

IN THE MATTER OF

CHRISTINA ASHENFELTER

APPLICANT

AUG 18 2010

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BEFORE THE MARYLAND

STATE BOARD OF

CHIROPRACTIC AND

MASSAGE THERAPY

EXAMINERS

CASE NUMBER: 2010-16C

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FINAL ORDER OF DENIAL OF APPLICATION FOR CHIROPRACTIC ASSISTANT REGISTRATION

The Maryland State Board of Chiropractic and Massage Therapy Examiners (the "Board") notified Christina Ashenfelter (the "Applicant"), (DOB: 02/26/1973) of the Board's intent to deny her application for Chiropractic Assistant Registration under the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 3-101 *et seq.* (2005 and 2009 Repl. Vols.) and Code of Maryland Regulations tit. 10, §§ 43.07 *et seq.* The pertinent provisions state:

Code of Md. Regs tit. 10, § 43.07

.11 Practicing Without Registration

- A. Except as otherwise provided in this chapter, a person may not practice, attempt to practice, or offer to practice as a chiropractic assistant in this State unless registered by the Board.

Code of Md. Regs tit. 10, § 43.07

.05 Chiropractic Applicant or Assistant Qualifications and Training

A. A chiropractic assistant or applicant shall:

(1) Be 18 years old or older and of good moral character at the time of the application.

On July 6th, 2010, the Applicant received the Board's Notice of Initial Denial of her Application for Registration (the "Notice."). The Board notified the Applicant in that Notice that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Notice unless the Applicant requested a hearing. The Applicant's written request was due on August 6th, 2010. The Applicant did not request a hearing by August 6th, 2010.

FINDINGS OF FACT

1. On or about March 26, 2010, the Board received the Applicant's Application for Chiropractic Assistant Registration ("Application").

2. On Page Two of the Application, the Applicant answered "No" to Question 5, which states as follows:

5. Have you ever been arrested or pled guilty, nolo contendere, no contest, or been convicted or received probation before judgment for any criminal act, including DWI or DUI?

3. On Page Three of the Application, the Applicant certified that the following statement was true:

I, Christina Jo Ashenfelter, being duly sworn states that he/she is the person referred to in the foregoing Maryland Chiropractic Assistant Application for Registration, and that he/she

carefully read and fully understands this Affidavit, and the statements herein are true in every respect.

4. The Applicant failed to disclose the following criminal convictions:
 - a. On April 30, 2007, the Applicant appeared in the Circuit Court for Allegany County and entered a plea of guilty to the following: Theft-Scheme: Less \$500 Value, in violation of Md. Crim. Law Code Ann. § 7-104. The Circuit Court convicted the Applicant of the charge, sentenced her to ninety days of incarceration to be served on weekends, beginning on July 11, 2008, and ordered restitution.
 - b. On August 18, 2008, the Applicant appeared in the District Court For Allegany County and entered a plea of guilty to the following: Bad Check/ Utter/ Not Sufficient Funds/ Under \$500, in violation of Md. Crim. Law Code Ann. § 8-103. The District Court convicted the Applicant and placed her on three years of supervised probation.
 - c. On August 18, 2008, the Applicant appeared in the District Court for Allegany County and entered a plea of guilty to the following: Bad Check/ Utter Less \$100, in violation of Md. Crim. Law Code Ann. § 8-103. The District Court convicted the Applicant, placed her on three years of supervised probation, and ordered restitution.

5. The Applicant's actions, as described above constitute, in whole or in part, a lack of good moral character. The Applicant's failure to disclose the aforementioned convictions also constitutes a lack of good moral character.

6. The Applicant's lack of good moral character constitutes a ground for denial of her Application under Code of Md. Regs tit. 10, § 43.07.05A(1).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant lacks good moral character and, therefore, fails to meet the qualifications for Chiropractic Assistant Registration to practice under Code of Md. Regs tit. 10, § 43.07.11(A) and Code of Md. Regs tit. 10 § 43.07.05A(1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is on this 18th day of August 2010, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the application for Chiropractic Assistant Registration for Christina Ashenfelter, is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2005 and 2009 Repl. Vols.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 et seq. (2005 and 2009 Repl. Vols.).

AUG 18 2010

Date

Kay B. O'Hara for/ by direction
Kay B. O'Hara, D.C.
President, Maryland State Board
of Chiropractic and Massage
Therapy Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §3-316 (2005 and 2009 Repl. Vols.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2005 and 2009 Repl. Vols.), and Title 7, Chapter 200 of the Maryland Rules.