

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
BOARD ACTION NO. 16-005
ADMINISTRATIVE ACTION NO. 18-KBCE-0134

KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

COMPLAINANT

vs.

HEARING OFFICER'S RECOMMENDED ORDER OF DISMISSAL

STEPHEN DOUGLAS MCADOO, D.C. (#4654)

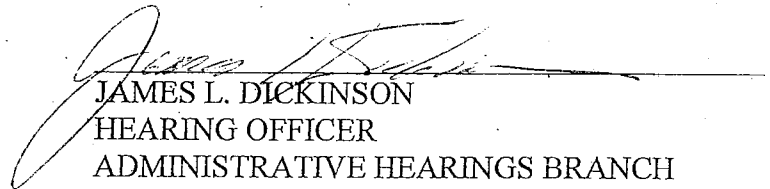
RESPONDENT

* * * * *

The Parties to this case having submitted the attached Notice of Voluntary Dismissal by which they announced they have resolved the allegations presented in this case; the Hearing Officer having signed the Notice and entered it into the record; and the Hearing Officer being of the opinion that this matter is now settled, and should therefore be dismissed by the Board

IT IS HEREBY RECOMMENDED that this matter BE DISMISSED as settled.

SO RECOMMENDED this 13th day of March, 2019.



JAMES L. DICKINSON
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442

RECEIVED

MAR 15 2019

Kentucky Board of
Chiropractic Examiners

NOTICE OF EXCEPTION AND APPEAL RIGHTS

The Hearing Officer is required by KRS Chapter 13B to provide the following Notice of Exception and Appeal Rights in all Recommended Orders:

Pursuant to KRS 13B.110(4) a party has the right to file exceptions to this recommended decision:

A copy of the Hearing Officer's Recommended Order of Default shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the Recommended Order of Default is mailed within which to file exceptions to the recommendations with the agency head.

A party also has a right to appeal the Final Order of the agency pursuant to KRS 13B.140(1) which states:

All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the circuit court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in circuit court.

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was served this 13th day of March, 2019, by first-class mail, postage prepaid, to:

KARALEE OLDENKAMP DC
EXECUTIVE DIRECTOR
KY BD OF CHIROPRACTIC EXAMINERS
PO BOX 183
GLASGOW KY 42142-0183

for filing; and a true copy was served by EMAIL, to:

BENJAMIN WEIGEL
OBRYAN BROWN & TONER
401 S FOURTH ST STE 2200
LOUISVILLE KY 40202
weigelb@obtlaw.com

M KEITH POYNTER
P O BOX 183
209 S GREEN ST
GLASGOW KY 42142-0183
mkiethpoynter@yahoo.com



DOCKET COORDINATOR

180134fcDISMISS.jld

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
BOARD ACTION NO. 16-005
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KENTUCKY BOARD OF
CHIROPRACTIC EXAMINERS

COMPLAINANT

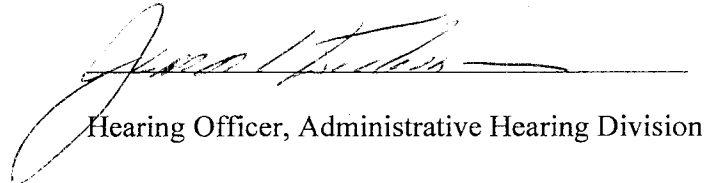
V.

STEPHEN DOUGLASS McADOO, D.C #4654

RESPONDENT

NOTICE OF VOLUNTARY DISMISSAL

Comes the Petitioner and hereby notifies the Court that the above-styled case has been dismissed as settled.


Hearing Officer, Administrative Hearing Division

Date: 3/13/19

Tendered by

/S/ M. Keith Poynter
M. Keith Poynter
General Counsel
Kentucky Board of Chiropractic
Examiners

Copy to:

Mr. Benjamin Weigel
Obryan, Brown & Toner
401 South Fourth Street
Suite 2200
Louisville, KY 40202 (Via email)
Counsel for Respondent

CERTIFICATE OF SERVICE

The Original of this Motion to Dismiss as Settled has been filed with the Office of the Kentucky Board of Chiropractic Examiners. Copies were sent to the following on the 12th day of March, 2019:

Mr. Benjamin Weigel
Obryan, Brown & Toner
401 South Fourth Street
Suite 2200
Louisville, KY 40202 (Via email)
Counsel for Respondent

Mr. M. Keith Poynter
209 S Green St.
Glasgow, KY 42141
Board Counsel (Regular Mail)

Office of the Kentucky Attorney General
Administrative Hearings Division
1024 Capitol Center Drive, Ste. 200
Frankfort, KY 40601
Hearing Officer (via email)

/S/ M.Keith Poynter
M. Keith Poynter.
General Counsel
Kentucky Board of Chiropractic Examiners