

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BOARD OF CHIROPRACTIC EXAMINERS**

COPY

In the Matter of) **FINAL ORDER**
)
JOHN C. HELTON, JR D.C.) Office of Administrative Hearings No. 112573
Respondent) Agency Case No. 2003-5008

HISTORY OF THE CASE

On August 5, 2003, the Board of Chiropractic Examiners (Board) issued a Notice of Proposed Suspension of Licensure under ORS 305.385 for failure to pay taxes owed to the Department of Revenue.

The Board referred the case to the Office of Administrative Hearings. On January 23, 2004, the Department of Revenue intervened as a party. A hearing was held on February 26, 2004, at the Board Office in Salem, Oregon. Michael Andrew Francis, from the Office of Administrative Hearings, presided as the Administrative Law Judge. Respondent appeared in person and represented himself. The Board was represented by Lori Lindley, Assistant Attorney General. Also present was Dave McTeague, Board Administrator.

Testifying on behalf of the Board were Dave McTeague Executive Director for the Board, and Mark FE3, also known as Mark #98061, Oregon Department of Revenue. Respondent testified at the hearing, along with Respondent's witness, Milton H. Baxley, II Attorney at Law from Florida.

The record was left open for submission of additional evidence in support of the Board's assertions. The record closed on March 4, 2004.

EVIDENTIARY RULING

Exhibits A1 through A9 were admitted without objection. Exhibit A10, submitted on March 2, 2004, was also admitted to the record.

ISSUES

1. Whether the described acts of Respondent violate statute.
2. Whether respondent is subject to license suspension in that he does not owe income taxes for the subject tax years.

3. Whether Respondent shall pay costs and attorney fees for the investigation in this matter.

FINDING OF FACTS

1. The Oregon Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. (Test. of McTeague.)

2. John C. Helton, Jr., (Respondent) is licensed by the Board to practice as a chiropractic physician in Oregon. (Test. of McTeague, Respondent.)

3. Respondent is a chiropractor who has a practice at 4615 S. E. Woodstock Boulevard, Portland, Oregon, known as Woodstock Chiropractic Center. (Test. of Respondent.)

4. Respondent has failed to pay taxes owed to the Department of Revenue. (Test. of Mark FE3.) On or about July 15, 2003, the Board received notice of Respondent's deficiencies of tax payment. The Department of Revenue requested that the Board suspend Respondent's Business license. (Ex. A6.)

5. Respondent has not filed a good faith petition before the Department of Revenue, and the Oregon Tax Court. (Test. of Mark FE3 and Ex. A5.)

6. The Department of Revenue has been unable to obtain full payment through other means of collection. (Exs. A4, A5, A6 and Test. of Mark FE3.)

7. The applicable tax years are 1999 and 2000. (Exs. A1, A2, A3, A4, A5, and test. of Mark FE3.)

8. The Board's costs of this disciplinary proceeding, including investigative costs and attorney fees, is \$519.00. (Ex. 10.)

CONCLUSIONS OF LAW

- (1) The above described acts of Respondent violate ORS 305.385(4)(c).
- (2) The suspension of Respondent's license to practice chiropractic is valid.
- (3) Respondent is responsible for the costs of this disciplinary proceeding.

OPINION

SUSPENSION OF LICENSE

The Department of Revenue in ORS 305.385(4) is authorized as follows:

(a) If the department determines that any licensee or provider has neglected or refused to file any return or to pay any tax and that such person has not filed in good faith a petition before the department contesting the tax, and the department has been unable to obtain payment of the tax through other methods of collection, the Director of the Department of Revenue may, notwithstanding ORS 118.525, 314.835 or 314.840 or any similar provision of law, notify the agency and the person in writing.

(b) Upon receipt of such notice, the agency shall refuse to reissue, renew or extend any license, contract or agreement until the agency receives a certificate issued by the department that the person is in good standing with respect to any returns due and taxes payable to the department as of the date of the certificate.

(c) Upon the written request of the director and after a hearing and notice to the licensee as required under any applicable provision of law, the agency shall suspend the person's license if the agency finds that the returns and taxes have not been filed or paid and that the licensee has not filed in good faith a petition before the department contesting the tax and the department has been unable to obtain payment of the tax through other methods of collection. For the purpose of the agency's findings, the written representation to that effect by the department to the agency shall constitute prima facie evidence of the person's failure to file returns or pay the tax. The department shall have the right to intervene in any license suspension proceeding.

(d) Any license suspended under this subsection shall not be reissued or renewed until the agency receives a certificate issued by the department that the licensee is in good standing with respect to any returns due and taxes payable to the department as of the date of the certificate.

Pursuant to ORS 684.100(g) the Board may discipline a person upon grounds of unprofessional or dishonorable conduct. The Board in disciplining a person is granted authority to suspend the license of the person to practice in this state. ORS 684.100(9)(a).

Respondent has failed to pay taxes owed to the Oregon Department of Revenue for the tax years 1999 and 2000. Respondent has not filed a good faith petition before the

Department of Revenue, and the Department of Revenue has been unable to obtain payment of the taxes through other means of collection. Respondent's chiropractic license is therefore subject to suspension.

Respondent argues that he does not have any obligation to pay taxes for the years in which he did not have income. Respondent argues that under his legal analysis he does not owe any taxes for those years, nor do most tax payers have any obligation to pay taxes because they have no "income." This theory, as explained by Respondent's witness, Milton Baxley II, is a fascinating history lesson in tax law and its development. The theory centers around an interpretation of tax code, United States Constitution and Federal Law that argues that many people are inappropriately identified as having a tax obligation. While this may or may not be true, the question is not relevant to this inquiry in that the forum for such a challenge would be the Department of Revenue and its appeal process, and not the Board. Up to the time of hearing Respondent has made no effort to avail himself of remedy through the Department of Revenue or the tax court.

The Board received from the Department of Revenue the required notice that Respondent had not paid those taxes as necessary. The Department further advised the Board that they were unable to collect those taxes. At hearing the Department of Revenue intervened and provided evidence that the Department of Revenue complied with all aspects of the statute then compelling the Board's action. The Board shall suspend Respondent's license.

COSTS AND ATTORNEY FEES

The Board's authority also provides that Respondent is obligated to pay costs of the disciplinary proceeding, including investigative costs and attorney fees pursuant to ORS 684.100(9)(g).

ORS 684.100(9)(g) provides:

In disciplining a person as authorized by subsection (1) of this section, the board may use any or all of the following methods: **** (g) Take other disciplinary action as the board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings.

It is noteworthy that in its notice the Board sought costs and expenses, and argued that those incurred by the Department of Revenue should also be recovered. Costs of the Department of Revenue are not contemplated in this Board's disciplinary proceeding. The Department of Revenue may have its own means of collecting costs and expenses, but it is not appropriate to collect them under the Board's authority.

FINAL ORDER

The following order is issued by the Board of Chiropractic Examiners:

(1) Respondent's license is suspended effective June 1, 2004, to practice Chiropractic until such time as Respondent is in compliance with statutes.

(2) Respondent shall pay costs and attorney fees in the amount of \$519.00 due within 60 days of the signing of the final order.

May 21, 2004
Date Mailed

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

APPEAL

If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.480 *et seq.*

State of Oregon) Case # 2003-5008
County of Marion) John C. Helton D.C.

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 Disciplinary Action is true to the best of my knowledge as I verily believe.

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

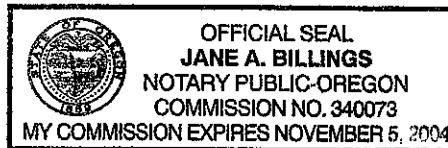
SUBSCRIBED AND SWORN to before me

this 21 day of May, 2004

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON

My Commission Expires:



CERTIFICATE OF SERVICE

I certify that on Friday, May 21, 2004, I served the attached Final Order by mailing certified and/or first class mail, in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

John C Helton Dc
4615 SE Woodstock
Portland Or 97206

**By First Class And Certified Mail
Certified Mail Receipt**

By First Class Mail

Mark 98061, Revenue Agent
Oregon Department of Revenue
PO Box 14725
Salem, Oregon 97309-5018

Lori Lindley
Assistant Attorney General
Department Of Justice
1162 Court St NE
Salem Or 97301-4096

**Original signature on file
at the OBCE office.**

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

Sec. 214. (1) Sections 2 to 21 of this 1999 Act are repealed January 1, 2004.

(2) Immediately before the repeal of sections 2 to 21 of this 1999 Act, the chief hearing officer for the Hearing Officer Panel shall return all records or personnel that are still employed by the panel to the chief administrative officer or board of each agency that was required to transfer records or personnel to the panel under section 17 of this 1999 Act. The chief administrative officer or board shall take possession of the records and personnel and employ them in the conduct of contested case proceedings on behalf of the agency.

(3) Any dispute as to transfer of records or personnel under this section shall be resolved by the Governor, and the decision of the Governor is final. [1999 c.849 §214]

JUDICIAL REVIEW

183.480 Judicial review of agency orders. (1) Except as provided in ORS 183.415 (5)(b), any person adversely affected or aggrieved by an order or any party to an agency proceeding is entitled to judicial review of a final order, whether such order is affirmative or negative in form. A petition for rehearing or reconsideration need not be filed as a condition of judicial review unless specifically otherwise provided by statute or agency rule.

(2) Judicial review of final orders of agencies shall be solely as provided by ORS 183.482, 183.484, 183.490 and 183.500.

(3) No action or suit shall be maintained as to the validity of any agency order except a final order as provided in this section and ORS 183.482, 183.484, 183.490 and 183.500 or except upon showing that the agency is proceeding without probable cause, or that the party will suffer substantial and irreparable harm if interlocutory relief is not granted.

(4) Judicial review of orders issued pursuant to ORS 813.410 shall be as provided by ORS 813.410. [1957 c.717 §12; 1963 c.449 §1; 1971 c.734 §18; 1975 c.759 §14; 1979 c.593 §23; 1983 c.338 §901; 1985 c.757 §4; 1997 c.837 §5]

183.482 Jurisdiction for review of contested cases; procedure; scope of court authority. (1) Jurisdiction for judicial review of contested cases is conferred upon the Court of Appeals. Proceedings for review shall be instituted by filing a petition in the Court of Appeals. The petition shall be filed within 60 days only following the date the order upon which the petition is based is served unless otherwise provided by statute. If a petition for rehearing has been filed, then the petition for review shall be filed within 60 days only following the date the order denying the petition for rehearing is served. If the agency does not otherwise act, a petition for rehearing or reconsideration shall be deemed denied the 60th day following the date the petition was filed, and in such cases, petition for judicial review shall be filed within 60 days only following such date. Date of service shall be the date on which the agency delivered or mailed its order in accordance with ORS 183.470.

() The petition shall state the nature of the order the petitioner desires reviewed, and shall state whether the petitioner was a party to the administrative proceeding, was denied status as a party or is seeking judicial review as a person adversely affected or aggrieved by the agency order. In the latter case, the petitioner shall, by supporting affidavit, state the facts showing how the petitioner is adversely affected or aggrieved by the agency order. Before deciding the issues raised by the petition for review, the Court of Appeals shall decide, from facts

set forth in the affidavit, whether or not the petitioner is entitled to petition as an adversely affected or an aggrieved person. Copies of the petition shall be served by registered or certified mail upon the agency, and all other parties of record in the agency proceeding.

(3)(a) The filing of the petition shall not stay enforcement of the agency order, but the agency may do so upon a showing of:

(A) Irreparable injury to the petitioner; and

(B) A colorable claim of error in the order.

(b) When a petitioner makes the showing required by paragraph (a) of this subsection, the agency shall grant the stay unless the agency determines that substantial public harm will result if the order is stayed. If the agency denies the stay, the denial shall be in writing and shall specifically state the substantial public harm that would result from the granting of the stay.

(c) When the agency grants a stay it may impose such reasonable conditions as the giving of a bond, irrevocable letter of credit or other undertaking and that the petitioner file all documents necessary to bring the matter to issue before the Court of Appeals within specified reasonable periods of time.

(d) Agency denial of a motion for stay is subject to review by the Court of Appeals under such rules as the court may establish.

(4) Within 30 days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review, but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable. Except as specifically provided in this subsection, the cost of the record shall not be taxed to the petitioner or any intervening party. However, the court may tax such costs and the cost of agency transcription of record to a party filing a frivolous petition for review.

(5) If, on review of a contested case, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good and substantial reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the court, file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or its certificate that it elects to stand on its original findings and order, as the case may be,

(6) At any time subsequent to the filing of the petition for review and prior to the date set for hearing the agency may withdraw its order for purposes of reconsideration. If an agency withdraws an order for purposes of reconsideration, it shall, within such time as the court may allow, affirm, modify or reverse its order. If the petitioner is dissatisfied with the agency action after withdrawal for purposes of reconsideration, the petitioner may refile the petition for review and the review shall proceed upon the revised order. An amended petition for review shall not be



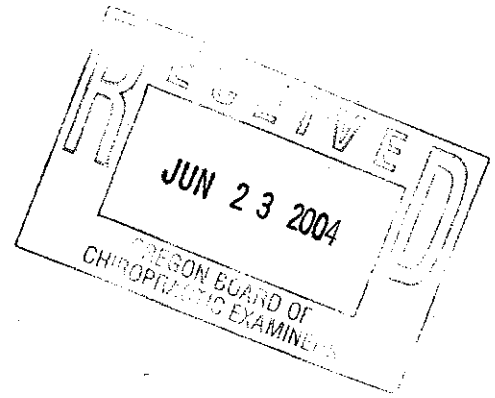
Oregon

Theodore R. Kulongoski, Governor

Department of Revenue
955 Center St NE
Salem OR 97301-2555

June 17, 2004

Oregon Board of Chiropractic Examiners
3218 Pringle Road SE, STE 150
Salem, OR 97302



CERTIFICATION OF GOOD STANDING

Pursuant with ORS 305.385, the Department of Revenue requests that you reinstate the previously suspended Chiropractic license # 1587, for:

Dr. John Carroll Helton Jr.
4615 SE Woodstock
Portland, OR 97206

This reinstatement is effective upon receipt of this notice. You will be notified again by a letter from the Director of the Oregon Department of Revenue, if it becomes necessary to reissue any suspensions for noncompliance.

Thank you for your assistance.

Original signature on file
at the OBCE office.

Mark Noble
Field Agent
Compliance and Filing Enforcement



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX (503) 362-1260

E-mail: oregon.obce@state.or.us

www.obce.state.or.us

June 21, 2004

John C. Helton DC
4615 SE Woodstock Blvd.
Portland, Oregon 97206

COPY

Re: License Reinstatement, Case # 2003-5008

Dear Dr. Helton,

The OBCE has received notice from the Oregon Department of Revenue that your license has been reinstated effective June 18, 2004.

Sincerely,

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

CC: Lori Lindley AAG



BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BOARD OF CHIROPRACTIC EXAMINERS

COPY

In the Matter of) **PROPOSED ORDER**
)
JOHN C. HELTON, JR D.C.) Office of Administrative Hearings No. 112573
Respondent) Agency Case No. 2003-5008

HISTORY OF THE CASE

On August 5, 2003, the Board of Chiropractic Examiners (Board) issued a Notice of Proposed Suspension of Licensure under ORS 305.385 for failure to pay taxes owed to the Department of Revenue.

The Board referred the case to the Office of Administrative Hearings. On January 23, 2004, the Department of Revenue intervened as a party. A hearing was held on February 26, 2004, at the Board Office in Salem, Oregon. Michael Andrew Francis, from the Office of Administrative Hearings, presided as the Administrative Law Judge. Respondent appeared in person and represented himself. The Board was represented by Lori Lindley, Assistant Attorney General. Also present was Dave McTeague, Board Administrator.

Testifying on behalf of the Board were Dave McTeague Executive Director for the Board, and Mark FE3, also known as Mark #98061, Oregon Department of Revenue. Respondent testified at the hearing, along with Respondent's witness, Milton H. Baxley, II Attorney at Law from Florida.

The record was left open for submission of additional evidence in support of the Board's assertions. The record closed on March 4, 2004.

EVIDENTIARY RULING

Exhibits A1 through A9 were admitted without objection. Exhibit A10, submitted on March 2, 2004, was also admitted to the record.

ISSUES

1. Whether the described acts of Respondent violate statute.
2. Whether respondent is subject to license suspension in that he does not owe income taxes for the subject tax years.

3. Whether Respondent shall pay costs and attorney fees for the investigation in this matter.

FINDING OF FACTS

1. The Oregon Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. (Test. of McTeague.)

2. John C. Helton, Jr., (Respondent) is licensed by the Board to practice as a chiropractic physician in Oregon. (Test. of McTeague, Respondent.)

3. Respondent is a chiropractor who has a practice at 4615 S. E. Woodstock Boulevard, Portland, Oregon, known as Woodstock Chiropractic Center. (Test. of Respondent.)

4. Respondent has failed to pay taxes owed to the Department of Revenue. (Test. of Mark FE3.) On or about July 15, 2003, the Board received notice of Respondent's deficiencies of tax payment. The Department of Revenue requested that the Board suspend Respondent's Business license. (Ex. A6.)

5. Respondent has not filed a good faith petition before the Department of Revenue, and the Oregon Tax Court. (Test. of Mark FE3 and Ex. A5.)

6. The Department of Revenue has been unable to obtain full payment through other means of collection. (Exs. A4, A5, A6 and Test. of Mark FE3.)

7. The applicable tax years are 1999 and 2000. (Exs. A1, A2, A3, A4, A5, and test. of Mark FE3.)

8. The Board's costs of this disciplinary proceeding, including investigative costs and attorney fees, is \$519.00. (Ex. 10.)

CONCLUSIONS OF LAW

(1) The above described acts of Respondent violate ORS 305.385(4)(c).

(2) The suspension of Respondent's license to practice chiropractic is valid.

(3) Respondent is responsible for the costs of this disciplinary proceeding.

OPINION

SUSPENSION OF LICENSE

The Department of Revenue in ORS 305.385(4) is authorized as follows:

(a) If the department determines that any licensee or provider has neglected or refused to file any return or to pay any tax and that such person has not filed in good faith a petition before the department contesting the tax, and the department has been unable to obtain payment of the tax through other methods of collection, the Director of the Department of Revenue may, notwithstanding ORS 118.525, 314.835 or 314.840 or any similar provision of law, notify the agency and the person in writing.

(b) Upon receipt of such notice, the agency shall refuse to reissue, renew or extend any license, contract or agreement until the agency receives a certificate issued by the department that the person is in good standing with respect to any returns due and taxes payable to the department as of the date of the certificate.

(c) Upon the written request of the director and after a hearing and notice to the licensee as required under any applicable provision of law, the agency shall suspend the person's license if the agency finds that the returns and taxes have not been filed or paid and that the licensee has not filed in good faith a petition before the department contesting the tax and the department has been unable to obtain payment of the tax through other methods of collection. For the purpose of the agency's findings, the written representation to that effect by the department to the agency shall constitute prima facie evidence of the person's failure to file returns or pay the tax. The department shall have the right to intervene in any license suspension proceeding.

(d) Any license suspended under this subsection shall not be reissued or renewed until the agency receives a certificate issued by the department that the licensee is in good standing with respect to any returns due and taxes payable to the department as of the date of the certificate.

Respondent has failed to pay taxes owed to the Oregon Department of Revenue for the tax years 1999 and 2000. Respondent has not filed a good faith petition before the Department of Revenue, and the Department of Revenue has been unable to obtain payment of the taxes through other means of collection. Respondent's chiropractic license is therefore subject to suspension.

Respondent argues that he does not have any obligation to pay taxes for the years in which he did not have income. Respondent argues that under his legal analysis he

does not owe any taxes for those years, nor do most tax payers have any obligation to pay taxes because they have no "income." This theory, as explained by Respondent's witness, Milton Baxley II, is a fascinating history lesson in tax law and its development. The theory centers around an interpretation of tax code, United States Constitution and Federal Law that argues that many people are inappropriately identified as having a tax obligation. While this may or may not be true, the question is not relevant to this inquiry in that the forum for such a challenge would be the Department of Revenue and its appeal process, and not the Board. Up to the time of hearing Respondent has made no effort to avail himself of remedy through the Department of Revenue or the tax court.

The Board received from the Department of Revenue the required notice that Respondent had not paid those taxes as necessary. The Department further advised the Board that they were unable to collect those taxes. At hearing the Department of Revenue intervened and provided evidence that the Department of Revenue complied with all aspects of the statute then compelling the Board's action. The Board shall suspend Respondent's license.

COSTS AND ATTORNEY FEES

The Board's authority also provides that Respondent is obligated to pay costs of the disciplinary proceeding, including investigative costs and attorney fees pursuant to ORS 684.100(9)(g).

ORS 684.100(9)(g) provides:

In disciplining a person as authorized by subsection (1) of this section, the board may use any or all of the following methods: **** (g) Take other disciplinary action as the board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings.

It is noteworthy that in its notice the Board sought costs and expenses, and argued that those incurred by the Department of Revenue should also be recovered. Costs of the Department of Revenue are not contemplated in this Board's disciplinary proceeding. The Department of Revenue may have its own means of collecting costs and expenses, but it is not appropriate to collect them under the Board's authority.

PROPOSED ORDER

I propose that the Board issue the following order:

- (1) The Board shall suspend Respondent's license to practice Chiropractic until such time as Respondent is in compliance with statutes.
- (2) Respondent shall pay costs and attorney fees in the amount of \$519.00

Original signature on file
at the OBCE office.

Michael Andrew Francis,
Administrative Law Judge
Office of Administrative Hearings

ISSUANCE AND MAILING DATE _____

EXCEPTIONS TO PROPOSED ORDER

This proposed order is the administrative law judge's recommendation to the Board of Chiropractic Examiners (Board). If you disagree with any part of this recommendation, you may make written objections, called "exceptions," to the recommendation and present written argument in support of your exceptions. Exceptions and argument must be filed with the Board later than 20 days following the date of service of the proposed order at the following address: Board of Chiropractic Examiners, 3218 Pringle Road SE., Suite 150, Salem, Oregon, 97302-6311.

- a. The exceptions shall be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding, and shall be based only on grounds that:
 - 1) A necessary finding of fact is omitted, erroneous, or unsupported by the preponderance of the evidence in the record;
 - 2) A necessary legal conclusion is omitted or is contrary to law or the Board's rules or written policies;
 - 3) Prejudicial procedural error occurred.
- b. The exceptions shall be numbered and shall specify the disputed findings, opinions or conclusions, identified by page and line number of the proposed Order. The nature of the suggested error shall be specified and the alternative or corrective language provided.
- c. If you file timely written exceptions with the Board, the Board may also consider oral argument on exceptions. If you wish to present oral argument to the Board, you must specifically request oral argument in your written exceptions. The Board will consider oral argument only on those points raised in the written exceptions.

FINAL ORDER

After considering all the evidence, the proposed order and timely filed exceptions, if any, the Board will issue the final order in this case. This final order may adopt the proposed order prepared by the hearing officer as the final order or modify the proposed order and issue the modified order as the final order (*see* OAR 137-003-00655).

APPEAL

If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. *See* ORS 183.480 *et seq.*

CERTIFICATE OF SERVICE

I certify that on April 19, 2004, I served the attached Proposed Order by mailing certified and/or first class mail, in a sealed envelope, with first class postage prepaid, a copy thereof addressed as follows:

JOHN C HELTON DC
4615 SE WOODSTOCK
PORTLAND OR 97206

BY FIRST CLASS AND CERTIFIED MAIL
CERTIFIED MAIL RECEIPT # 7002 2410 0001 7411 0776

DAVE MCTEAGUE EXECUTIVE DIRECTOR
BOARD OF CHIROPRACTIC EXAMINERS
3218 PRINGLE RD SE #150
SALEM OR 97302

BY FIRST CLASS MAIL

LORI LINDLEY
ASSISTANT ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
1162 COURT ST NE
SALEM OR 97301-4096

BY FIRST CLASS MAIL

Original signature on file
at the OBCE office.

Ann Redding, Administrative Specialist
Office of Administrative Hearings
Transportation Hearings Division