

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

STATE OF OKLAHOMA, ex rel.)	
BOARD OF CHIROPRACTIC EXAMINERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 015-2009
)	
RICHARD GOLDSTEIN, D.C. #1926)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

On July 12, 2011, the Oklahoma Board of Chiropractic Examiners (Board) heard the above styled and numbered case. Members Gardner, Gilstrap, Javersak, Mead, McClure, Resler, Tripp and Toy were present. President Tripp presided. Ms. P.K. Floyd prosecuted for the Board. The Respondent appeared but was not represented by counsel. The Board heard witnesses, received evidence and was fully apprised of the facts and allegations. The hearing was continued until September 13, 2011.

On September 13, 2011, the Board reconvened the hearing. Members Gardner, Mead, McClure, Resler, and Tripp were present. Ms. P.K. Floyd prosecuted for the Board. The Respondent appeared but was not represented by counsel. The Board heard witnesses, received evidence and was fully apprised of the facts and allegations.

The Board's previous Findings of Fact, Conclusions of Law and Final Orders in the instant case are hereby incorporated by reference.

The Complaint in the instant matter is hereby incorporated by reference.

FINDINGS OF FACT

1. On January 1, 2008, Respondent's license was placed in a lapsed status for failure to properly renew because of Respondent's failure to resolve his tax liabilities with the Oklahoma Tax Commission.

2. On March 1, 2008, Respondent's license was administratively suspended pursuant to 59 O.S. § 161.11(D) for failure to resolve his tax liabilities with the Oklahoma Tax Commission.

3. On August 18, 2010, Board staff issued a subpoena to Respondent for records pursuant to 59 O.S. § 161.6(B)(8) as part of its investigation into allegations that Respondent was practicing chiropractic even though his license was under suspension by operation of law.

4. On December 16, 2010, following a hearing, the Board suspended Respondent's license until such time as he complied with the Board's subpoena. The Board also fined Respondent \$2,500.00.

5. On January 10, 2011, Respondent received a second subpoena directing him to produce certain records and providing him 45 days in which to comply. Respondent failed to comply with the subpoena and a hearing was held on May 19, 2011.

6. In the May 19th hearing, Respondent admitted that he had not made a good faith effort to comply with the subpoena even though records existed which were responsive to the subpoena. Following the hearing, the Board issued a Final Order directing Respondent to comply with the subpoena issued January 6, 2011, and fined Respondent \$250.00 for each day he was out of compliance.

7. Respondent failed to comply with the subpoena issued on January 6, 2011, as ordered by the Board on May 19, 2011, and a hearing was held on July 12, 2011. In the hearing, Respondent stated that it was his understanding that he could not comply with the subpoena until all records listed in the subpoena were available to be produced. Respondent stated that some records existed and were available, but others, including certain tax records, either did not exist or were in the process of being prepared. The Board clarified that Respondent was to produce all records which existed even if such records did not comprise the totality of records listed in the subpoena. Respondent requested the Board continue the hearing until September 13, 2011, stating that some records that were not yet available would be available by that time. The Board continued the hearing until September 13, 2011.

8. At the time the hearing was reconvened on September 13, 2011, Respondent had failed to produce any records even though Respondent had admitted that records existed, and were in his possession, which were responsive to the subpoena.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondent and the subject matter of this action pursuant to 59 O.S. § 161.12.

2. Any Finding of Fact which is properly a Conclusion of Law is hereby incorporated by reference and vice versa.

3. Respondent has violated 59 O.S. § 161.11(B)(12) and the Board's Final Order of May 19, 2011, by failing to comply with the subpoena issued by the Board on January 6, 2011.

4. Respondent has failed to comply with the Board's Final Order of May 19, 2011, by failing to pay fines which have accrued to a total of \$18,500.00.

FINAL ORDER

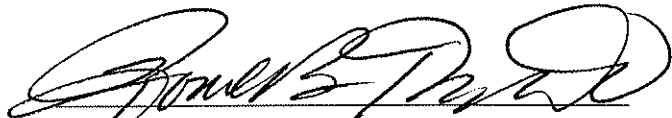
1. Respondent Richard Goldstein's license to practice chiropractic in the State of Oklahoma is hereby **REVOKED**.

2. All outstanding unpaid fines remain due and payable.

3. This Final Order is effective the date of the hearing, September 13, 2011.

All members present vote "Aye".

Signed, this the 9th of November, 2011:



Ronald Tripp, D.C., President
Oklahoma Board of Chiropractic Examiners