

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of the Revocation )  
of the License of )  
ROBERT W. SAINZ, D.C. )           ORDER DENYING LICENSE  
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On April 29, 1993, the Oregon Board of Chiropractic Examiners (OBCE) proposed to refuse to issue a license to practice chiropractic to Dr. Robert W. Sainz, D.C. (Sainz). A hearing was held on July 15, 1993 and continued on October 21, 1993. The OBCE was represented by J. Kevin Shuba, Assistant Attorney General. Sainz appeared pro se on July 15, 1993, and failed to appear on October 21, 1993.

Findings of Fact

1. Exhibits 1 through 10 were admitted at hearing with no objection from Sainz.

2. Sainz is a chiropractor who was licensed under ORS 684.054. Sainz has practiced at a business known as "Lynch Chiropractic Clinic" at 178 Park Street, Lebanon, Oregon, as well as in Gresham, Oregon.

3. On August 12, 1991, Sainz requested to change his license status with the OBCE to "inactive" because he had suffered an accident that prevented him from practicing.

4. Sainz' inactive license expired July 31, 1992.

5. On September 1, 1992, Sainz requested reactivation of his license but failed to submit the appropriate proof of continuing education and failed to pay his renewal fee to the OBCE.

1 6. On September 8, 1992, the OBCE sent a letter to Sainz'  
2 last known address explaining that his license to practice  
3 chiropractic had expired due to non-payment of renewal fees and  
4 failure to file proof of continuing education. The letter was  
5 returned to the OBCE marked "Return to Sender".

6 7. On October 5, 1992, the OBCE received verification of  
7 eighteen hours of continuing education for Sainz. However, the  
8 required fee and penalty were not received.

9 8. On October 26, 1992, the OBCE sent a letter to Sainz at  
10 a Gresham, Oregon address acknowledging receipt of the verification  
11 of continuing education, and that the fee and penalty required for  
12 licensure had not been received. The letter also contained a  
13 warning against practicing chiropractic in this state without an  
14 active chiropractic license.

15 9. On December 28, 1992, the OBCE received a telephone call  
16 from Sainz regarding his license status. During the telephone call,  
17 Sainz admitted to the OBCE that he had been practicing and "doing  
18 a few house-calls".

19 10. Additionally, between approximately November 1989 and  
20 August 1990, Sainz received approximately \$25,000 from  
21 and never repaid it.

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11. met Sainz when Sainz practiced chiropractic in  
2 Sweet Home, Oregon. was a patient of Sainz. Over two years,  
3 Sainz borrowed \$20,000 from promising to pay it back with  
4 interest. Sainz left with several hand-written loan  
5 agreements. Sainz told that Sainz would invest the money  
6 and make a profit by buying and reselling automobiles. was  
7 never repaid. There was other evidence that Sainz borrowed money  
8 from clients which he never repaid.

9 CONCLUSIONS AND OPINION

10 1. Sainz' license to practice chiropractic in the state of  
11 Oregon expired by operation of law on July 31, 1992. Licensees in  
12 inactive status may not practice chiropractic while "inactive" and  
13 must activate his or her license prior to practicing chiropractic.  
14 ORS 684.020. Licensees who possess a license in inactive status  
15 must pay annual renewal fees and supply proof of continuing  
16 professional education in order to obtain an active license. ORS  
17 684.090(1) and (2). Sainz' license expired July 31, 1992. Due to  
18 his failure to pay the required fees and timely submit proof of  
19 continuing education, Sainz was not licensed after July 31, 1992.

20 2. As of July 31, 1992, Sainz was unlicensed. Between August  
21 12, 1991, and July 31, 1992, Sainz possessed an inactive license  
22 under which he could not actively practice in this state. However,  
23 Sainz practiced chiropractic between June 1, 1992 and February 25,  
24 1993, when he possessed an inactive license or no license at all in  
25 violation of ORS 684.020.

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1 3. Sainz induced , a patient, to give him \$20,000 by  
2 promising to repay the amount with interest. Sainz failed to pay  
3 the interest and failed to repay the original amount within the  
4 agreed time-frame, essentially misrepresenting his intent to repay

5 had every right to believe that Sainz would repay  
6 him. This behavior repeated with other clients. See Exhibit 9.

7 4. The above-described acts of Sainz constitute violations  
8 of ORS 684.100(1)(g)(B) and 684.100(1)(a) in that they are  
9 misrepresentations to a client and are, therefore, unprofessional.

10 5. The OBCE may deny a license for practicing without a  
11 license. The OBCE may also deny a license for misrepresentation by  
12 a licensee. ORS 684.100(1). The OBCE finds that Sainz committed  
13 misrepresentation and practiced without a license. Therefore, the  
14 OBCE is authorized to deny Sainz a license to practice  
15 chiropractic.

16 ORDER

17 1. The OBCE hereby DENIES Sainz a license to practice  
18 chiropractic in the state of Oregon for practicing without a proper  
19 license in violation of ORS 684.020.

20 2. The OBCE DENIES Sainz a license for committing acts of  
21 misrepresentation in contravention of ORS 684.100(1)(a).

22 IT IS SO ORDERED this 31 day of January, 1994.

23 BOARD OF CHIROPRACTIC EXAMINERS  
24 State of Oregon

25 Original signature on file  
26 at the OBCE office.

27 By: Christie Joachim  
28 Executive Director