

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)

Randall W. Ojua, CCA applicant)

) Case # 2009-5013

) **FINAL ORDER BY DEFAULT**
) **DENIAL OF CERTIFICATE**

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. Randall W. Ojua (hereafter "CCA applicant"), applied for a license as a certified chiropractic assistant in Oregon.

Findings Of Fact

1.

On October 19, 2009, the OBCE received CCA's application for a certificate to practice as a certified chiropractic assistant in Oregon. On question four of the application where Applicant was asked if he had ever received a disciplinary sanction under ANY professional license or certificate, Applicant responded yes. In the attached explanation for that response, Applicant provided a statement that he had been a licensed massage therapist for 7 years and a woman made an unwarranted complaint against him. After being in a legal battle for over a year, Applicant explained that he had exhausted all funds and voluntarily surrendered his massage license. He also stated that he was already accepted into a physical therapy program as a reason for surrender of his license.

The investigation revealed that on May 16, 2003, the Oregon Board of Massage Therapists issued a notice of proposed revocation against Applicant for touching the genitals and placing the hands on the breasts of one client four times and touching the inner thigh near the genitals and eventually digitally penetrating the vagina and massaging the breasts of a second client. The Applicant also allowed the second client to suck on his thumb, index and middle finger, proceeded to rub his genitals up against her and fondled himself while masturbating until ejaculation and told her he had sexual fantasies about her while performing the massage. Although the McMinnville police department investigated the matter, Applicant was not criminally charged.

2.

In the Oregon Board of Massage Therapists Settlement Agreement, Applicant agreed that he would surrender his license as a massage therapist and agreed he would not reapply for licensure at any time in Oregon.

3.

Applicant was not truthful in his response on the application as he indicated that "a woman" made an unwarranted complaint when it was two women who complained. Applicant did not explain any of the factual detail provided in the Oregon Board of Massage Notice of Proposed Discipline, or the police reports and investigation. The Board feels that Applicant minimized his conduct and has failed to provide adequate explanation to the Board.

On November 24, 2009, Applicant's Proposed denial was accepted and signed for by Wanda Benson at the address applicant provided to the Board. In the Proposed Denial, it indicated that for purposes of a default order, the entire record herein would be referred to. No request for hearing was received from Applicant by the Board.

Conclusions of Law

4.

The Board finds that the acts and conduct of applicant in his application and responses to such, are cause to refuse to grant a certificate to Applicant. The misrepresentations in the responses to questions regarding past professional licensing discipline is evidence of fraud or misrepresentation in applying for or procuring a certificate; in violation of **OAR 811-010-0110(15)(p)**. In addition, the Board may also deny a certificate for cause which is defined as, but not limited to unprofessional or dishonorable conduct or injuring a patient. **OAR 811-010-0110(14)(a) and (15)**. The Board finds the conduct as presented in the Oregon Board of Massage Therapists notice and order rises to the level of unprofessional or dishonorable conduct and warrants denial of this certificate.

Order

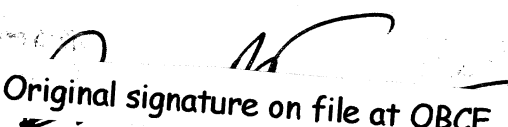
5.

Based on the above, it is hereby ordered, that Applicant's application for certified chiropractic assistant is hereby denied.

DATED this 26th day of January 2010.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:


Original signature on file at OBCE

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

State of Oregon) Case # 2009-5013
County of Marion) Randall Ojua,

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 Final Order by Default is true to the best of my knowledge as I verily believe.

Original signature on file at OBCE

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

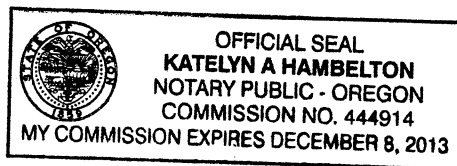
SUBSCRIBED AND SWORN to before me

this 25th day of January, 2010

Original signature on file at OBCE

NOTARY PUBLIC FOR OREGON

My Commission Expires: Dec 8th, 2013



Certificate of Service

I, Dave McTeague, certify that on January 26, 2010, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified and regular mail, postage prepaid, a true, exact and full copy thereof to:

Randall W. Ojua
41875 SE Coalman Rd.
Sandy, Oregon 97055

Original signature on file at OBCE.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners