

GOOD STIPULATION

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

STATE OF OREGON

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In the Matter of the Suspension)
of the License of) STIPULATION
DAVID A. SEWARD, D.C.)
_____)

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On July 19, 1990, the Board of Chiropractic Examiners of the State of Oregon (Board) held a meeting wherein it considered the factual circumstances surrounding the filing of a lawsuit by SAIF Corporation against Dr. David A. Seward alleging violations of the Oregon Civil RICO law and alternative claims for fraud, conversion and money had and received. That matter is currently in the process of being settled by the entry of a stipulated judgment against Dr. Seward on the racketeering claim. Dr. Seward was represented by his attorney, Norman Sepenuk of Portland. Dr. Seward did not personally appear before the Board.

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David Seward stipulates and agrees that the Board has grounds to suspend his license to practice chiropractic for the reason that he has engaged in conduct which violated ORS 684.100(1)(s) and OAR 811-15-000(2) in that he knowingly implemented and utilized a system within his clinic for billing SAIF Corporation Workers' Compensation insured patients at a rate which was more than the rate charged for private paid patients for the same services.

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JUSTICE BUILDING
SALEM, OREGON 97310
PHONE 378-4400

1 Seward also stipulates and agrees that he knowingly obtained or
2 attempted to obtain fees or payments from SAIF Corporation, a
3 third-party payor, through fraud or misrepresentation when he
4 agreed on two occasions to convert a known non-on-the-job-injury
5 of two patients to a fictitious SAIF claim, in violation of ORS
6 684.100(1)(j).

7 3.

8 Accordingly, the Board and Dr. Seward stipulate and agree
9 that this license suspension may be concluded by entry of this
10 Stipulation with the following terms and conditions:

11 NOW THEREFORE, IT IS STIPULATED by the parties that,

12 a) David Seward is suspended from the practice of
13 chiropractic within the State of Oregon for a period of two years.

14 b) Implementation of this suspension shall begin on August
15 10, 1990 but, except for the first 60 days which shall be served
16 as an actual period of suspension, is thereafter stayed and Dr.
17 Seward is placed on a term of probation for a period of three
18 years beginning on October 10, 1990.

19 c) Within the next 12 months, Dr. Seward will enroll and
20 successfully complete, at his own expense, a course in chiropractic
21 jurisprudence and ethics, which shall first be approved by the
22 Board and which shall be in addition to the usual and required
23 continuing education of a licensed chiropractor.

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1 d) During the period of probation, Dr. Seward agrees to
2 make his books and records available to the Board of Chiropractic
3 Examiners on 10 days' notice in response to any Board investigation
4 of Dr. Seward's compliance with the rules and statutes relating to
5 the practice of chiropractic.

6 e) Dr. Seward will become knowledgeable about and will
7 comply with all Oregon statutes and rules relating to the practice
8 of chiropractic within the State of Oregon from this date forth.

9 f) Dr. Seward submits herewith the sum of \$1,000 assessed
10 by the Board as a civil penalty pursuant to ORS 684.100(9)(f) and
11 \$250 assessed by the Board for the cost of this disciplinary
12 proceeding, pursuant to ORS 684.100(9)(g).

13 g) In any public statements or press releases, Dr. Seward
14 will not contradict the admissions made in nor the terms of this
15 Stipulation.

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17 This Stipulation is conditioned on Dr. Seward complying with
18 the terms of the penalty and probation appearing herein. If the
19 Board obtains evidence that Dr. Seward has violated the terms of
20 this Stipulation and probation, the Board may immediately suspend
21 his license to practice chiropractic within Oregon, subject only
22 to his right to obtain a hearing on such suspension within 21 days
23 thereafter, pursuant to ORS 183.413. If Dr. Seward successfully
24 completes the probation according to the terms and conditions set
25 out in this Stipulation, the Board of Chiropractic Examiners will

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1 take no further action based on the conduct described in paragraphs
2 1 and 2 of this Stipulation.

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IT IS SO STIPULATED this 1 day of July, 1990.

Original signature on file
at the OBCE office.

David A. Seward, D.C.

SO STIPULATED this 3 day of August, 1990.

Original signature on file
at the OBCE office.

CHRISTIE JOACHIM
Executive Director
Oregon Board of Chiropractic
Examiners

DEPARTMENT OF JUSTICE
JUSTICE BUILDING
SALEM, OREGON 97310
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