

1 **BEFORE THE STATE OF ARIZONA BOARD**
2 **OF CHIROPRACTIC EXAMINERS**

3 In the Matter of:) Case No.: 2019-023
4 Kevin Eagar, D.C.)
5 **Respondent**) **CONSENT AGREEMENT FOR ENTRY**
6) **OF INTERIM ORDER OF SUSPENSION**
7 Holder of License No. **8235**)
8 For the Practice of Chiropractic)
In the State of Arizona)

9 **INTERIM CONSENT AGREEMENT**

10 In the interest of a prompt and judicious settlement of the above-captioned matter before
11 the State of Arizona Board of Chiropractic Examiners ("Board") and consistent with the public
12 interest, statutory requirements, and responsibilities of the Board and pursuant to A.R.S. §§41-
13 1092.07(F)(5) and 32-924 *et seq.*, licensee, Kevin Eagar, D.C. ("Respondent"), by and through
14 his undersigned spouse Cassandra Eagar, who holds power of attorney for Respondent, elects to
15 permanently waive any right to a hearing and appeal with respect to this Interim Consent
16 Agreement for Practice Restriction, but not any future hearing alleging violations of the Board's
17 statutes and rules, and consents to the entry of this Interim Order by the Board.

18 **RECITALS**

19 1. Respondent has read and understands this Interim Consent Agreement as set forth
20 herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney
21 or has waived the opportunity. Respondent voluntarily enters into this Interim Consent
22 Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

23 2. Respondent understands that this Consent Agreement does not constitute a
24 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
25 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
26 regarding any other pending or future investigation, action or proceeding. Respondent also
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1 understands that acceptance of the Interim Consent Agreement does not preclude any other
2 agency, subdivision or officer of this state from instituting other civil or criminal proceedings
3 with respect to the conduct that is the subject of this Consent Agreement.
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5 3. All admissions Respondent makes in this Interim Consent Agreement are made
6 solely for the interim disposition of this matter. This Consent Agreement is not to be used for
7 any other regulatory agency proceedings, or civil or criminal proceedings, whether in the State
8 of Arizona or any other state or federal court, except related to the enforcement of the Interim
9 Consent Agreement itself.

10 4. Respondent acknowledges and agrees that, upon signing this interim Consent
11 Agreement and returning this document to the Board, Respondent may not revoke his acceptance
12 of the Interim Consent Agreement or make any modifications to the document. Any
13 modification to this original document is ineffective and void unless mutually approved by the
14 parties in writing.

15 5. Respondent understands and agrees that if the Board does not adopt this Interim
16 Consent Agreement, he will not assert as a defense that the Board's consideration of it constitutes
17 bias, prejudice, prejudgment or other similar defense in any future disciplinary action.

18 6. Respondent understands that any violation of this Consent Agreement constitutes
19 unprofessional conduct pursuant to A.R.S. § 32-924(A)(16), "Violating or attempting to violate,
20 directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of
21 the provisions of this chapter or any Board order," and may result in disciplinary action pursuant
22 to A.R.S. § 32-914.
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24 DATED this 8th day of March, 2019 
25 Cassandra Eggar
26 on behalf of Respondent
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INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of Chiropractic in the State of Arizona.

2. Respondent is the holder of License No. 8253 for the practice of chiropractic in the State of Arizona.

3. The Board initiated case number 2019-023 after receiving notice from the Eagar Police Department and subsequent media reports regarding Respondent's arrest on criminal charges, which have yet to be adjudicated.

4. The charges allege that Respondent engaged in inappropriate and in potentially criminal behavior that is directly related to his practice of Chiropractic in this state under his license.

5. Respondent is currently incarcerated in the Apache County Jail.

6. The investigation into this matter is pending and will be forwarded to the Board promptly upon completion for review and action.

7. Respondent and the Board agree that this Consent Agreement is not a summary suspension of his license pursuant to A.R.S. § 32-924(D) and they both understand that this suspension will remain in effect until such time as the Board conducts a formal hearing or the matter is amicably resolved.

8. The parties agree that the Board will therefore not immediately set this matter for hearing, and that a hearing may not occur for an extended period of time, depending on the status and outcome of Respondent's criminal trial.

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INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

1 2 Pursuant to A.R.S. § 32-924(F), the Board may impose practice restrictions on
3 licensees.

4 3 The conduct and circumstances described in the pending Board complaint would,
5 if proven, violate several of the Board’s statutes and be grounds for suspension or revocation of
6 the license. A.R.S. § 32-924 et seq.

7 4 Due to the severity of the allegations in this matter, the public health, safety, and
8 welfare require that the Board take action and summarily suspend Respondent’s license pursuant
9 to A.R.S. § 32-924(D).

10 5 Although the Board has the authority to summarily suspend respondent’s license,
11 in lieu of that action the Board and Respondent have agreed to this stipulated, interim disposition
12 of this matter until such time as a formal hearing occurs or the parties reach an amicable
13 resolution.

14 **ORDER**

15 **IT IS HEREBY ORDERED THAT:**

16 1 That Respondent shall not practice under his license until such time as he submits
17 a written request for the reinstatement of his license to the Board and the Board affirmatively
18 approves Respondent’s request for reinstatement. The Board may, in its discretion, refuse to
19 reinstate Respondent’s license pending resolution of the matters addressed herein. The Board’s
20 affirmative approval to permit Respondent to return to practicing under his license shall not
21 preclude the Board from taking any other action it deems appropriate based upon the complaint
22 described in the Interim Findings of Fact or otherwise.

23 2 Respondent is prohibited from engaging in the practice of chiropractic in the State
24 of Arizona as set forth in A.R.S. § 32-925 until Respondent applies to the Board and receives
25 permission to do so.

26 3 Respondent may request, in writing, release and/or modification of this Interim
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1 Consent Agreement. Respondent's request must be accompanied by information demonstrating
2 that Respondent is safe to practice chiropractic. The Board has the discretion to determine
3 whether it is appropriate to release Respondent from this Interim Consent Agreement. If the
4 Board declines to release Respondent from this Interim Order, this Order shall become summary
5 suspension pursuant to A.R.S. § 32-924(D).
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7 4. While this Interim Order is in place, or following a summary suspension,
8 Respondent may request that the Board accept the surrender of his license. The Executive
9 Director has the authority, without further Board review, to accept the surrender of the license
10 pursuant to A.R.S. § 32-924(K) if Respondent admits to violations arising out of the Interim Facts
11 referenced above.

12 5. The Board retains jurisdiction and may initiate new action based upon any
13 violation of this Interim Consent Agreement, including, but not limited to, summarily suspending
14 Respondent's license.

15 4. Because this is an Interim Consent Agreement and not a final decision by the
16 Board regarding the pending investigation, it is subject to further consideration by the Board.
17 Once the investigation is complete, it will be promptly provided to the Board for its review and
18 appropriate action.

19 5. This Interim Consent Agreement shall be effective on the date signed by the
20 Board's Executive Director.

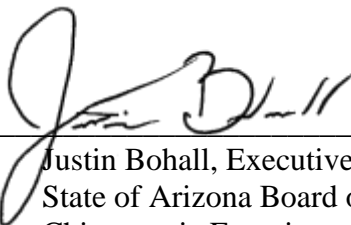
21 6. Respondent's agreement not to practice under License No. **8235** will be considered
22 an interim suspension of his license. This Consent Agreement is a public record and the Board
23 will list Respondent's license as "suspended" on its online database and will report the final order
24 to the National Practitioner Databank.
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26 This is not a summary suspension pursuant to A.R.S. § 32-924(D).
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1 **DATED AND EFFECTIVE** this 8th day of March, 2019.



STATE OF ARIZONA BOARD OF
CHIROPRACTIC EXAMINERS

By  _____
Justin Bohall, Executive Director
State of Arizona Board of
Chiropractic Examiners

9 **Original** of the foregoing filed this
10 8th day of March, 2019 with:

11 State of Arizona Board of Chiropractic Examiners
12 1740 West Adams, Suite 2430
13 Phoenix, Arizona 85007

14 **Executed Copy** of the foregoing e-mailed
15 this 8th day of March, 2019

16 Kevin Eager, D.C.
17 Address of Record
18 **Respondent**

19 **Executed Copy** of the foregoing e-mailed
20 this 8th day of March, 2019 to:

21 Michael Raine, Assistant Attorney General
22 Michael.Raine@azag.gov

23 Justin Bohall, Executive Director
24 Board Operations