

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	
	)	Case # 2007-5008
Thomas M. Shleifer	)	
	)	
	)	<b>FINAL DEFAULT ORDER</b>
D.C. Applicant.	)	<b>DENIAL OF LICENSE</b>
_____	)	

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. Thomas M. Shleifer (hereafter "Applicant"), has requested to be licensed by the Board to practice as a chiropractic physician in Oregon.

FINDINGS OF FACT

1.

On September 20, 2006, the OBCE received Applicant's application for a license to practice as a chiropractic physician in Oregon. The application was forwarded to Executive Director Dave McTeague for the Board to review and approve.

2.

Applicant stated in his application that he had been denied a license, had his license suspended, limited or revoked or surrendered his license with another states licensing board. In addition, he admitted that he had disciplinary action of his chiropractic license by another states' licensing board. He also admitted that he had been arrested for, charged with a misdemeanor or felony and he had used controlled substances in the past and had violated a federal or local law.

3.

Applicant was previously licensed in Oregon in 1985 and allowed his license to lapse and expire on July 31, 1994.

4.

After the license application was received by this Board, an investigation began. Further investigation by the OBCE revealed that Applicant was licensed in Nevada from 1986 through 1997. His license was revoked in 1997 when he was indicted on four felony counts of aiding and abetting mail fraud. Applicant was found guilty on May 22, 1998, on two counts and sentenced to 15 months in Federal prison, required 2 years of supervised release, a \$2000 fine and \$4140 in restitution. The counts Applicant was convicted of were mail fraud and aiding and abetting violations of federal law; 18 USC Sections 2 and 1341.

The facts of the arrest and later conviction involved patient care and a ring of chiropractors involved in insurance company fraud where automobile accidents were staged to collect insurance payments. The indictment alleged that Applicant agreed to perform chiropractic treatments on co-schemers although he knew the accident had been staged in order to submit false and fraudulent medical reports and bills to the insurance company.

5.

On July 16, 1997, as a result of the indictments, the State of Nevada Chiropractic Board and Applicant signed an Agreed Settlement of Disciplinary Action wherein Applicant agreed to the revocation of his license and agreed not to apply for at least 15 months to the Nevada Board. Later, at a hearing on February 28, 1999 Applicant requested reinstatement of his license in Nevada. The Board voted to deny the reinstatement at that time and informed him it would consider the request after completion of probation on August 6, 2000. To date, Applicants license in Nevada is still in revoked status.

6.

On May 22, 2007, the Board issued the Notice of Proposed Denial of License. In that Proposed Notice, it indicated that for purposes of default the Board's record would be considered the record for purposes of default. On July 20, 2007, Applicant requested a hearing. A hearing was set to occur on December 17, 18, 2007. On October 26, 2007, Applicant indicated in writing that he wished to withdraw his request for hearing. He understood that an order would be issued denying his license due to his withdraw.

#### CONCLUSIONS OF LAW

7.

The Board finds that the acts and conduct of Applicant described above violates the standards as set forth in ORS 684.100(1)(d) as a conviction of a felony or misdemeanor involving moral turpitude. In addition, being revoked in another state is cause for denial pursuant to ORS 684.100(1)(s) and (u). Specifically, ORS 684.100(1)(g) and OAR 811-035-0015 (12) allows the Board to refuse to grant a license upon a finding of unprofessional conduct including but not limited to perpetrating fraud upon patients or third party payors, relating to the practice of chiropractic. The conduct that is the basis for the conviction and Nevada license revocation is so egregious and substantially relates to the fitness and ability of applicant to engage in the activities for which the license is required. The Board finds that Applicant's application for licensure should be denied. The Board has reviewed the application and convictions that warrants denial of the license.

ORDER

8.

Applicant's application for licensure is denied by the Board.

DATED this 6<sup>th</sup> day of November, 2007.

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

By: \_\_\_\_\_

Original signature on file  
at the OBCE office.

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

\* \* \* \* \*

**VERIFICATION**

State of Oregon )  
County of Marion ) Case # 2007-5008

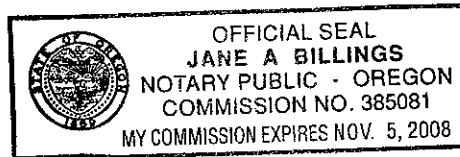
I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice is true to the best of my knowledge as I verily believe.

**Original signatures on file  
at the OBCE office.**

DAVE McTEAGUE, EXECUTIVE DIRECTOR  
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me  
this 6 day of Nov, 2007.

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



**CERTIFICATE OF SERVICE**

I, Dave McTeague, certify that on November 6, 2007, I served the foregoing Notice of Licensure Denial upon Thomas Shleifer, Applicant, the party hereto, by mailing, regular mail, a true, exact and full copy thereof to:

Thomas Mark Shleifer  
4806 SE 28<sup>th</sup> Ave., Apt. 319  
Portland, Oregon 97202

Paul J. Blechmann, AAL  
1832 NE Broadway  
Portland, Oregon 97232

Original signature on file  
at the OBCE office.

Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners



# Oregon

Theodore R. Kulongoski, Governor

**Oregon Board of Chiropractic Examiners**

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX: (503) 362-1260

E-mail: [oregon.obce@state.or.us](mailto:oregon.obce@state.or.us)

[www.oregon.gov/OBCE](http://www.oregon.gov/OBCE)

May 22, 2007

Thomas Mark Shleifer  
4806 SE 28<sup>th</sup> Ave., Apt. 319  
Portland, Oregon 97202

COPY

Re: Notice of Proposed Denial

Dear Mr. Shleifer,

The Oregon Board of Chiropractic Examiners considered your application at their May 17, 2007 meeting. They voted to issue the enclosed Notice of Proposed Denial.

You have 60 days in which to answer and/or request a contested case hearing.

You may call me if you have any questions or if you are represented by legal counsel that person may contact Lori Lindley, Assistant Attorney General, at 503-947-4520.

Sincerely,

Original signature on file  
at the OBCE office.

Dave McTeague  
Executive Director



BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

COPY

In the Matter of )  
Thomas M. Shleifer ) Case # 2007-5008  
D.C. Applicant. ) **NOTICE OF PROPOSED**  
 ) **DENIAL OF LICENSE**

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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. Thomas M. Shleifer (hereafter "Applicant"), has requested to be licensed by the Board to practice as a chiropractic physician in Oregon.

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The Board finds that the acts and conduct of Applicant described above violates the standards as set forth in ORS 684.100(1)(d) as a conviction of a felony or misdemeanor

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7.

The Board finds that Applicant's application for licensure should be denied. The Board has reviewed the application and convictions that warrants denial of the license.

8.

#### **NOTICE OF RIGHT TO A HEARING**

Applicant has the right, if Applicant requests, to a hearing as provided by the Administrative procedures Act (ORS Chapter 183) before an ALJ to contest the matter set out above. At the hearing, Applicant may be represented by an attorney, and may subpoena and cross-examine witnesses. A request for hearing must be made in writing to the Board, and must be received by the Board within 30 days from the date of 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. Upon receipt of a request for hearing, the Board will notify Applicant of the time and place of the hearing. If Applicant requests a hearing, Applicant will be given, prior to the commencement of the hearing, information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing as required by ORS 183.413(2).

9.

Applicant's answer shall be made in writing to the Board 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 Applicant may have. Except for good cause, factual matters alleged in this notice and not denied in the answer shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; and new matters alleged in the 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.

10.

If Applicant fails to request a hearing within 60 days, or fails to appear as scheduled at the hearing, the Board may issue a final order by default and impose the above sanctions against Applicant. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this case automatically becomes part of the evidentiary record of this disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).

DATED this 22<sup>nd</sup> 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 # 2007-5008

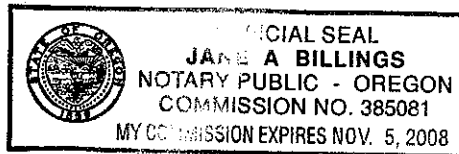
I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice is true to the best of my knowledge as I verily believe.

Original signatures on file  
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR  
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me  
this 22 day of May, 2007.

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



**CERTIFICATE OF SERVICE**

I, Dave McTeague, certify that on May 22, 2007, I served the foregoing Notice of Licensure Denial upon Thomas Shleifer, Applicant, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Thomas Mark Shleifer  
4806 SE 28th Ave., Apt. 319  
Portland, Oregon 97202

Original signature on file  
at the OBCE office.

Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners