

Conclusions of Law

3.

The Board finds that Licensee's advertising the use of acupuncture is improper advertising as it is misleading to patients pursuant to ORS 684.100(1)(i) and OAR 811-015-0045(1).

The Board finds that Licensee's claiming statistical percentages of success is also a violation of ORS 684.100(1)(i) and OAR 811-015-0045(1)(b).

ORDER

4.

The Board acknowledges that Licensee has already paid a \$750 civil penalty, (\$500 for the statistical success rates and \$250 for the acupuncture advertising) due to the previously mentioned violations.

DATED this April 28, 2011

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file at OBCE

By:

Dave McTeague, Executive Director

Appeal Rights:

You are entitled to judicial review of this order in accordance with ORS Chapter 183.480.
You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon
Within 60 days from the date of this order.

VERIFICATION

State of Oregon) D. Scott McEldowney, D.C.
County of Marion) Case # 2011-5004

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

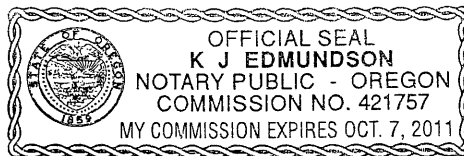
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DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 28th day of April, 2011.

Original signature on file at OBCE

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/7/11



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on April 28, 2011, I served the foregoing Final Order upon D. Scott McEldowney DC, the party hereto, by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

D. Scott McEldowney, DC
McEldowney Chiropractic PC
2199 Crest St
Klamath Falls, OR 97601

Original signature on file at OBCE

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners