

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

STATE OF OKLAHOMA, ex rel.)	
BOARD OF CHIROPRACTIC)	
EXAMINERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 008-2015
)	
SHANDY SELLS, D.C.)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

On October 15, 2015, the Oklahoma State Board of Chiropractic Examiners (Board) heard the above styled and numbered administrative action. Members Howard, Sturgill, Snodgrass, Travis, Van Wyhe, Waddell, and Walker were present. President Waddell presided. Mr. Steven Barker, Assistant Attorney General, prosecuted for the Board. Respondent was present and represented by attorney Ed Blau.

The Board heard testimony, received evidence and was fully apprised of the facts and allegations. The following exhibits offered on behalf of the Board were admitted without objection from Respondent: Exhibit A – Criminal Information and Affidavit of Probable Cause; Exhibit B – Judgement and Sentence/Summary of Facts on Plea of Guilty Misdemeanor; Exhibit C – Board Official Complaint Form; Exhibit D – May 27, 2015 Board Notice of Complaint to Respondent. No exhibits were offered by Respondent. Respondent, by and through his attorney, stipulated to the following findings of fact.

FINDINGS OF FACT

1. On March 27, 2014, Dr. Shandy Shells, D.C (“Respondent”) was criminally charged in Oklahoma County District Court with one misdemeanor count of offering to engage in an act of lewdness. See Board Exhibit A.

2. On August 5, 2014, Respondent voluntarily entered a plea of guilty to misdemeanor charge alleged against him. See Board Exhibit B.

3. On May 12, 2015, Complaint 008-2015 was filed with the Oklahoma Chiropractic Board of Examiners (“Board”). See Board Exhibit C.

4. Pursuant to OAC 140:3-3-2(d), a letter dated May 27, 2015 was sent to Respondent’s last known mailing address on file with the Board, notifying Respondent of the complaint. See Board Exhibit D.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondent and the subject matter of this action pursuant to 59 O.S.2011, § 161.12.

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

3. Respondent’s plea of guilty to one misdemeanor count of offering to engage in an act of lewdness constitutes a violation of the following provisions of the Board’s Code of Ethics:

a. OAC 140:15-7-5(5) - failure to maintain the highest standards of professional and personal conduct.

b. OAC 140:15-7-5(7) – failure to observe the appropriate laws, decisions and rules of state government agencies of the United States and the State of Oklahoma and

cooperate with the pertinent activities.

c. OAC 140:15-7-5(13) – abuse of the physician’s position of trust by coercion, manipulation, or fraudulent representation in the doctor-patient relationship which includes, but is not limited to: engaging in sexual misconduct, engaging in sexual impropriety, or engaging in sexual violation.

4. Based on the above Findings of Fact, the Board has authority to take disciplinary action against Respondent pursuant to the following provisions of law:

a. 59 O.S. 2011, §161.12(B)(1) – pleading guilty or nolo contendere to, or being convicted of a misdemeanor involving moral turpitude.

b. 59 O.S. 2011, § 161.12(B)(12) – violating any provision of the Oklahoma Chiropractic Practice Act.

c. 59 O.S. 2011, § 161.12(B)(13) – violating any of the rules of the Board.

FINAL ORDER

1. Respondent’s license shall be on probation for the duration of his deferred sentence as set forth in Board Exhibit B.

2. Respondent shall pay an administrative fine of one thousand dollars (\$1,000) for each of the three violations of law described in paragraph four of the Findings of Fact for a total of three thousand dollars (\$3,000), due and payable in full within thirty (30) days of the date this Final Order is issued.

3. Respondent shall take and successfully pass all sections of the Ethics and Boundaries Assessment Services, LLC Essay Examination (“EBAS”) within six (6) months of the date this

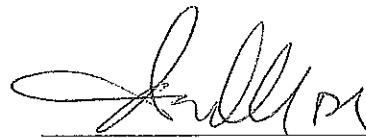
Final Order is issued.

4. Failure to take and successfully pass all sections of the EBAS examination within the required time will result in the automatic suspension of Respondent's license until such time as Respondent passes all sections of the examination. If Respondent's license is suspended, Respondent shall pay all reinstatement fees prior to reinstatement of the license from suspension.

5. Respondent shall have a female staff member present in the treatment room when treating female patients until such time as he has taken and successfully passed all sections of the EBAS.

6. The Board maintains jurisdiction over this case and any further violation of the Board Practice Act and rules may result in further disciplinary action.

All members present vote "Aye".



Chris Waddell, D.C., President
Oklahoma Board of Chiropractic Examiners

Issued this the 17th day of November, 2015.