# BEFORE THE STATE OF ARIZONA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of:	Case No.: 2017-048
Dean E. Burchenson, D.C.	CONSENT AGREEMENT AND FINDINGS OF FACT,
Holder of License No. 8493	CONCLUSIONS OF LAW AND ORDER OF PROBATION
For the Practice of Chiropractic	<b>\</b>
In the State of Arizona	,
Respondent	

### **CONSENT AGREEMENT**

### **RECITALS**

In the interest of a prompt and judicious settlement of the above-captioned matter before the State of Arizona Board of Chiropractic Examiners ("Board") and consistent with the public interest, statutory requirements, and responsibilities of the Board and pursuant to A.R.S. §§ 41-1092.07(F)(5) and 32-924 *et seq.*, Dean E. Burchenson, D.C. ("Respondent"), holder of license number 8493 to practice chiropractic in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law, and Order ("Consent Agreement") as the final disposition of this matter.

- 1. Respondent has read and understands this Consent Agreement, and has had the opportunity to discuss it with an attorney or has waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.
- 2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth herein, at which time he could present evidence, cross-examine witnesses, and make legal arguments. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal,

judicial review, or any other administrative or judicial action concerning the matters set forth herein. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

- 3. Respondent agrees that the Board may adopt this Consent Agreement or any part of it, under A.R.S. § 32-924. Respondent understands that the Board may consider this Consent Agreement or any part of it in any future disciplinary action against him.
- 4. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action, or proceeding. Respondent also understands that this Consent Agreement does not preclude any other agency, subdivision, or officer of this state from instituting other civil or criminal proceedings with respect to the conduct described herein.
- 5. All admissions Respondent makes in this Consent Agreement are made solely for the final disposition of this matter, and any related administrative proceedings or civil litigation involving the Board and Respondent. This Consent Agreement is not to be used for any other regulatory agency proceedings, or civil or criminal proceedings, whether in the State of Arizona or any other state or federal court, except related to the enforcement of this Consent Agreement.
- 6. By agreeing to allow the Board to impose the discipline ordered herein, Respondent acknowledges that the Board has evidence from which it could impose discipline under A.R.S. § 32-924 (G).
- 7. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning it to the Board, Respondent may not revoke his acceptance of the Consent Agreement or make any modifications to the document. Any modification to this Consent Agreement is ineffective and void unless mutually approved by the parties in writing.

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- 8. Respondent understands that this Consent Agreement shall not become effective unless and until the Board adopts it and the Chairperson signs it.
- 9. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of it constitutes bias, prejudice, prejudgment, or other similar defense in any future disciplinary action.
- 10. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal disciplinary action of the Board, and shall be reported as required by law to the National Practitioner Data Bank.
- 11. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-924(A)(16) ("Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter or any Board order") and may result in disciplinary action pursuant to A.R.S. § 32-914.

Dean E. Burchenson, D.C. Respondent

# FINDINGS OF FACT

- Respondent was licensed to Practice Chiropractic in the State of Arizona on 1. July 15, 2015.
- 2. Respondent provided an Arizona address as his primary residence on his Issuance Request.
- 3. On or about November 16, 2016, Respondent submitted a request to attend a Board Meeting in accordance with A.A.C. R4-7-801(M)(2), four months after the deadline to comply.

## CONCLUSIONS OF LAW

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or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the 2.

Arizona.").

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provisions of this chapter or any board order.") The conduct and circumstances described above in the Factual Allegations constitute a violation of A.A.C R4-7-801(M)(2) ("Each person who is issued a new license to practice chiropractic in Arizona on or after January 1, 2013 is required to attend three hours of a single regularly scheduled Board meeting within the first year of residence in

constitute a violation of A.R.S. § 32-924(A)(16) ("Violating or attempting to violate, directly

The conduct and circumstances described above in the Factual Allegations

## **ORDER**

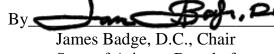
Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY **ORDERED:** 

- 1. Costs of Investigation: Within three (3) months of the effective date of this Order, Respondent shall pay the amount of \$500 for the cost of the Board's investigation. Respondent shall make the payment by personal check, cashier's check or money order.
- 2. The Board may consider Respondent's failure to comply with any of the terms of the order an act of noncompliance with this Order, which may result in additional disciplinary action including all other disciplinary options including suspension and revocation.
- 3. In the event that Respondent moves out of state or ceases to practice chiropractic in Arizona, he shall notify the Board of these events in writing, within **twenty** (20) days, and the Board may stay the terms and conditions of this order until Respondent returns to practice chiropractic in Arizona. The determination to stay the order of probation is within the sole discretion of the Board.
- 4. Respondent shall meet all requirements to renew his license for each year that this order remains in effect and shall keep his license current by submitting a complete license renewal application to the Board prior to January 1 for each year that he remains on

probation. In the event the Respondent fails to renew his license prior to January 1, the Board shall consider it an act of noncompliance with this order, which may result in additional disciplinary action including all other disciplinary options including suspension and revocation.

- 5. Respondent shall obey all federal, state and local laws and all rules governing the practice of chiropractic in Arizona. The Board shall consider any violation of this paragraph as a separate violation of the Chiropractic Practice Act.
- 6. The Board retains jurisdiction over Respondent and may take additional remedial or disciplinary action against him if it determines that he has committed subsequent violations of this order or of the chiropractic practice act. Respondent shall appear in person before the Board to respond to questions or concerns regarding his compliance with this order when requested.

STATE OF ARIZONA BOARD OF CHIROPRACTIC EXAMINERS



State of Arizona Board of Chiropractic Examiners

**Original** of the foregoing filed this 4th of May, 2018, with:

State of Arizona Board of Chiropractic Examiners 1740 W. Adams, Suite 2430 Phoenix, AZ 85007

**Executed Copy** of the foregoing mailed by U.S. Certified mail this 15th of May, 2018, to:

Dean E. Burchenson, D.C. 1655 West Chandler Blvd., Suite 4 Chandler, Arizona 85224

Respondent

Certificate No. 7015 3430 0000 3430 4616

**Executed Copy** of the foregoing e-mailed this 15th of May, 2018 to:

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

Justin Bohall, Executive Director
Board Operations