

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

3 In the Matter of:

) Case No.: 2018-020

4 Doug Gilbert, D.C.

) **CONSENT AGREEMENT FOR**
) **ENTRY OF INTERIM ORDER OF**
) **SUSPENSION**

5 Holder of License No. 8306
6 For the Practice of Chiropractic
7 In the State of Arizona
8)

9 Respondent

10 **CONSENT AGREEMENT**

11 **RECITALS**

12 In the interest of a prompt and judicious settlement of the above-captioned matter
13 before the State of Arizona Board of Chiropractic Examiners (“Board”) and consistent with
14 the public interest, statutory requirements, and responsibilities of the Board and pursuant to
15 A.R.S. §§ 41-1092.07(F)(5) and 32-924 *et seq.*, Doug Gilbert, D.C. (“Respondent”), holder
16 of license number 8306 to practice chiropractic in the State of Arizona, and the Board enter
17 into the following Recitals, Interim Findings of Fact, Interim Conclusions of Law, and Order
18 (“Consent Agreement”) as the interim disposition of this matter.

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

23 2. Respondent understands that he would have the right to a public
24 administrative hearing concerning, at which time he could present evidence, cross-examine
25 witnesses, and make legal arguments, before the Board could issue the Order set forth below
26 that suspends his license indefinitely. By entering into this Consent Agreement, Respondent
27 freely and voluntarily relinquishes all rights to such an administrative hearing before the
28 Order set forth below takes effect. Respondent also relinquishes all rights of rehearing,

1 review, reconsideration, appeal, judicial review, or any other administrative or judicial action
2 concerning the Order set forth below. Respondent affirmatively agrees that this Consent
3 Agreement shall be irrevocable.

4
5 3. Respondent agrees that the Board may adopt this Consent Agreement or any
6 part of it, under A.R.S. § 32-924. Respondent understands that the Board may consider this
7 Consent Agreement or any part of it in any future disciplinary action against him.

8 4. Respondent understands that this Consent Agreement does not constitute a
9 dismissal or resolution of this matter or other matters currently pending before the Board, if
10 any, and does not constitute any waiver, express or implied, of the Board's statutory authority
11 or jurisdiction regarding this or any other pending or future investigation, action, or
12 proceeding. Respondent also understands that this Consent Agreement does not preclude
13 any other agency, subdivision, or officer of this state from instituting other civil or criminal
14 proceedings with respect to the conduct described herein.

15 5. All admissions Respondent makes in this Consent Agreement are made
16 solely for the interim disposition of this matter, and any related administrative proceedings
17 or civil litigation involving the Board and Respondent. This Consent Agreement is not to be
18 used for any other regulatory agency proceedings, or civil or criminal proceedings, whether
19 in the State of Arizona or any other state or federal court, except related to the enforcement
20 of this Consent Agreement.

21 6. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning it to the Board, Respondent may not revoke his acceptance of the
23 Consent Agreement or make any modifications to the document. Any modification to this
24 Consent Agreement is ineffective and void unless mutually approved by the parties in
25 writing.


26 7. Respondent understands that this Consent Agreement shall not become
27 effective unless and until the Board adopts it and the Chairperson signs it.
28

1 8. Respondent understands and agrees that if the Board does not adopt this
2 Consent Agreement, he will not assert as a defense that the Board's consideration of it
3 constitutes bias, prejudice, prejudgment, or other similar defense in any future disciplinary
4 action.

5
6 9. Respondent understands that this Consent Agreement is a public record that
7 may be publicly disseminated as a formal disciplinary action of the Board, and shall be
8 reported as required by law to the National Practitioner Data Bank.

9 10. Respondent understands that any violation of this Consent Agreement
10 constitutes unprofessional conduct pursuant to A.R.S. § 32-924(A)(16) ("Violating or
11 attempting to violate, directly or indirectly, or assisting in or abetting the violation of or
12 conspiring to violate any of the provisions of this chapter or any Board order") and may
13 result in disciplinary action pursuant to A.R.S. § 32-914.

14
15 4/20/2018
16 **DATED**

17
18 
19 **Doug Gilbert, D.C.**
20 **Respondent**

21 **INTERIM FINDINGS OF FACT**

22 1. On October 28, 2017, the Board received a complaint alleging that
23 Respondent had engaged in serious misconduct of a criminal nature while providing
24 chiropractic services.

25 2. Respondent has been charged with serious crimes related to the conduct
26 described in the complaint and other matters, and is awaiting trial.

27 3. Respondent has indicated that he is unable to discuss the facts and
28 circumstances surrounding the complaint given the pending criminal matter, but is willing
to enter this agreement to suspend his license in the interim.

4. 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

1 that this suspension will remain in effect until such time as the Board conducts a formal
2 hearing or the matter is amicably resolved.

3
4 5. The parties agree that the Board will therefore not immediately set this matter
5 for hearing, and that a hearing may not occur for an extended period of time, depending on
6 the status and outcome of Respondent's criminal trial.

7 **INTERIM CONCLUSIONS OF LAW**

8 1. The conduct and circumstances described in the pending Board complaint
9 would, if proven, violate several of the Board's statutes and be grounds for suspension or
10 revocation of the license. A.R.S. § 32-924 et seq.

11 2. Due to the severity of the allegations in this matter, the public health, safety,
12 and welfare require that the Board take action and summarily suspend Respondent's license
13 pursuant to A.R.S. § 32-924(D).

14 3. Although the Board has the authority to summarily suspend respondent's
15 license, in lieu of that action the Board and Respondent have agreed to this stipulated, interim
16 disposition of this matter until such time as a formal hearing occurs or the parties reach an
17 amicable resolution.

18 **ORDER**

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

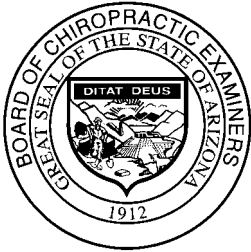
21 That Respondent shall not practice under his license until such time as he submits a
22 written request for the reinstatement of his license to the Board and the Board affirmatively
23 approves Respondent's request for reinstatement. The Board may, in its discretion, refuse
24 to reinstate Respondent's license pending resolution of the matters addressed herein. The
25 Board's affirmative approval to permit Respondent to return to practicing under his license
26 shall not preclude the Board from taking any other action it deems appropriate based upon
27 the complaint described in the Interim Findings of Fact or otherwise.
28

1 Respondent's agreement not to practice under License No. 8306 will be considered
2 an interim suspension of his license. This Consent Agreement is a public record and the
3 Board will list Respondent's license as "suspended" on its online database and will report
4 it to the National Practitioner Databank.
5

6 This is not a summary suspension pursuant to A.R.S. § 32-924(D).
7

8 **DATED AND EFFECTIVE** this 20th of April, 2018

9 STATE OF ARIZONA BOARD OF
10 CHIROPRACTIC EXAMINERS



11 By James Badge, D.C.
12 James Badge, D.C., Chair
13 State of Arizona Board of
14 Chiropractic Examiners

15 **Original** of the foregoing filed this
16 20th of April, 2018, with:

17 State of Arizona Board of Chiropractic Examiners
18 1740 W. Adams, Suite 2430
19 Phoenix, AZ 85007

20 **Executed Copy** of the foregoing mailed by U.S. Certified mail
21 this 20th of April, 2018, to:

22 Doug Gilbert
23 PO Box 46174
24 Phoenix, Arizona 85063

25 **Executed Copy** of the foregoing e-mailed
26 this 20th of April, 2018, to:

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

Justin Bohall, Executive Director
Board Operations