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BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of  
Scott Gates DC

)  
) Case # 2011-5003

)  
) **FINAL ORDER BY DEFAULT**  
)  
)  
)

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. Scott Gates DC (hereafter "Licensee"), is a licensed Chiropractic physician in Oregon.

Findings of Fact

1.

On October 14, 2010, the Board mailed their continuing education audit letter to Licensee at the contact information he had filed with the Board. It was not returned, so the Board assumed he received it. On November 8, 2010, the Board mailed their CE audit follow up letter to the same address.

2.

On November 16, 2010, the Board attempted to contact Licensee by phone but the number was disconnected. On November 22, 2010, a faxed copy of Licensee's CE hours was received. Some necessary information to make that complete was not provided. On November 29, 2010, a follow up telephone call from Licensee was received where he communicated that he was in the United States Air Force and had failed to go through some of his mail to find the audit request from the Board. Licensee acknowledged that he had received all the communications from the Board that were sent but had failed to respond. He then gave the Board the correct telephone number to reach him.

On December 8, 2010, the Board finally received all verification necessary to make his CE audit complete.

On January 31, 2011, the Board issued the Proposed Notice of Discipline to Licensee with a notice that the record herein would be used as the prima facie record if no request for hearing were filed. On February 17, 2011, Licensee paid the fine in full requested by the Board and indicated in a follow up telephone conversation that he would not be requesting a hearing. Licensee is in default at this time.

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3 Conclusions of Law  
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5 3.  
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7 The Board finds the facts as demonstrated above show that Licensee failed to respond to  
8 the Board's audit request in a timely manner. Licensee's failure to respond constitutes grounds  
9 to discipline his Oregon license to practice as a chiropractic physician in Oregon under the  
10 provisions of:

11 **ORS 684.100 (1)(f) and (p)**

12 (1) The State Board of Chiropractic Examiners may refuse to grant a license to  
13 any applicant, or may discipline a person upon any of the following grounds:  
14

15 (p) violation of any provision of this chapter or any rule adopted therein.  
16

17 **OAR 811-035-0015 (19)** Failing to provide the Board with any documents requested by  
18 the Board;  
19

20  
21 ORDER  
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23 4.  
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25 The Board hereby orders Licensee to pay a \$250 Civil Penalty due to the previously  
26 mentioned violations. The Board notes that Licensee has already paid the penalty at the time  
27 this order was issued.  
28

29  
30 DATED February 17, 2011  
31

32  
33 **BOARD OF CHIROPRACTIC EXAMINERS**  
34 State of Oregon  
35

36  
37 *Original signature on file at OBCE*  
38 By: \_\_\_\_\_  
39 Dave McTeague, Executive Director  
40

41  
42 Appeal Rights:

43 You are entitled to judicial review of this order in accordance with ORS Chapter 183.480.

1 You may request judicial review by filing a petition in the Court of Appeals in Salem, Oregon  
2 within 60 days from the date of this order.  
3  
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6

7 **VERIFICATION**

8  
9 State of Oregon )  
10 County of Marion ) Case # 2011-5003  
11

12 I, Dave McTeague, being first duly sworn, state that I am the Executive Director of  
13 the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify  
14 pleadings in this case: and that the foregoing Final Order is true to the best of my knowledge as I  
15 verily believe.

16 Original signature on file at OBCE

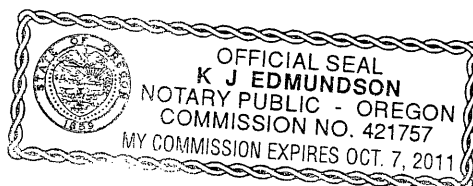
17  
18 DAVE McTEAGUE, EXECUTIVE DIRECTOR  
19 OREGON BOARD OF CHIROPRACTIC EXAMINERS  
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21  
22 SUBSCRIBED AND SWORN to before me

23 this 17<sup>th</sup> day of February 2011.

24 Original signature on file at OBCE

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27 NOTARY-PUBLIC FOR OREGON  
28 My Commission Expires: 10-7-2011  
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**CERTIFICATE OF SERVICE**

I, Dave McTeague, certify that on February 17, 2011, I served the foregoing Final Default Order upon Licensee, the party hereto, by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Scott Gates, DC  
11915 NE 46th St.  
Vancouver, WA 98682

Original signature on file at OBCE

Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners