

**BEFORE THE OKLAHOMA BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OKLAHOMA**

<b>STATE OF OKLAHOMA, ex rel.</b>	)	
<b>BOARD OF CHIROPRACTIC</b>	)	
<b>EXAMINERS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 048-2005</b>
	)	
<b>Douglas Schnell, D.C.,</b>	)	
	)	
<b>Respondent.</b>	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER**

On the 28th day of March, 2006, the Oklahoma State Board of Chiropractic Examiners (Board) heard the above styled and numbered administrative action. Members Carder, Gardner, Shayme, Javersak, McClure, Mead, Toy and Tripp were present. President Tripp presided. Ms. P.K. Floyd prosecuted for the Board. The Respondent appeared and was represented by legal counsel, Mr. Daniel Gamino. The Board heard witnesses, received evidence and was fully apprised of the facts and allegations.

The Complaint in the instant matter is hereby incorporated by reference.

**FINDINGS OF FACT**

1. Respondent holds license # 2572 issued by the Board.
2. On November 18, 2002, Respondent was arrested and charged with two counts of felony Sexual Battery in Delaware County, Oklahoma. The charges were later reduced to Aggravated Assault and Battery.

3. On January 27, 2004, Respondent entered a plea of nolo contendere to two counts of Aggravated Assault and Battery in Case No. CF-2002-234, District Court of Delaware County, State of Oklahoma. Respondent received a deferred sentence of five (5) years and was placed on probation.

3. On December 30, 2004, Respondent submitted his application for renewal of his chiropractic license for calendar year 2005. On the application, Respondent answered "NO" to the question: "Have you been convicted fo a felony, misdemeanor, or pled nolo contendere excluding speeding or parking violations, which you have not previously reported to the OBCE?"

4. On December 29, 2005, Respondent submitted his application for renewal of his chiropractic license for calendar year 2006. On the application, Respondent answered "NO" to the question: "Have you been convicted fo a felony, misdemeanor, or pled nolo contendere excluding speeding or parking violations, which you have not previously reported to the OBCE?"

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over the parties and the subject matter of this action pursuant to 59 O.S.Supp.2005, § 161.12.

2. Any Finding of Fact which is properly a Conclusion of Law is hereby incorporated by reference and vice versa.

3. Respondent has violated 59 O.S.Supp.2005, § 161.12(B)(1) by pleading nolo contendere to two counts of Aggravated Assault and Battery, as set forth in the First Allegation of the Complaint.

4. Respondent has violated 59 O.S.Supp.2005, § 162.12(B)(9) by obtaining a renewal license in a fraudulent manner, as set forth in the Second Allegation of the Complaint.

5. Based on the above Findings of Fact, the Board has authority to take action against Respondent pursuant to 59 O.S.Supp.2005, §161.12(A) and (B).

### **FINAL ORDER**

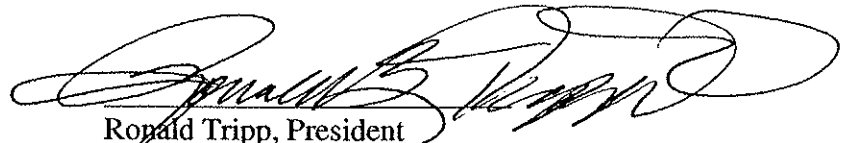
1. Respondent is guilty of both allegations set out in the Complaint.

2. Respondent is hereby fined Seven Hundred and Fifty Dollars (\$750.00) for each count for a total fine of One Thousand Five Hundred Dollars (\$1,500.00).

3. Respondent's license is hereby placed on probation. The terms of the probation shall be the same as the terms of probation imposed by the District Court of Delaware County in Case No. CF-2002-234. The probation shall run concurrently with the probation imposed by the Court.

4. Respondent shall complete Eight (8) hours of Ethics before the termination of his probation. If the Board approves the Ethics course in advance, Respondent may apply the hours to his continuing education requirements for the 2007 renewal of his license. Respondent shall notify the Board when he was completed the Ethics hours.

All members present vote "Aye".



Ronald Tripp, President  
Board of Chiropractic Examiners