

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
) Case # 2019-5008
Steven E. Payne,)
Applicant for Certified Chiropractic Assistant)
) Stipulated Final Order
)
)
)

The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Steven E. Payne (Applicant), applied for certification as a certified chiropractic assistant in Oregon.

Findings of Fact

1.

On September 21, 2018, the Board received Applicant's application for a certificate to practice as a certified chiropractic assistant in Oregon. On question five of the application, where Applicant was asked if he had ever been arrested or charged with a violation, misdemeanor or felony, Applicant responded yes. Applicant divulged he had a DUI in August and December 1997 and 2007. He provided he had diverted one of the DUI's in 1997. He also divulged he had his driver's license revoked for 10 years. He also stated that in the 1990s, he had an arrest for criminal mischief a misdemeanor. Applicant also answered yes to question seven, that he had pled guilty to criminal charges which could have resulted in imprisonment in the State of Oregon.

In his background check, the Board found that Applicant had been charged for the following:

- 05/27/2007: DUI misdemeanor (convicted)
- 02/06/2001: Probation violation for DUI (controlled substance)
- 10/08/1999: Failure to appear, 2nd degree, misdemeanor (dismissed)
- 07/29/1999: DUI (controlled substance)
- 01/22/1999: Probation Violation; (DUI/Controlled substance)
- 08/24/1997: DUI and unauthorized use of a motor vehicle (diverted)

12/28/1996: Failure to appear; criminal mischief and DUI two counts

02/08/1996: Criminal Mischief (dismissed)

Applicant failed to divulge the probation violation arrests (2001 and 1999) and the failure to appear arrests (1999 and 1996) in his background response.

The background investigation revealed that Applicant had a 10 year history of alcohol abuse and other violations and that he also still owes fines to the Circuit Court in the above matters.

Applicant came before the full Board for an in-person interview on May 16, 2019. The Board was impressed with Applicant's candidness, his self-awareness, and in his confidence and ability towards his continued recovery and the support of his family.

Conclusions of Law

2.

The Board finds that the acts and conduct of Applicant in his original application and responses to such are cause to refuse to grant a certificate to Applicant. The arrest and conviction history as noted above, is a violation of OAR 811-010-0110(18)(a), (b) unprofessional or dishonorable conduct and conviction of a misdemeanor involving moral turpitude or a felony. The Board also finds, pursuant to ORS 670.280(3), the arrest history and convictions are substantially related to the fitness and ability of the Applicant to engage in the activity for which the license is required. The Board proposes to assess against Licensee all of the Board's costs of this disciplinary process and action, including but not limited to all legal costs from the Department of Justice, all hearing costs from the Office of Administrative hearings, all costs associated with any expert or witness, and all administrative costs specific to this proceeding, in an amount not to exceed \$75,000, pursuant to ORS 684.100(9)(g), any and all interest accrued at the legal rate, and any and all costs associated with collections.

Agreement

3.

This matter having come properly before and been considered by the Board, Applicant having voluntarily stipulated and consented to the issuance and entry of this order by signing below:

IT IS HEREBY ORDERED THAT:

1. Applicant will be granted his certificate to practice as a Certified Chiropractic Assistant.

2. Applicant will cause a letter to be sent to the Board within 14 days of his employment from any current or future chiropractic employers that they have been informed of his conviction history. Failure to do so will be considered a violation of this final order.
3. Applicant will abstain from any criminal or law enforcement interaction or activity and, if he is involved in any criminal activity, agrees to notify the Board within a 10 days.
4. Applicant agrees to answer truthfully on all renewals and Board inquiries for information.
5. Failure to abide by the terms of this Stipulated Final Order will result, after investigation and due process, in the possible revocation of the Certified Chiropractic Assistant certificate.
6. By signing this stipulation, Applicant understands that he has been advised of his right to request a hearing on this matter and agrees to waive this right to a hearing or appeal of this matter.

Date:

By:

Original signatures are on file in OBCE administrative office.

Steven E. Payne, Applicant

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Date: June 18, 2019 By:

Original signatures are on file in OBCE administrative office.

Cassandra C. McLeod-Skinner, J.D.
Executive Director
Oregon Board of Chiropractic Examiners

CERTIFICATE OF SERVICE

I, Cassandra C. McLeod-Skinner, certify that on June 6, 2019, I served the foregoing Stipulated Final Order upon the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Steven E. Payne
5265 Golden Cr
Klamath Falls OR 97603

Original signatures are on file in OBCE administrative office.

Cassandra C. McLeod-Skinner, J.D.
Executive Director
Oregon Board of Chiropractic Examiners