtained by
11 filing a petition for review with the Office of the State Court
12 Administrator, Supreme Court Building, Salem, Oregon 97310, within
13 60 days from the service of the Final Order.

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1 3.

2 Licensees are allowed a 30-day grace period. ORS 684.090(2).
3 However, by August 31, 1994, Licensee had failed to correct the
4 above deficiencies. As such, Licensee has practiced with an expired
5 license since September 1, 1994, in violation of ORS 684.020.

6 4.

7 The OBCE hereby proposes to impose a civil penalty of
8 \$100 per week of unlicensed practice, for a maximum of \$500.
9 ORS 684.100(1)(g), ORS 684.100(1)(q), and ORS 684.020.

10 5.

11 Licensee has the right, if Licensee requests, to have a
12 formal contested case hearing before the Board or its hearings
13 officer to contest the matter set out above. At the hearing,
14 Licensee may be represented by an attorney and subpoena and cross-
15 examine witnesses. That request for hearing must be made in
16 writing to the Board, must be received by the Board within 21 days
17 from the mailing of this notice (or if not mailed, the date of
18 personal service), and must be accompanied by a written answer to
19 the charges contained in this notice.

20 6.

21 The answer shall be made in writing to the Board and shall
22 include an admission or denial of each factual matter alleged in
23 this notice, and a short plain statement of each relevant
24 affirmative defense Licensee may have. Except for good cause,
25 factual matters alleged in this notice and not denied in the
26 answer shall be presumed admitted; failure to raise a particular

1 defense in the answer will be considered a waiver of such defense;
2 new matters alleged in the answer (affirmative defenses) shall be
3 presumed to be denied by the agency and evidence shall not be
4 taken on any issue not raised in the notice and answer.

5 7.

6 If Licensee requests a hearing, before commencement of that
7 hearing, Licensee will be given information on the procedures,
8 rights of representation, and other rights of the parties relating
9 to the conduct of the hearing as required under ORS 183.413 and
10 ORS 183.415.

11 8.

12 If Licensee fails to request a hearing within 21 days, or
13 fails to appear as scheduled at the hearing, the Board may issue a
14 final order by default and impose the above sanctions against
15 Licensee. Licensee's submissions to the Board to-date regarding
16 the subject of this disciplinary case and all information in the
17 Board's files relevant to the subject of this case automatically
18 become part of the evidentiary record of this disciplinary action
19 upon default for the purpose of proving a prima facie case.

20 DATED this 23 day of Sept, 1994.

21 BOARD OF CHIROPRACTIC EXAMINERS
22 State

23 Original signatures on file at
24 the OBCE office.

25 By: [Signature]
26

Director

26 JKS:ros\JGG0A5D4(3)

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
OF THE STATE OF OREGON

In the Matter of)

JENNIFER A. FLETCHER, DC)

NOTICE OF
HEARING)

TO: Jennifer A. Fletcher, DC
1745 Ashland St
Ashland OR 97520

An administrative hearing will be held before the Board of Chiropractic Examiners or its representative, under the provisions of ORS Chapter 684, on April 20, 1995, at 11 AM, at First Floor 3218 Pringle Rd SE Salem OR.

The hearing will be held to determine if the respondent has violated ORS Chapter 684 by practicing with an expired license.

At the hearing, testimony and evidence will be received in accordance with ORS Chapters 183 and 684. The respondent may be represented by an attorney. Failure to appear at the hearing could result in a ruling against the respondent.

This notice is given in accordance with the Oregon Administrative Rules and the Administrative Procedure Act.

DATED this 28 day of March, 1995.

Original signatures on file
at the OBCE office.

Christie Joachim
Executive Director

enclosures:

Notice of Contested Case Rights and Procedures