

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
BOARD ACTION NO. 10-020
ADMINISTRATIVE ACTION NO. 11-KBCE-0084

*pd. # 1,000
CHL # 18578581*

**KENTUCKY BOARD OF
CHIROPRACTIC EXAMINERS**

COMPLAINANT

V.

**DAWN WIETFELDT D.C.
License # 4867**

RESPONDENT

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 Dr. Dawn Wietfeldt, 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 Board filed an Administrative Complaint and Notice of Hearing against the Respondent;

WHEREAS, in that complaint, the Board charged the Respondent with violating KRS 312.150(1)(g) and 201 KAR 21:015(11) on 61 occasions;

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 her under KRS Chapter 312 and the accompanying regulations; and

2) The Respondent neither admits nor denies that she violated KRS 312.150(1)(g) and 201 KAR 21:015(11). However, the Respondent stipulates that the Board has probable cause for three (3) violations of 201 KAR 21:015(11) arising out of a contract with Bryant Jacobs. The Respondent acknowledges that, if this action were to go to hearing, the Board may prevail on those claims; and

3) The Board hereby dismisses the remaining fifty-eight (58) violations alleged in the Complaint; and

4) The Respondent shall be suspended for a period of six (6) months. This suspension shall be probated for a period of one (1) year from the date of this Agreed Order as signified by the date of the Chairman's signature. The Respondent shall serve the suspension if and only if she violates KRS 312 within the one-year probationary period and is convicted by the Board for that violation pursuant to the processes for disciplinary action resolution delineated in 201 KAR 21:051; and

5) The Respondent shall pay a fine to the Board in the amount of Fifteen-Thousand Dollars (\$15,000). The payment for this fine shall be made by certified check or money order made payable Kentucky Board of Chiropractic Examiners and shall be received at the Board Office pursuant to the following schedule: One-Thousand dollars (\$1,000) shall be received

within 14 days of the entry of this Agreed Order as signified by the date of the signature of the Board Chair. An additional Seven-Thousand Five-Hundred Dollars (\$7,500) shall be received within one (1) year of the entry of this Agreed Order as signified by date of the signature of the Board Chair. The remaining Six-Thousand Five-Hundred Dollars (\$6,500) shall be probated for a period of one (1) year from the date of the entry of this Agreed Order as signified by the date of the signature of the Board Chair and that amount shall not become due and owing unless the Respondent is convicted of a violation of KRS 312 within that year pursuant to the processes for disciplinary action resolution delineated in 201 KAR 21:051; and

6) Within one (1) year of the entry of the Agreed Order herein, as signified by the date of the Chairman's signature, Respondent shall successfully complete and achieve a passing score on the Ethics and Boundaries examination of the National Board of Chiropractic Examiners, with proof submitted to the Board; and

7) The Board acknowledges and agrees that it shall not conduct further investigation or bring any further enforcement actions against the Respondent related to the Respondent's business relationship with Bryant Jacobs to the extent that those actions occurred on or before December 31, 2010; and

8) The Respondent agrees that her failure to comply with any of the terms and conditions of this Agreed Order shall be considered an independent violation of KRS 312.150 and she shall be subject to discipline under that provision for such a failure. In addition, if the Respondent fails to comply with any of the terms and conditions of this Agreed Order, the charges that constitute the basis for this action may be reinstated. In the event that the Board determines that probable cause for such a failure exists, the Respondent shall be entitled to an administrative hearing held pursuant to KRS 13B on that issue.

Voluntary Waiver of Rights

The Respondent, Dawn Wietfeldt, D.C., has had the opportunity at all times to seek advice from competent counsel of choice and the Respondent has exercised that right. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order. The Respondent waives her right to appeal to the Circuit Court from this final order of the Board.

Release of Liability

In consideration of execution of this Agreed Order, the Respondent and the Respondent's executors, administrators, successors and assigns, hereby release and forever discharge the Commonwealth of Kentucky, the Kentucky Board of Chiropractic Examiners, and the Kentucky Attorney General and each of their members, agents, and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that the Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this Agreed Order, or its administration.

Acceptance by the Board

The Respondent understands that the Board is free to accept or reject this Agreed Order, and if rejected by the Board, a formal disciplinary hearing on the accusation against the Respondent may be rescheduled thereafter.

If the Agreed Order is not accepted by the Board, it shall be regarded as null and void. Admissions by the Respondent in the Agreed Order will not be regarded as evidence against the Respondent at the subsequent disciplinary hearing. The Respondent will be free to defend, and

no inferences against the Respondent will be made from the Respondent's willingness to have entered into this agreement.

The Agreed Order will not be submitted for Board consideration until after it has been agreed to and executed by the Respondent. The Agreed Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

Cooperation with the Board

The Respondent agrees to permit and cooperate with the Board, its members, agents, and employees to monitor the Respondent's compliance with the terms and conditions of this Agreed Order or any other matters that the Board chooses to investigate unrelated to this action.

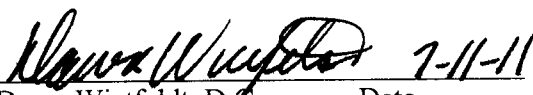
Publication of Settlement Agreement

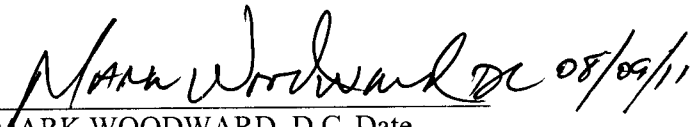
The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under state or federal law. This Agreed Order may at any time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

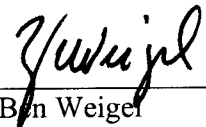
Complete Agreement

This Agreed Order consists of seven (7) pages, inclusive of the Certificate of Service and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Dawn Wietfeldt, D.C.. It may not be altered, amended or modified without the expressed written consent of both parties.

Have Seen, Understood and Approved:

 7-11-11
Dawn Wietfeldt, D.C. Date
License No. 4867
Respondent

 08/09/11
MARK WOODWARD, D.C. Date
Chairman
Kentucky Board of Chiropractic Examiners

 7/11/11
Hon. Ben Weigel Date
Hon. David Strite
Counsel for the Respondent

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 16th day of August,

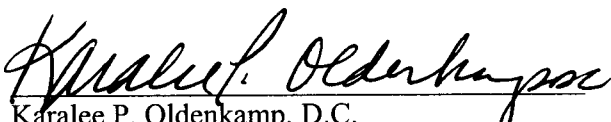
2011:

Benjamin J. Weigel, Esq.
O'Bryan, Brown & Toner
Suite 1500 Starks Building
455 South Fourth Street
Louisville, KY 40202
Attorney for Respondent

Susan Durant
Office of the Kentucky Attorney General
Administrative Hearings Division
1024 Capitol Center Drive, Ste. 200
Frankfort, KY 40601
Hearing Officer

Mr. Michael West
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.
Executive Director
Kentucky Board of Chiropractic Examiners