

**BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OKLAHOMA**

State of Oklahoma, ex rel. Oklahoma)
Board of Chiropractic Examiners,)
Plaintiff,)
v.)
Joshua Ernst,)
Respondent.)

MPC 016-2003

FINAL ORDER

Hearing on this matter was held May 15, 2003, before the Oklahoma Board of Chiropractic Examiners at the offices of the Veterinary and Dental Board, 201 N.E. 38th, Suite 1 and 2, Oklahoma City, Oklahoma. Respondent failed to appear after proper notice. Present on behalf of the Oklahoma Board of Chiropractic Examiners (hereinafter "Plaintiff" or "the Board") was attorney P. Kay Floyd.

Whereupon the hearing began and the sworn testimony of witnesses for Plaintiff was presented, along with exhibits, which were admitted and are incorporated herein and made a part hereof. After careful consideration of all evidence, testimony, and exhibits, the Board issues the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

Respondent was licensed to practice Chiropractic in the State of Oklahoma in the year 2002. Respondent, however, failed to renew his license to practice chiropractic in Oklahoma for the calendar year 2003 on or before January 1, 2003 as required by State statute and Board rule. Respondent also failed to post a current license in a prominent

place at the primary location where he engaged in the practice of chiropractic as required by State statute and Board rule.

On January 15, 2003, a letter was sent to Respondent stating that Board records indicated he had not successfully renewed his 2003 license in violation of Oklahoma Statute 59 O.S. §.161.11. Respondent was put on notice that the Executive Director of the Board, Beth Scott, would be requesting the Board set the alleged violation for hearing. Respondent did not respond to the January 15, 2003 letter.

At the next regularly scheduled meeting, the Board set Respondent's case for hearing on March 6, 2003, and notice of this hearing was sent certified mail to Respondent on January 27, 2003. On or about February 12th, Respondents' notice of hearing was returned to the Board office unclaimed by Respondent. Ms. Scott also placed a telephone call to Respondents' office and left a message for Dr. Ernst to telephone the Board office. Respondent failed to respond.

On March 6, 2003, the scheduled date for the hearing, Respondent failed to appear and it was established that proper service had not been accomplished on Respondent. The Board then ordered Ms. Scott to obtain proper service by using the Federal Express company to serve notice on Dr. Ernst of a second hearing which would be conducted May 15, 2003.

Ms. Scott followed the direction of the Board sending a new notice for a new hearing to Respondent on April 2, 2003. Evidence at this hearing indicates that the notice of the new hearing scheduled for May 15, 2003 was delivered to Respondent on April 3, 2003.

On today's date (May 15th), hearing was convened and even though Respondent received notice, Respondent failed to appear or notify the Board office as to his situation.

CONCLUSIONS OF LAW

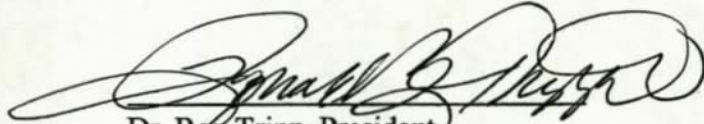
1. The Oklahoma Board of Chiropractic Examiners has jurisdiction over the parties and subject matter in the above entitled cause.
2. Any finding of fact which is properly a conclusion of law is so incorporated herein as a conclusion of law.
3. O.S. Title 59 § 161.11, **Renewal license fee**, and OAC 140:10-5-1, **Renewal license; requirements**, state in part that each licensee holding an original license to practice chiropractic in the state shall pay to the Board, on or before the 1st day of January of each year, an annual renewal fee. Failure to comply with the statute and rule shall result in suspension or revocation of the original license.
4. OAC 140:7-1, **Display of license**, states in part that each chiropractic physician shall, at all times, display his original and current license in a prominent place at the primary location in the state where he is engaged in the practice of chiropractic medicine.
5. O.S. 59 § 161.12, **Grounds for imposing penalties**, states in part that certain acts or occurrences by a chiropractic physician shall constitute grounds for penalties, including violating a provision of the Oklahoma Chiropractic Practice Act or violation of any rule of the Board.

ORDER

It is therefore **ORDERED, ADJUDGED** and **DECREED** by the Oklahoma Board of Chiropractic Examiners that Respondent, Joshua Ernst, violated State statute and Board rule and is hereby ordered to pay a fine and fees totaling \$575.00. Upon payment of said fine and fees, Joshua Ernst will be granted a renewal license for calendar 2003 subject to the additional terms set forth below.

It is further **ORDERED, ADJUDGED** and **DECREED** that Joshua Ernst shall complete 16 hours continuing education to be applied to calendar 2003 prior to granting of a renewal license and pay all outstanding debts to any chiropractic associations prior to renewal of said license.

Dated this 17 day of June, 2003.



Dr. Ron Tripp, President
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