

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2007-3002
Scott Olson, D.C.)	
)	
)	FINAL ORDER BY DEFAULT
Licensee.)	CIVIL PENALTY
)	
)	

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 Olson, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

FINDINGS OF FACT

1.

For a period of time in 2007 Licensee purchased advertising in the Bend Area DEX Pages for 2007, where he placed an add entitled showing a cross over a graphic of "snap, crackle pop" under the headline of "These are the sounds you want to hear from your cereal, not your chiropractor." The ad went on to state that "Doctor Olson uses the Pro-Adjuster, the most advanced piece of chiropractic evaluation and treatment equipment in existence today." It also stated "it is a marvel of technology and allows our office to achieve amazing results for our patients." Seeing the ad, on April 20, 2007, the Board wrote to Licensee stating that his ad was in violation of the Boards law.

2.

In the April 2007 letter Licensee was provided by mail the OBCE policy, administrative rules related to advertising and the Oregon Doctors Title Act. He was offered an opportunity to further respond the advertising issues. In his response, Licensee stated, "It was never meant to imply superiority or make any one else's practice look bad." He said an earlier version of the ad was stated the device was "...one of the most advanced."

3.

On May 9, 2007, a DEX pages ad has the same wording that the Board notified Licensee was inappropriate. This ad will be in phone books for the duration of 2007.

4.

The Proposed Notice of Discipline was served on Licensee on May 24, 2007. Office staff Diane Olsen signed for the document and the Board received the return receipt on May 31, 2007. In addition, the Board received a check in the sum of \$250 on June 2, 2007 and deposited it on June 4, 2007. Licensee's time in which to request a hearing expired June 24, 2007. Licensee has not requested a hearing.

CONCLUSIONS OF LAW

5.

Licensee has made implications or inferred superiority of treatment or diagnosis by the use of this device. This is in violation of ORS 684.100(1)(j) and (k) as the advertisement is misleading and advertises a superior result and OAR 811-015-0045 (3).

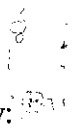
ORDER

6.

The Board orders Licensee to pay a \$250 Civil Penalty due to the previously mentioned violations. Licensee has paid this penalty in full.

DATED this 2nd day of July, 2007

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:  Original signature on file
at the OBCE office.
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 in the Court of Appeals in Salem, Oregon within 60 days from the date of this order.

VERIFICATION

State of Oregon)
County of Marion) Case # 2007-3002

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.

Original signature on file
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me

this 2nd day of July, 2007.

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/7/07



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on July 2, 2007, I served the foregoing Final Order By Default upon Scott V. Olson DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Scott Olson DC
1693 SW Chandler Ave., #130
Bend, Oregon 97702

Original signatures on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
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Scott Olson, D.C.) Case # 2007-3002
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) **NOTICE OF PROPOSED**
Licensee.) **CIVIL PENALTY**
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_____)

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5.

The Board proposes \$250 Civil Penalty due to the previously mentioned violations.

6.

Licensee shall pay costs of this disciplinary proceeding, which may include investigative costs and attorney fees pursuant to ORS 684.100(9)(g). This cost recovery may also include collection of non-sufficient funds fees, interest, hearing panel and contested case related expenses. The statutory rate of interest applies to an amount not paid when due. This amount is immediately due and payable unless the OBCE agrees to a payment plan.

NOTICE OF HEARING RIGHTS

7.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its hearings officer to contest the matter set out above. At the hearing, Licensee may be represented by an attorney and subpoena and cross-examine witnesses. That request for hearing must be made in writing to the OBCE, must be received by the OBCE within 30 days from the mailing of this notice (or if not mailed, the date of personal service), and must be accompanied by a written answer to the charges contained in this notice.

8.

The answer shall be made in writing to the OBCE and shall include an admission or denial of each factual matter alleged in this notice, and a short plain statement of each relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer will be considered a waiver of such defense; new matters alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the notice and answer.

9.

If Licensee requests a hearing, before commencement of that hearing, Licensee will be given information on the procedures, rights of representation and other rights of the parties relating to the conduct of the hearing as required under ORS 183.413-415.

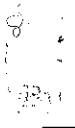
10.

If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against

Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

DATED this 24th day of May, 2007

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:  Original signature on file
at the OBCE office.

Dave McTeague, Executive Director

VERIFICATION

State of Oregon)
County of Marion) Case # 2007-3002

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

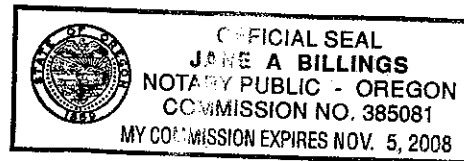
Original signature on file
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 23 day of May, 2007.

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-5-08



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on May 24, 2007, I served the foregoing Notice upon Scott V. Olson DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Scott Olson DC
1693 SW Chandler Ave., #130
Bend, Oregon 97702

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners