

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
) Case # 2016-5011
Destiney L. Whiteside, CCA Applicant)
)
) **FINAL DEFAULT ORDER**
) **DENIAL OF CERTIFICATE**
_____)

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. Destiney L. Whiteside (hereafter "Applicant"), applied for a license as a certified chiropractic assistant in Oregon.

Findings of Fact

1.

On June 17, 2016, the Board received Applicant's application for a certificate to practice as a certified chiropractic assistant in Oregon. On question five of the application where Applicant was asked if she had ever been arrested or charged with a violation, misdemeanor or felony, Applicant responded yes. Applicant also answered yes to question seven that she had been convicted of, pled guilty, or pled nolo contendere to any offense, misdemeanor or felony which could have resulted in imprisonment. Applicant's history showed an arrest and conviction for theft in the second degree which Applicant pled no contest to on October 28, 2015. (Clatsop County Court case 15CR29827). The circumstances surrounding the crime were theft of money from her employer that was recorded on camera at her place of employment. Applicant was seen putting an envelope of money into her purse before leaving her employment for the day. In that case, Applicant was put on probation for 18 months and was required to pay \$843 in restitution back to the employer.

2.

The Board found that Applicant's arrest/conviction history is concerning, specifically, as to theft from her employer and as recent as 2015.

3.

On September 27, 2016, Applicant was served with a Proposed Notice for Denial of Chiropractic Assistant Certificate. In that Notice, Applicant was provided that a hearing was required to be requested within 60 days. Applicant was also notified that if a hearing was not requested, a Notice of Default would be issued based on the Board record. Applicant did not request a hearing in a timely manner.

Conclusions of Law

4.

The Board finds that the acts and conduct of Applicant in her application and responses to such, are cause to refuse to grant a certificate to Applicant. The arrest and conviction history as noted above, is a violation of **OAR 811-010-0110(15)(a)(b) and (m)** unprofessional or dishonorable conduct and conviction of a misdemeanor involving moral turpitude or a felony. The Board also feels pursuant to ORS 670.280(3) the arrest history and convictions are substantially related to the fitness and ability of the applicant to engage in the activity for which the license is required.

ORDER

5.

The Board finds Applicant is in default to request a hearing. Applicant's request to be certified as a Chiropractic Assistant is hereby denied.

DATED this 7th day of December, 2016.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures are on file in OBCE office

By:

Cassandra C. Skinner, J.D., Executive Director
Oregon Board of Chiropractic Examiners

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 # 2016-5011

I, Cassandra C. Skinner, 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 Stipulated Final Order is true to the best of my knowledge as I verily believe.

Original signatures are on file in OBCE office

Cassandra C. Skinner, J.D., EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 2nd day of December 2016.

Original signatures are on file in OBCE office

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/4/2019



CERTIFICATE OF SERVICE

I, Cassandra C. Skinner, certify that on December 2, 2016, I served the foregoing Final Default Order; denial of chiropractic Assistant certificate, upon Destiny Whiteside. the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Destiney Whiteside
1827 Marine Dr Apt 4
Astoria OR 97103

Original signatures are on file in OBCE office

Cassandra C. Skinner, J.D.
Executive Director
Oregon Board of Chiropractic Examiners