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FRANKLIN CIRCUIT COURT
SALLY JUMP, CLERK

COMMONWEALTH OF KENTUCKY
48TH JUDICIAL DISTRICT
FRANKLIN CIRCUIT COURT
DIVISION II
CASE NO. 12-CI-~~4107~~
00763

COMMONWEALTH OF KENTUCKY, PLAINTIFF
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

v. AGREED ORDER AND PERMANENT INJUNCTION

MARK MILLER DEFENDANT

Parties

WHEREAS, the parties to the Agreed Order herein are the Kentucky Board of Chiropractic Examiners, hereinafter referred to as the "Board," and Mark Miller, hereinafter referred to as the "Defendant."

History

WHEREAS, the Defendant is not a licensed chiropractor in the Commonwealth of Kentucky;

WHEREAS, on or about June 12, 2012, the Board filed suit alleging that the Defendant was practicing chiropractic without a license;

WHEREAS, the chiropractic work referenced above was performed within the Commonwealth of Kentucky;

WHEREAS, KRS 312.018(1) requires persons performing chiropractic work or holding themselves out as chiropractors to be licensed by the Kentucky Board of Chiropractic Examiners;

WHEREAS, the parties mutually desire to settle the issues in an expeditious manner, without the need for a civil action for injunction.

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 Defendant 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 him under KRS Chapter 312 and the accompanying regulations; and

2) The Defendant admits that he violated KRS 312.018(1) by practicing chiropractic and holding himself out as a chiropractor in the Commonwealth of Kentucky; and

3) The Defendant is hereby enjoined from the practice of chiropractic in the Commonwealth of Kentucky until such time as he is licensed. Further, he shall not represent or hold himself out as a chiropractor; and

4) The Defendant shall not associate his name or likeness with the advertisement or operation of a Kentucky Chiropractic Facility unless accompanied by the following disclaimer: "Mark Miller is not a licensed chiropractor in the Commonwealth of Kentucky. Therefore, he is unable to provide the professional services governed by KRS 312. All professional services offered in this advertisement or by this facility will be performed by licensed practitioners." This disclaimer shall be featured on all advertising bearing the likeness or name of Mark Miller which relates to a Kentucky Chiropractic Facility. This disclaimer shall be featured prominently on advertising in at least 12 point font if the advertising is of the size of standard newspaper copy. If the advertisement is larger than standard newspaper copy, the font shall be larger as well such that it is in proportion to this formula; and

5) The Defendant shall refrain from physical contact with consumers at Kentucky Chiropractic Facilities at all times. This prohibition extends to the practice of the facility

whether the act or treatment occurs at the facility's physical location or at another location on behalf of the facility. If the Defendant intends to or engages in work of the character that would be completed by a chiropractic assistant, he shall notify the consumer and any necessary representative of the consumer in writing that he is not a licensed chiropractor. The Defendant shall have the written notice signed by the consumer and retain a copy of that notice for his records. The notice shall include the words, "Mark Miller is not a licensed chiropractor in the Commonwealth of Kentucky and, therefore, he is unable to perform chiropractic services." These words shall appear in 12 point font if utilizing a standard sheet of paper, and

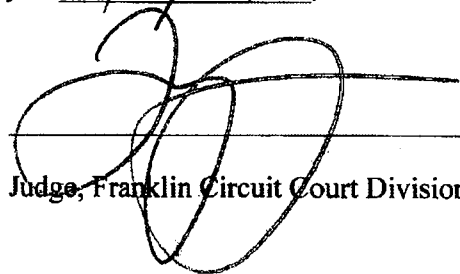
6) The Defendant acknowledges that the Board may consider this case and the contents of this agreement when reviewing any application for licensure he submits prospectively; and

7) In consideration of execution of this Agreed Order, the Defendant and the Defendant'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 case, this Agreed Order, or its administration; and

8) The Defendant agrees that his failure to comply with any of the terms and conditions of this Agreed Order shall be considered an independent violation of KRS 312 and he shall be subject to the appropriate legal penalty for such a failure, including but not limited to a

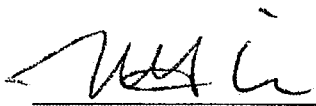
contempt finding in this proceeding, after the Board utilizes the appropriate legal process.

BE IT SO ORDERED, this 17 day of August, 2012.

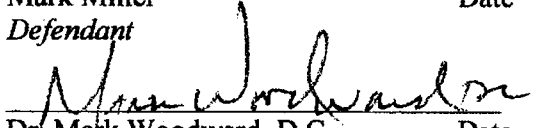


Judge, Franklin Circuit Court Division II

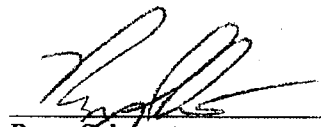
Have Seen, Understood and Approved:

 7/31/12

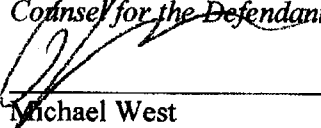
Mark Miller
Defendant Date



Dr. Mark Woodward, D.C.
Chairman Date
08/09/12
Kentucky Board of Chiropractic Examiners

 7-30-12

Ryan Schwartz
Counsel for the Defendant Date



Michael West
Assistant Attorney General Date
8/15/12