

**IN THE MATTER OF
MICHELLE WEEMS
RESPONDENT**

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

* * * * *

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pursuant to Md. Code Ann., Health Occ. ("H.O.") § 3-315(a), and Maryland Code of Regulations (COMAR) 10.43.02.07, the Maryland State Board of Chiropractic Examiners (the "Board") hereby renders the following final decision and order:

BACKGROUND

Following a hearing held on March 13, 2003, the Board on April 28, 2003, found that the Respondent violated provisions of the Massage Therapy practice Act (the "Act") and Ordered: that she serve two years of probation; during the first three months of probation take and pass the Board's massage therapy jurisprudence examination; during the first six months of probation take and pass a Board approved record keeping course; that the Respondent within the first six months of probation reimburse the Board the costs of the March 13, 2003 hearing. The Respondent did not timely comply with the terms and conditions of the April 28, 2003 Order and the Board charged her with violating the Order.

A hearing on the merits was held on April 8, 2004. Present were the following Board members, which constituted a quorum: Dr. Brian Ashton, President of the Board, who presided at the hearing, Dr. Paula Lawrence, Dr. Marc Gamerman, Ivey Harris, Dr. Margaret Renzetti, Issie Jenkins and Dr. Jack Murray, Jr. Also present were Roberta Gill, Assistant Attorney General, Administrative Prosecutor, the Respondent appeared

without counsel, Richard N. Bloom Assistant Attorney General, Board Counsel and James J. Vallone, J.D., Board Executive Director. The Respondent, Michelle Weems appeared without counsel, Gary Maslan, whom she reported was on vacation.

EXHIBITS

The following exhibits were introduced at the hearing:

STATE'S EXHIBITS

No. 1A	Letter from Vallone, dated 4/28/03
B	Board's Order, dated 4/28/03
2A	Notice of Judicial Review
B	Circuit Court Order, dated 9/16/03
C	Memorandum Opinion, dated 11/17/03
D	Circuit Court Order, dated 11/17/03

SYNOPSIS OF CASE

The Board's Deputy Director, Gwendolyn Wheatley, testified that the Respondent had not complied with the terms and conditions of the Board's April 28, 2003 Order which had been mailed to the Respondent's attorney, Gary Maslan, on April 28, 2003.

In the course her testimony the Respondent stated she brought with her \$505.50 in order to pay the previously ordered March 13, 2003 hearing costs. She acknowledged that she had not complied with the April 29, 2003 Order. When asked why she had not, she responded that she needed additional time.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. That Michelle Weems has not complied with the terms and conditions of the Board Order dated April 28, 2003.

2. That Michelle Weems is in violation of Board Ordered probation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and Opinion, the Board concludes, as a matter of law, that Michelle Weems violated the terms and conditions of the Board Order dated April 28, 2003.

ORDER

Based on the foregoing Findings of Fact, and Conclusions of Law, it is, this 4th day of May 2004 by the Maryland State Board of Chiropractic Examiners hereby

ORDERED that, pursuant to the authority vested in the Board of Chiropractic Examiners by Md. Code Ann., Health Occ. Article, § 3-5A-09, the Respondent shall, within ninety (90) days from the date of the hearing in this matter, pay a penalty in the amount of **\$1000.00**; and be it further

ORDERED that the Respondent shall, within 90 days from the date of the hearing in this matter take and pass the Board's massage therapy jurisprudence examination with not more than two attempts; and be it further

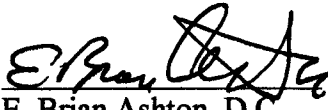
ORDERED that the Respondent shall, within 90 days from the date of the hearing in this matter take and pass a Board approved, treatment record keeping course (such approved course available from Dr. Paul Goszkowski, 410.332-0044); and be it further

ORDERED that the prior to the Board's considering a petition to reinstate the Respondent's massage therapy certificate, Respondent shall reimburse the Board its hearing costs in the amount of **\$1,200.00**; and be it further 9m

ORDERED that this document is a public record, pursuant to Md. Code Ann.,

State Gov't Article, § 10-617(h).

5/4/04
Date


E. Brian Ashton, D.C.
Board President

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Code Ann., Health Occ. Article, § 3-316, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days of your receipt of this Findings of Fact, Conclusion s of Law and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't Article, §§ 10-201 *et seq.*, and Title 7 Chapter 200 of the Maryland Rules.