

3975

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

IN RE: CHIROPRACTIC LICENSE # 3975 HELD BY VINCENT PERLMUTTER, D.C.

VINCENT PERLMUTTER, D.C.
891 Willowdale Drive
Villa Hills KY 41017

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 Vincent Perlmutter, 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, on or about September 17, 2006, the Respondent, Vincent Perlmutter, D.C., placed advertisements in the *Remke Market* which advertised a free or discounted service without including a right of rescission as required by the administrative regulations governing the practice of chiropractic in Kentucky; and

WHEREAS, the Respondent admits that he placed the advertisements on

behalf of three chiropractors, specifically, Dr. William Scully, Dr. Jayson Levine, and Dr. Robert Coppola; and

WHEREAS, the Respondent accepts responsibility for the advertisements and claims that the aforementioned chiropractors did not have prior knowledge of the contents of the advertisements; 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 has carefully reviewed 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;

2) The Respondent, Vincent Perlmutter, D.C., admits violating KRS 312.150(1)(f), (g), and (2)(f), 201 KAR 21:015(6), and 201 KAR 21:065, Section 3;

3) The Respondent accepts the reprimand of the Board for the above-stated violations. The Respondent agrees he will act more diligently in the future to insure that all advertising and telemarketing issued by him, or on his behalf, complies with KRS Chapter 312 and the accompanying administrative regulations;

4) The Respondent, Vincent Perlmutter, D.C., shall pay a fine to the board in the amount of three hundred dollars (\$300). Said fine shall be made by certified check or money order payable to the "Kentucky Board of Chiropractic Examiners," and must be received within twenty (20) days of signing the Agreed Order;

5) The Respondent, Vincent Perlmutter, D.C. shall submit all future advertisements to the board for prior approval;

6) The original, executed Agreed Order must be received in the office of the board, *postmarked no later than **May 15, 2007***;

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

8) The Respondent, Vincent Perlmutter, D.C., agrees that his 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

No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

The Respondent is fully aware of his rights to contest the Board's denial of his application for renewal in a formal hearing. These rights include: representation by an attorney at the Respondent's own expense, the right to confront and cross-examine witnesses called to testify against the Respondent, the right to present evidence on the Respondent's own behalf, the right to

testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the accusation and the right to obtain judicial review of the Board's decision. All of these rights are being voluntarily waived by the Respondent in exchange for the Board's acceptance of this Agreed Order.

Publication of Settlement Agreement

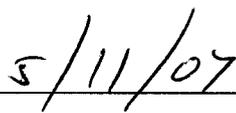
The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law.

Complete Agreement

This Settlement Agreement consists of five (5) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Vincent Perlmutter, D.C. It may not be altered, amended or modified without the express written consent of both parties.

Have Seen, Understood and Approved:


VINCENT PERLMUTTER, D.C.
License No. 3975
Respondent


Date

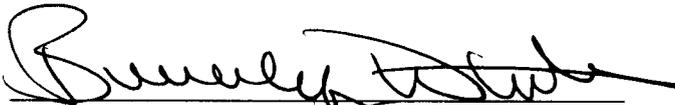
Certificate of Service

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 22nd day of May, 2007:

VINCENT PERLMUTTER, D.C.
891 Willowdale Drive
Villa Hills KY 41017

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



Beverley K. White
Board Administrator
Kentucky Board of Chiropractic Examiners