

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

#4304  
ck#1059  
\$100

IN RE: THE LICENSE TO PRACTICE CHIROPRACTIC HELD BY:

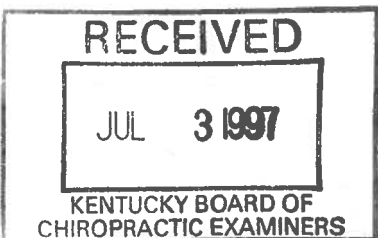
JOHN RESTAINO, D.C.  
1671 Park Rd., #21  
Ft. Wright, KY 41011

AGREED ORDER

Comes the Kentucky Board of Chiropractic Examiners, hereafter the "Board," by counsel, and John Restaino, D.C., hereafter the "Respondent," and the parties hereby agree as follows:

1. That Respondent advertised a free or discounted service in the Kentucky Post on or about February 12, February 22, and March 16, 1997. He also advertised a free or discounted service in the Kentucky Enquirer on or about February 8, February 12, February 24, and February 26, 1997. In each of the above-mentioned advertisements, Respondent failed to include 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 rather than pursue a hearing on these violations, the parties have decided to resolve this matter by means of this Agreed Order.


WHEREFORE, IT IS HEREBY ORDERED, that:



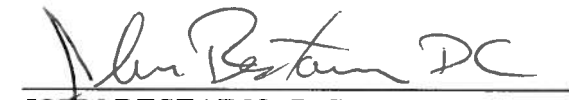
- a. The Respondent accepts the reprimand of the Board for the above-stated violations. The Respondent agrees he will act more diligently in the future to insure that all advertising issued by him, or on his behalf, will comply with KRS Chapter 312 and the accompanying regulations;
- b. The Respondent will pay a \$100 fine to the Board. Said fine will be made payable to the "Kentucky Board of Chiropractic Examiners." The Agreed Order and fine must be mailed to the Board's office, postmarked no later than July 7, 1997;
- c. The Respondent will notify all consumers who responded to the advertisement and advise those consumers of the complete notice of right of rescission, as required by 201 KAR 21:080, Section 1(3). A copy of the notification to all consumers who responded to the advertisement shall be mailed to the Board;
- d. The Board shall make no referral of this matter for any criminal proceeding;
- e. 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;
- f. The Respondent understands that by signing this Agreed Order, he has waived his right to a hearing on the allegations, including the right to be present with counsel, to subpoena witnesses and to confront those against him, and the right to appeal the Board's decision as entered in the Agreed Order and the full panoply of rights of hearing and appeal as authorized by

statute, regulation and court decision;

- g. This Agreed Order is subject to disclosure under the Kentucky Open Records Act;
- h. 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);

  
G. HAROLD BYERS, PRESIDENT  
KENTUCKY BOARD OF  
CHIROPRACTIC EXAMINERS

6-26-97  
DATE

  
JOHN RESTAINO, D.C.  
RESPONDENT

6-30-97  
DATE