1	BEFORE THE		
2	3 STATE OF OREGON		
4			
5 6 7	In the Matter of		
8 9	Anthony J. Saboe, D.C.  ) Case # 2005-5010 )		
10 11 12 13	D.C. Applicant.  D.C. Applicant.  D.C. Applicant.  D.C. Applicant.  D.C. Applicant.  PEQUIREMENTS		
14	The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state		
15	agency responsible for licensing, regulating and disciplining chiropractic physicians and certified		
16	chiropractic assistants in the State of Oregon. Anthony J. Saboe (hereafter "Applicant"), is an		
17	applicant to the Board to practice as a chiropractic physician in Oregon. He is currently		
18	licensed in Oregon as a certified chiropractic assistant.		
19	Findings of Fact		
20	1.		
21	On September 7, 2005, the OBCE received Applicant's application for a license		
22	to practice as a chiropractic physician in Oregon. Applicant signed a statement on his doctor of		
23	chiropractic application certifying that "all statements are true and correct" The application		
24	was forwarded to the Oregon Board of Chiropractic Examiners for review at their November 18,		
25	2005 meeting.		
26	2.		
27	On the application in response to question 7 as to if he had been arrested or charged with		
28	a misdemeanor or felony, applicant answered no. On question 8 when asked if he was convicted		
29	of any misdemeanor or felony he also responded no.		
30			
21			

A background check revealed that Applicant was arrested in 1977 for pointing a firearm at another. This arrest did not result in a conviction. Applicant was later arrested for and convicted of criminal trespass in 1980 and the background information reveals a criminal conviction on his record for a misdemeanor.

4.

On September 19, 2005, the OBCE received Applicant's application for a license to practice as a certified chiropractic assistant in Oregon. On the application in response to question 5 as to if he had been arrested or charged with a violation, misdemeanor or felony, applicant answered no. On question 7 when asked if he was convicted of any violation, misdemeanor or felony he also responded no. Applicant signed a statement on this application certifying that "all statements are true and correct..."

5.

When asked for further information by the Board, applicant provided an explanation of the criminal arrest and conviction information. Applicant stated in his letter of explanation that "these happened so long ago that he simply failed to remember either of them." He also stated if he had remembered, he would have thought they would have been expunged off his record.

On December 2, 2005, Applicant was served with the Proposed Notice of civil penalty and licensure requirements. In that notice, Applicant was advised of his right to a hearing and failure to request one would result in a default order being issued and based on the record of the Board. Applicant subsequently notified the Board by mail that he would not be requesting a contested case hearing or responding further.

1	Conclusions of Law
2	6.
3	The Board finds the facts as determined in the arrest record and misdemeanor conviction
4	in addition to not being forthcoming with the information in the application to the State of
5	Oregon, constitute grounds to deny the application for a license to practice as a chiropractic
6	physician in Oregon under the provisions of:
7 8 9 10 11 12 13	ORS 684.100 (1)(d) (1) The State Board of Chiropractic Examiners may refuse to grant a license to any applicant, or may discipline a person upon any of the following grounds:  (d) A conviction of a felony or misdemeanor involving moral turpitude. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of the conviction.
15	ORS 684.040 (2)(a)
16 17 18 19 20 21 22	<ul> <li>(2) Each applicant shall furnish to the board:</li> <li>(a) Evidence satisfactory to the board of the applicant's good moral character.</li> <li>OAR 811-010-0085 (13)</li> <li>(3) The Board may reject applications for good cause including evidence of unprofessional conduct.</li> </ul>
23	ORDER
24	Provided Applicant successfully passes the Oregon Specifics Examinations and meets all
25	other licensure requirements provided by law or rule, the Board agrees and orders to allow
26	Applicant's application for a license to practice chiropractic in Oregon with the following
27	restrictions;
28	Applicant will be assessed a civil penalty in the sum of \$750 payable to the Board within
29	30 days after this order becomes final (\$250 for violations related to his CCA application and

1	\$500 for violations related to his DC application). In addition, prior to and as a condition of
2	licensure, Applicant must take and pass a nationwide FBI background check.
3	IT IS SO ORDERED that applicant pay the civil penalty in the sum of \$750 within 30
4	days of this order and apply and pass a nationwide FBI background check as a license restriction
5	
6 7	DATED this 23rd day of January 2006.
8 9 10	BOARD OF CHIROPRACTIC EXAMINERS State of Oregon
11 12 13	Original Signatures on file  By: at the OBCE Office
14 15	Dave Mic I eague, Executive Director
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3	State of Oregon	)	Case # 200 <b>5-5010</b>
4	County of Marion	)	Anthony Saboe, D.C.
5			
6			
7	I, Dave McTeague, being	first duly sworn,	state that I am the Executive Director of the
8	Oregon Board of Chiropractic Exa	aminers, and as	such, am authorized to verify pleadings in th
9	case: and that the foregoing Final	Order by Defau	t is true to the best of my knowledge as I
10	verily believe.		
11		Original S	Signatures on file
12	2 Pro	at the	e OBCE Office
13	¥	Dave McTea	gue, Executive Director
14		Oregon Boar	d of Chiropractic Examiners
15			
16			
17	SUBSCRIBED AND SWORN to	before me	
18		this 23 c	D day of January, 20086
19		1 / L	
		Original	Signatures on file
20			ne OBCE Office
21			UBLYC FOR OREGON
22		My Commis	sion Expires: 10 7 2007
			OFFICIAL SEAL KELLY J BIRD NOTARY PUBLIC - OREGON COMMISSION NO. 373440

1		
2		Certificate of Service
3		
4	I, Dave McTeague, certify	that on January 23, 2006, I served the foregoing Final Order
5	by Default upon the party hereto b	y mailing, certified mail, postage prepaid, a true, exact and
6	full copy thereof to:	y ostango propara, a trac, exact and
7		
. 8	Anthony Saboe	
9	915 SE 19 <sup>th</sup> Ave.	
10	Albany, Oregon 97321	
11		Original Si
12		Original Signatures on file
13		at the OBCE Office
14		Dave McTeague
15		Executive Director
16		Oregon Board of Chiropractic Examiners
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23 24		

1 2 3 4	BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS STATE OF OREGON
5 6 7 8 9	In the Matter of  Case # 2005-5010  Anthony J. Saboe, D.C.  Case # 2005-5010
10 11 12 13	D.C. Applicant.  D.C. Applicant.  Provided in the proposed of
14	The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state
15	agency responsible for licensing, regulating and disciplining chiropractic physicians and certified
16	chiropractic assistants in the State of Oregon. Anthony J. Saboe (hereafter "Applicant"), is an
17	applicant to the Board to practice as a chiropractic physician in Oregon. He is currently
18	licensed in Oregon as a certified chiropractic assistant.
19	1.
20	On September 7, 2005, the OBCE received Applicant's application for a license
21	to practice as a chiropractic physician in Oregon. Applicant signed a statement on his doctor of
22	chiropractic application certifying that "all statements are true and correct" The application
23	was forwarded to the Oregon Board of Chiropractic Examiners for review at their November 18,
24	2005 meeting.
25	2.
26	On the application in response to question 7 as to if he had been arrested or charged with
27	a misdemeanor or felony, applicant answered no. On question 8 when asked if he was convicted
28	of any misdemeanor or felony he also responded no.
29	3.
0	A background check revealed that Applicant was arrested in 1977 for pointing a firearm
1	at another. This arrest did not result in a conviction. Applicant was later arrested for and

1	convicted of criminal trespass in 1980 and the background information reveals a criminal
2	conviction on his record for a misdemeanor.
3	
4	4.
5	On September 19, 2005, the OBCE received Applicant's application for a license to
6	practice as a certified chiropractic assistant in Oregon. On the application in response to question
7	5 as to if he had been arrested or charged with a violation, misdemeanor or felony, applicant
8	answered no. On question 7 when asked if he was convicted of any violation, misdemeanor or
9	felony he also responded no. Applicant signed a statement on this application certifying that "al
10	statements are true and correct"
11 12	5. When asked for further information by the Board, applicant provided an explanation of
13	the criminal arrest and conviction information. Applicant stated in his letter of explanation that
14	"these happened so long ago that he simply failed to remember either of them." He also stated it
15	he had remembered, he would have thought they would have been expunged off his record.
16	6.
17	The Board finds the facts as determined in the arrest record and misdemeanor conviction
18	in addition to not being forthcoming with the information in the application to the State of
19	Oregon, constitute grounds to deny the application for a license to practice as a chiropractic
20	physician in Oregon under the provisions of:
21 22 23 24	ORS 684.100 (1)(d) (1) The State Board of Chiropractic Examiners may refuse to grant a license to any applicant, or may discipline a person upon any of the following grounds:
25 26 27	(d) A conviction of a felony or misdemeanor involving moral turpitude. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of the conviction.

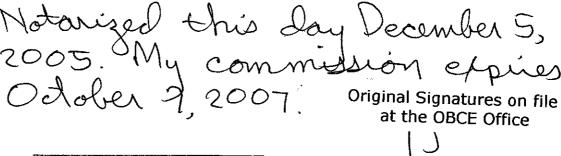
Page 2, Anthony J. Saboe, Applicant, Notice of Proposed Civil Penalty, Case 2005-5010

1	
2	ORS 684.040 (2)(a)
3 4 5	<ul><li>(2) Each applicant shall furnish to the board:</li><li>(a) Evidence satisfactory to the board of the applicant's good moral character.</li></ul>
6 7 8 9	OAR 811-010-0055 (3) (3) The Board may reject applications for good cause including evidence of unprofessional conduct.
10	7.
11	Provided Applicant successfully passes the Oregon Specifics Examinations and meets all
12	other licensure requirements provided by law or rule, the Board proposes to allow Applicant's
13	application for a license to practice chiropractic in Oregon with the following restrictions;
14	Applicant will be assessed a civil penalty in the sum of \$750 payable to the Board within
15	30 days after this order becomes final (\$250 for violations related to his CCA application and
16	\$500 for violations related to his DC application). In addition, prior to and as a condition of
17	licensure, Applicant must take and pass a nationwide FBI background check.
18	8.
19	NOTICE OF RIGHT TO A HEARING
20	Applicant has the right, if Applicant requests, to a hearing as provided by the
21	Administrative procedures Act (ORS Chapter 183) before the Board or its hearing officer to
22	contest the matter set out above. At the hearing, Applicant may be represented by an attorney,
23	and may subpoena and cross-examine witnesses. A request for hearing must be made in writing
24	to the Board, and must be received by the Board within 30 days from the date of mailing of this
25	notice (or if not mailed, the date of personal service), and must be accompanied by a written
26	answer to the charges contained in this Notice. Upon receipt of a request for hearing, the Board
27	will notify Applicant of the time and place of the hearing. If Applicant requests a hearing,
28	Applicant will be given, prior to the commencement of the hearing, information on the

1	procedures, right of representation, and other rights of parties relating to the conduct of the
2	hearing as required by ORS 183.413(2).
. 3	
4	9.
5	Applicant's answer shall be made in writing to the Board and shall include an admission
6	or denial of each factual matter alleged in this Notice, and a short plain statement of each
7	relevant affirmative defense Applicant may have. Except for good cause, factual matters alleged
8	in this notice and not denied in the answer shall be presumed admitted; failure to raise a
9	particular defense in the answer will be considered a waiver of such defense; and new matters
10	alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency, and
11	evidence shall not be taken on any issue not raised in the Notice and answer.
12	10.
13	If Applicant fails to request a hearing within 30 days, or fails to appear as scheduled at
14	the hearing, the Board may issue a final order by default and impose the above sanctions against
15	Applicant. Upon default order of the Board or failure to appear, the contents of the Board's file
16	regarding the subject of this case automatically becomes part of the evidentiary record of this
17	disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).
18	DATED this 2 <sup>nd</sup> day of December 2005.
19 20 21 22	BOARD OF CHIROPRACTIC EXAMINERS State of Oregon
23 24 25	Original Signatures on file  By: 0 at the OBCE Office
26 27 28 29 30	Dave McTeague, Executive Director

Page 4, Anthony J. Saboe, Applicant, Notice of Proposed Civil Penalty, Case 2005-5010

1 State of Oregon Case # 2004-2002 2 County of Marion ) Anthony Saboe, D.C. 3 4 5 I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the 6 Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this 7 case: and that the foregoing Notice of Proposed Civil Penalty & Licensure Requirements is true 8 to the best of my knowledge as I verily believe. 9 Original Signatures on file at the OBCE Office 10 11 Dave McTeague, Executive Director 12 Oregon Board of Chiropractic Examiners



**Certificate of Service** I, <u>Dave McTeague</u>, certify that on December 2, 2005, I served the foregoing Notice of Proposed Civil Penalty & Licensure Requirements upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to: Anthony Saboe 915 SE 19<sup>th</sup> Ave. Albany, Oregon 97321 Dave McTeague **Executive Director** Oregon Board of Chiropractic Examiners 22