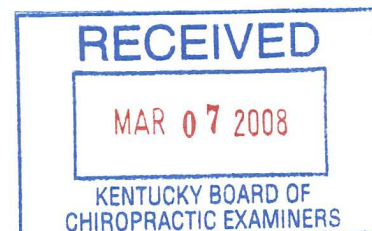


**COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS**

**IN RE:           CHIROPRACTIC LICENSE # 5031  
                  HELD BY Timothy Warren O'Brien, D.C.**

Timothy Warren O'Brien, D.C.



**AGREED ORDER**

***Parties***

**WHEREAS**, the parties to the Agreed Order herein are the Kentucky Board of Chiropractic Examiners, hereinafter referred to as the "Board," and Timothy Warren O'Brien, D.C., hereinafter referred to as the "Respondent."

***Jurisdiction***

**WHEREAS**, the Board has jurisdiction over this matter pursuant to KRS Chapter 312 and the related administrative regulations.

***History***

**WHEREAS**, the Respondent advertised a free or discounted service in an advertisement in the November 12, 2007 issue of the *Olive Hill Times*, without including adequate notice of the seventy-two (72) hour right of rescission required by KRS 312.019(9)(g) and 201 KAR 21:065, Section 1(2); and

**WHEREAS**, the Respondent failed to send a copy of the written advertisement to the Board simultaneous to publication of the advertisements as required by 201 KAR 21:065, Section 3; and

**WHEREAS**, the Respondent had previously entered into an Agreed Order

on November 23, 2007, for the same violations in a July 28, 2007 advertisement; and

**WHEREAS**, the parties mutually desire to settle the issues in an expeditious manner, without the need for a formal hearing.

***Terms of Agreement***

**THEREFORE, it is hereby agreed** between the undersigned parties that this matter shall be settled and resolved upon the following terms:

1) The Respondent shall carefully review the Agreed Order herein and enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to the respondent under KRS Chapter 312 and the accompanying regulations;

2) The Respondent, Timothy Warren O'Brien, D.C., accepts the reprimand of the Board for the above-stated violations. The Respondent agrees to act more diligently in the future to insure that all advertising issued by the respondent, or on the respondent's behalf, complies with KRS Chapter 312 and the accompanying administrative regulations;

3) The Respondent shall notify all consumers known to him 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 *on or before March 5, 2008*;

4) The Respondent, Timothy Warren O'Brien, D.C., shall pay a fine to the board in the amount of one thousand dollars (\$1000.00). Said fine shall be

made payable to the “Kentucky Board of Chiropractic Examiners.”

5) The original, executed Agreed Order and fine must be received in the office of the board, *postmarked no later than March 5, 2008.*

6) The board shall make no referral of this matter for any criminal proceeding;

7) The Respondent acknowledges that he is ineligible for participation in any chiropractic preceptorship program for five (5) years pursuant to 201 KAR 21:085, Section 2(7); and

8) The Respondent, Timothy Warren O'Brien, D.C., agrees that the failure to comply with any of the terms and conditions of this Agreed Order may result in the board setting the matter for an administrative hearing in accord with KRS Chapter 13B.

***Voluntary Waiver of Rights***

The Respondent, Timothy Warren O'Brien, D.C., has had the opportunity at all times to seek advice from competent counsel of choice. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

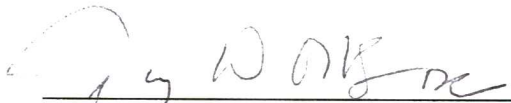
***Publication of Settlement Agreement***

The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law. This Agreed Order may at any time be published on the Board's website, [www.kbce.ky.gov](http://www.kbce.ky.gov).

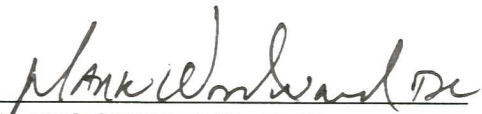
**Complete Agreement**

This Settlement Agreement consists of four (4) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Timothy Warren O'Brien, D.C. It may not be altered, amended or modified without the express written consent of both parties.

**Have Seen, Understood and Approved:**

  
\_\_\_\_\_  
Timothy Warren O'Brien, D.C.  
License No. 5031  
*Respondent*

3/5/08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
MARK WOODWARD, D.C.  
*President*  
*Kentucky Board of Chiropractic*  
*Examiners*

03/10/08  
\_\_\_\_\_  
Date

### Certificate of Service

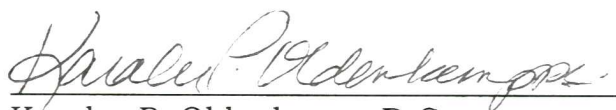
I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 11<sup>th</sup> day of March, 2008:

Timothy Warren O'Brien, D.C.

*Respondent*

HON. DIANE SCHULER FLEMING  
Office of the Attorney General  
700 Capitol Ave., Ste. 118  
Frankfort KY 40601  
*Board Counsel*

And the original shall be maintained by the Board



Karalee P. Oldenkamp, D.C.  
Board Administrator  
Kentucky Board of Chiropractic Examiners