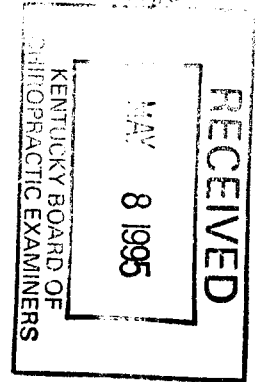


COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

IN RE: THE LICENSE TO PRACTICE CHIROPRACTIC HELD BY
DAVID J. MARCON, D.C.



AGREED ORDER

Comes the Kentucky Board of Chiropractic Examiners, hereafter the "Board", by counsel, and David Marcon, hereafter the "Respondent", by counsel, and the parties after being fully informed and advised hereby agree as follows:

1. That on or about March, 1994, the Board issued the attached Notice and Complaint against the Respondent by certified mail which was signed for by Respondent on or about April 1, 1994;
2. That the Respondent admits he failed to accomplish diagnostic quality radiographs with regard to two of his patients, John Ecklar and Mary Due, as stated in the Notice and Complaint;
3. That Respondent admits the Board had reasonable cause to question his ability to consistently accomplish diagnostic quality radiographs;
4. That having accepted responsibility for the two concerned events, as stated in the Notice and Complaint, the Respondent is accepting responsibility for the acts charged only because he would not likely be able to prove his competence to consistently accomplish diagnostic

quality radiographs to the satisfaction of the Board at a hearing;

5. That the Respondent maintains he does possess the necessary training and skill to consistently produce diagnostic quality radiographs and that the events charged in the complaint are not representative of his practice as a whole;
6. That rather than pursuing 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 Board accepts Respondent's above-stated admissions regarding the allegations contained in the Notice and Complaint;
- b. Respondent will pay a fine of \$1,000 to the Board. Said payment will be made to the Board on the date of Respondent's signing of the Agreed Order. The Agreed Order and accompanying payment must be mailed to counsel for the Board postmarked no later than May 1, 1995;
- c. The Respondent shall take twenty-four (24) hours of continuing education credits, in addition to those hours of continuing education credits required for renewal of his licensure, within twelve (12) months following his signing of the Agreed Order. The twenty-four (24) hours of continuing education credits shall be

postgraduate level and sponsored by a college of chiropractic accredited by the Counsel on Chiropractic Education. The continuing education credits shall consist of courses whose subject is related to radiographs and the accomplishment of diagnostic quality radiographs;

- d. Respondent shall provide evidence to the Secretary for the Board of his successful completion of these courses within thirteen (13) months following the date of his signing of the Agreed Order;
- e. The Board shall make no referral of this matter for any criminal proceedings;
- f. The Respondent enters into this Agreed Order knowingly, willingly, voluntarily and after having been advised of the due process rights afforded him under KRS 312 and the accompanying regulations;
- g. The Respondent has been advised by his counsel, Honorable J. Fox DeMoisey, throughout these proceedings and is satisfied with the legal representation he has received;
- h. This Agreed Order is subject to disclosure under the Kentucky Open Records Act.

G. Harold Byers

G. HAROLD BYERS PRESIDENT
KENTUCKY BOARD OF
CHIROPRACTIC EXAMINERS

5-4-95
DATE

Cheryl Lalonde

CHERYL LALONDE
ASSISTANT ATTORNEY GENERAL

5-3-95
DATE

David Marcon

DAVID MARCON
RESPONDENT

4/26/95
DATE

J. Fox Demoisey

HON. J. FOX DEMOISEY
ATTORNEY FOR RESPONDENT

5/1/95
DATE