

BEFORE THE BOARD
OF CHIROPRACTIC EXAMINERS
OF THE STATE OF OREGON

RECEIVED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

In the Matter of the License of)
JAMES BRADLEY GABRIELSON, D.C.)

FINAL ORDER
REVOKING LICENSE

The Oregon Board of Chiropractic Examiners moved to revoke the license of James Bradley Gabrielson, a licensed chiropractor in the State of Oregon on April 17, 1990, for the reasons stated in the Notice of Proposed License Revocation. That Notice was personally served on James Bradley Gabrielson by Dennis Fitz, Deputy Sheriff, Multnomah County Sheriff's Office, at 12240 Northeast Glisan, Portland, Oregon, at 4:50 p.m. on May 25, 1990. Said Notice of Proposed License Revocation was served with the Order of Immediate License Suspension of James Bradley Gabrielson. Both the Suspension and Notice of Proposed License Revocation were based on numerous allegations of drug use and distribution, and on Gabrielson's unreasonable abandonment of his practice in Portland, Oregon.

Gabrielson has not responded to either the Order suspending his license or the Notice of Proposed Revocation within the time allowed in the Order and Notice and by the Administrative Procedures Act. Therefore, the Board now orders the permanent revocation of James Bradley Gabrielson's license to practice chiropractic within the state of Oregon by default

///

1 for the reasons alleged in the Notice and contained within the
2 licensing file of James Bradley Gabrielson at the offices of
3 the Oregon Board of Chiropractic Examiners.

4 IT IS SO ORDERED THIS 20th DAY OF Sept., 1990.

5 OREGON BOARD OF
6 CHIROPRACTIC EXAMINERS

7 Original signatures on file at
8 the OBCE office.

9 Steven L. Gardner, D.C.
10 Chairman
11 Oregon Board of Chiropractic
12 Examiners

13
14
15
16
17
18
19
20
21
22
23
24
25
26

25 7994G/tmt

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I certify that on September , 1990, I served the foregoing
FINAL ORDER REVOKING LICENSE upon the parties hereto by mailing
first class, regular mail, postage prepaid, a true, exact and
full copy thereof to:

James Bradley Gabrielson
14154 SE stank st.
Portland OR 97233

Original signatures on file
at the OBCE office.

Paul J. Sundermeir
Assistant Attorney General

7994G/tmt

BEFORE THE BOARD
OF CHIROPRACTIC EXAMINERS
OF THE STATE OF OREGON

In the Matter of the)
Suspension of the License of) ORDER OF IMMEDIATE
JAMES BRADLEY GABRIELSON, D.C.) LICENSE SUSPENSION

The Oregon Board of Chiropractic Examiners (Board) hereby
suspends the license of James Bradley Gabrielson, D.C.

("Licensee") to practice chiropractic (effective upon service
of a copy of this order on Licensee) for the following reasons:

1. On November 8, 1989, Licensee unlawfully bought and
possessed one and one-half grams of cocaine from Joni Elizabeth
Lehman for \$130.00 in Licensee's chiropractic office at 14154
S.E. Stark, Portland, Oregon. Licensee thereby committed the
crime of possession of a controlled substance, schedule II,
cocaine. Licensee was forcibly arrested in his office by law
enforcement officers.

2. On November 8, 1989, Licensee unlawfully sold one and
one-fourth grams of cocaine to Sonia M. Raun in Licensee's
chiropractic office for \$130.00. Licensee thereby committed
the crime of distribution of a controlled substance, schedule
II, cocaine. Licensee was forcibly arrested in his office by
law enforcement officers.

3. Licensee has unlawfully ingested cocaine for
approximately five years prior to November 8, 1989, and thereby
committed the crime of possession of a controlled substance,

///

1 schedule II, cocaine. Licensee ingested approximately one gram
2 of cocaine a week.

3 4. On at least 30 different occasions over the five years
4 prior to November 8, 1989, Licensee unlawfully sold cocaine and
5 thereby committed the crime of distribution of a controlled
6 substance, schedule II, cocaine.

7 5. The above described acts and omissions of Licensee
8 constitute unprofessional or dishonorable conduct or practice
9 which does or might constitute a danger to the health or safety
10 of patients or the public, or which might impair Licensee's
11 ability to safely and skillfully practice chiropractic in
12 violation of ORS 686.100(1)(g)(A) in that:

13 A. Distribution of Cocaine - Danger to Public

14 Cocaine is an addictive drug, the unlawful distribution of
15 which, described in paragraphs 2 and 4 above, is or might be
16 dangerous:

17 (1) directly to the health of members of the public
18 who ingest it;

19 (2) directly to the safety of members of the public
20 who ingest it and act under its influence;

21 (3) indirectly to members of the public who might
22 come into injurious contact with users who are under the
23 influence; and

24 ///

25 ///

26 ///

1 (4) indirectly to members of the public who might be
2 exposed to the danger of violence involved in the execution of
3 criminal drug transactions and the apprehension of criminals.

4 B. Distribution of Cocaine - Danger to Patients

5 By conducting the unlawful cocaine purchase and sale in
6 his office as described in paragraphs 1 and 2 above, Licensee
7 potentially exposed his patients to the danger to their health
8 or safety of:

9 (1) coming into injurious contact with one or more
10 individual cocaine users who might be under its influence;

11 (2) being exposed to the danger of violence involved
12 in the execution of drug transactions and the apprehension of
13 criminals.

14 C. Use of Cocaine - Impairment of Ability to Safely and
15 Skillfully Practice

16 Licensee's unlawful possession and use of cocaine as
17 described in paragraphs 1 and 3 above might impair Licensee's
18 ability to safely and skillfully practice chiropractic.

19 6. The above described acts of Licensee present a serious
20 danger to the health or safety of the public (including
21 chiropractic consumers) for the reasons stated above and,
22 unless suspended by the Board, Licensee likely would continue
23 to so act and thereby would continue to present a serious
24 danger to the health or safety of the public. Therefore, the

25 ///

26 ///

1 Board is authorized to immediately suspend Licensee's license
2 pursuant to ORS 183.430(2).

3 7. Licensee has the right, if Licensee requests, to have
4 a hearing pursuant to ORS 183.430(2) and OAR 137-03-010 as soon
5 as practicable to contest this suspension order. Such a
6 request must be made in writing and must be received in the
7 Board's office no more than 90 days after the effective date of
8 this notice. If not so received, Licensee's right to a hearing
9 under ORS ch 183 will be waived. If Licensee timely requests a
10 hearing and if the Board and Licensee agree, the hearing could
11 be consolidated with any other Board proceeding affecting the
12 license. The procedures for a consolidated hearing shall be
13 those applicable to the other proceeding affecting the
14 license. Licensee may elect to be represented by counsel and
15 to respond and present evidence and argument on all issues
16 involved.

17
18 OREGON BOARD OF
19 CHIROPRACTIC EXAMINERS

20 Original signatures on file
21 at the OBCE office.

22 By: _____

23 Dated: April 17, 1990

24
25
26
Page

BEFORE THE BOARD
OF CHIROPRACTIC EXAMINERS
OF THE STATE OF OREGON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

In the Matter of the)
Suspension of the License of) NOTICE OF PROPOSED
JAMES BRADLEY GABRIELSON, D.C.) LICENSE REVOCATION

The Oregon Board of Chiropractic Examiners (Board)
proposes to revoke the license of James Bradley Gabrielson,
D.C. ("Licensee") to practice chiropractic for the following
reasons:

1. On November 8, 1989, Licensee unlawfully bought and
possessed one and one-half grams of cocaine from Joni Elizabeth
Lehman for \$130.00 in Licensee's chiropractic office at 14154
S.E. Stark, Portland, Oregon. Licensee thereby committed the
crime of possession of a controlled substance, schedule II,
cocaine. Licensee was forcibly arrested in his office by law
enforcement officers.

2. On November 8, 1989, Licensee unlawfully sold one and
one-fourth grams of cocaine to Sonia M. Raun in Licensee's
chiropractic office for \$130.00. Licensee thereby committed
the crime of distribution of a controlled substance, schedule
II, cocaine. Licensee was forcibly arrested in his office by
law enforcement officers.

3. Licensee has unlawfully ingested cocaine for
approximately five years prior to November 8, 1989, and thereby
committed the crime of possession of a controlled substance,

///

1 schedule II, cocaine. Licensee ingested approximately one gram
2 of cocaine a week.

3 4. On at least 30 different occasions over the five years
4 prior to November 8, 1989, Licensee unlawfully sold cocaine and
5 thereby committed the crime of distribution of a controlled
6 substance, schedule II, cocaine.

7 5. The above described acts and omissions of Licensee
8 constitute unprofessional or dishonorable conduct or practice
9 which does or might constitute a danger to the health or safety
10 of patients or the public, or which might impair Licensee's
11 ability to safely and skillfully practice chiropractic in
12 violation of ORS 686.100(1)(g)(A) in that:

13 A. Distribution of Cocaine - Danger to Public

14 Cocaine is an addictive, hallucinogenic drug, the unlawful
15 distribution of which, described in paragraphs 2 and 4 above,
16 is or might be dangerous:

17 (1) directly to the health of members of the public
18 who ingest it;

19 (2) directly to the safety of members of the public
20 who ingest it and act under its influence;

21 (3) indirectly to members of the public who might
22 come into injurious contact with users who are under the
23 influence; and

24 ///

25 ///

26 ///

1 (4) indirectly to members of the public who might be
2 exposed to the danger of violence involved in the execution of
3 criminal drug transactions and the apprehension of criminals.

4 B. Distribution of Cocaine - Danger to Patients

5 By conducting the unlawful cocaine purchase and sale in
6 his office as described in paragraphs 1 and 2 above, Licensee
7 potentially exposed his patients to the danger to their health
8 or safety of:

9 (1) coming into injurious contact with one or more
10 individual cocaine users who might be under its influence;

11 (2) being exposed to the danger of violence involved
12 in the execution of drug transactions and the apprehension of
13 criminals.

14 C. Use of Cocaine - Impairment of Ability to Safely and
15 Skillfully Practice

16 Licensee's unlawful possession and use of cocaine as
17 described in paragraphs 1 and 3 above might impair Licensee's
18 ability to safely and skillfully practice chiropractic.

19 6. On or about March 1, 1990, Licensee
20 unreasonably abandoned to his landlord Licensee's office at
21 14154 S.E. Stark, Portland, Oregon, including a large number of
22 Licensee's records of patient histories, examinations,
23 diagnosis, prognosis and treatment. Licensee did not have
24 written consent from his patients to abandon those patient
25 records to his landlord. A doctor has an ethical obligation

26 ///

1 not to unreasonably disclose a patient's records to anyone but
2 the patient without the patient's written consent.

3 OAR 811-15-006(1)(c), (3).

4 7. The acts and omissions of Licensee, described in
5 paragraph 6 above, constitute unprofessional or dishonorable
6 conduct contrary to generally accepted and recognized standards
7 of chiropractic ethics in violation of ORS 684.100(1)(g)(A).

8 8. Licensee has the right, if Licensee requests, to have
9 a contested case hearing pursuant to ORS chapter 183 and
10 OAR chapter 137 (the Attorney General's Model Rules of
11 Procedure). Such a request must be made in writing and must be
12 received in the Board's office no more than 90 days after the
13 date of mailing or other service of this notice. If not so
14 received, Licensee's right to a hearing under ORS ch 183 and
15 OAR ch 137 will be waived. If Licensee timely requests a
16 hearing, the Board will provide Licensee with a subsequent
17 notice of the date, time and place of hearing. At the hearing
18 Licensee may elect to be represented by counsel and to respond
19 and present evidence and argument on all issues involved.

20
21 OREGON BOARD OF
22 CHIROPRACTIC EXAMINERS

23 Original signatures on file at
24 the OBCE office.

25 By: _____

26 Dated: April 17, 1990