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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

6 In the Matter of)
7) Case # 2011-5002
8 Timothy Swindler DC)
9)
10) **FINAL ORDER BY DEFAULT**
11)
12)
13 _____)

15 The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state
16 agency responsible for licensing, regulating and disciplining chiropractic physicians and certified
17 chiropractic assistants in the State of Oregon. Timothy Swindler DC (hereafter "Licensee"), is
18 a licensed Chiropractic physician in Oregon.

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20 Findings of Fact

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22 1.

23 On October 14, 2010, the Board On October 13, 2010, the Board mailed their Renewal
24 Notice & Affidavit to Licensee and on October 14, 2010 the Board mailed their continuing
25 education audit letter to Licensee at the contact information he had filed with the Board. On
26 October 18, 2010 the Audit letter was returned as not deliverable as addressed. On October 20,
27 2010, the Board sent an e mail to Licensee regarding both the renewal and audit. The Board
28 never heard from Licensee. Board staff checked various sources in attempt to locate Licensee.
29 They located a home address with a different phone number than was on file and found the
30 phone to be disconnected. On October 26, 2010 the renewal notice was returned, undeliverable.
31 On November 8, 2010, a follow up CE audit letter was sent. That was returned on November 20,
32 2010.

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34 2.

35 On November 29, 2010 the Board received a faxed letter from Licensee with a notice of
36 address change. On December 8, 2010, the Licensee's CE was received and follow up
37 information was provided by Licensee by December 13, 2010.

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39 Licensee failed to notify the Board of a change of address and phone number change.
40 Licensee also failed to timely respond to the Board's CE audit.

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42 On January 31, 2011, the Board issued the Proposed Notice of Discipline to Licensee
43 with a notice that the record herein would be used as the prima facie record if no request for
44 hearing were filed. On April 2, 2011, Licensee indicated in an email that he was withdrawing his
45 request for a hearing. Licensee is in default at this time.

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3 Conclusions of Law
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5 3.
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7 The Board finds the facts as demonstrated above show that Licensee failed to respond to
8 the Board's audit request in a timely manner. Licensee's failure to respond constitutes grounds
9 to discipline his Oregon license to practice as a chiropractic physician in Oregon under the
10 provisions of:

11 **ORS 684.100 (1)(g) and (p)**

12 (1) The State Board of Chiropractic Examiners may refuse to grant a license to
13 any applicant, or may discipline a person upon any of the following grounds:
14

15 (g) failure to notify the Board of a change in location of practice as provided in
16 ORS 684.054.

17 (p) violation of any provision of this chapter or any rule adopted therein.
18

19 **OAR 811-035-0015 Unprofessional Conduct in the Chiropractic Profession**

20 (19) Failing to provide the Board with any documents requested by the Board.
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23 ORDER
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25 4.
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27 The Board hereby orders Licensee to pay a \$250 Civil Penalty due to the previously
28 mentioned violations within 30 days.
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31 DATED April 18, 2011
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34 **BOARD OF CHIROPRACTIC EXAMINERS**
35 State of Oregon
36
37

38
39 By:

Original signature on file at OBCE.

40 Dave McTeague, Executive Director
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42

43 Appeal Rights:

44 You are entitled to judicial review of this order in accordance with ORS Chapter 183.480.

1 You may request judicial review by filing a petition in the Court of Appeals in Salem, Oregon
2 within 60 days from the date of this order.
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7 **VERIFICATION**

8
9 State of Oregon)
10 County of Marion) Case # 2011-5002
11

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

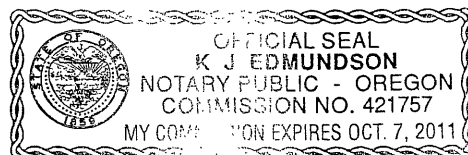
16 Original signature on file at OBCE

17
18 DAVE McTEAGUE, EXECUTIVE DIRECTOR
19 OREGON BOARD OF CHIROPRACTIC EXAMINERS
20

21
22
23 SUBSCRIBED AND SWORN to before me
24 this 13th day of April, 2011.
25

26 Original signature on file at OBCE

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28 NOTARY PUBLIC FOR OREGON
29 My Commission Expires: 10-7-11
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CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on April 18, 2011, I served the foregoing Final Order by Default upon Licensee, the party hereto, by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Timothy Swindler, DC
10306 SE Market Dr
Portland, OR 97216

Original signature on file at OBCE


Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners