

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

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IN RE: THE LICENSE TO PRACTICE CHIROPRACTIC HELD BY
JAMES McMONIGLE, D.C.

AGREED ORDER

Comes the Kentucky Board of Chiropractic Examiners, hereafter the "Board", by counsel, and James McMonigle, hereafter the "Respondent", and the parties hereby agree as follows:

1. That Respondent advertised a free or discounted service in the Herald, Paintsville, Kentucky, without including adequate notice of the seventy-two (72) hour right of rescission required by KRS 312.019(9)(g) and 201 KAR 21:080, Section 2(1);
2. That Respondent admits he failed to send a copy of the written advertisement to the Board simultaneous to publication of the advertisement as required by 201 KAR 21:065, Section 3;
3. That Respondent admits he used the word "clinic" in his advertisement without first complying with 201 KAR 21:060, Section 2.
4. That rather than pursue a hearing on this complaint, the parties have decided to resolve this matter by means of this Agreed Order.

WHEREFORE, IT IS HEREBY ORDERED, that:

- a. The Respondent accepts the reprimand of the Board for the above-stated violations. The Respondent agrees he will act more diligently in the future to insure that all advertising issued by him, or


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on his behalf, will comply with KRS Chapter 312 and the accompanying regulations;

- b. The Respondent will pay a \$200 fine to the Board. Said fine shall be made payable to the "Kentucky State Treasurer" on the date of Respondent's signing of the Agreed Order. The Agreed Order and accompanying payment must be mailed to the Board's attorney, Cheryl Lalonde, postmarked no later than November 27, 1995;
- c. The Board shall make no referral of this matter for any criminal proceeding;
- d. The Respondent enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to him under KRS Chapter 312 and the accompanying regulations;
- e. The Respondent has waived his right to counsel and a hearing on this matter;
- f. This Agreed Order is subject to disclosure under the Kentucky Open Records Act;
- g. The Respondent acknowledges he is ineligible for participation in any chiropractic preceptorship program for five years pursuant to 201 KAR 21:085, Section 2(7);

- h. The Respondent will notify all consumers who responded to the advertisement and advise those consumers of the notice of right of rescission, as required by 201 KAR 21:080, Section 1(3).


G. HAROLD BYERS, PRESIDENT
KENTUCKY BOARD OF
CHIROPRACTIC EXAMINERS

11-17-95
DATE


CHERYL LALONDE
ASSISTANT ATTORNEY GENERAL

11-9-95
DATE


JAMES McMONIGLE
RESPONDENT

11-14-95
DATE