

IN THE MATTER OF  
LEXIE PINEDA  
APPLICANT

\* BEFORE THE  
\* STATE BOARD OF  
\* CHIROPRACTIC EXAMINERS  
\* Case Number: 18-22C

\* \* \* \* \*

**FINAL ORDER OF DENIAL OF  
CHIROPRACTIC ASSISTANT REGISTRATION**

On May 20, 2019, the State Board of Chiropractic Examiners (the “Board”), notified the Applicant, **LEXIE PINEDA**, that it was initially denying her a registration to train as a Chiropractic Assistant (CA) under the Maryland Chiropractic Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 3-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.). The Notice informed the Applicant that she had 30 days to request a hearing. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, this Order is Final.

**BASIS FOR DENIAL OF  
CHIROPRACTIC ASSISTANT REGISTRATION**

The pertinent provisions of the Act state:

The Board bases its action on the following provisions of the Act and COMAR:

**Health Occ. § 3-313. Denials, reprimands, suspensions, and revocations.**

Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, placed any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (5) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceedings is pending to have the conviction or plea set aside;
- (12) Makes or files a false report or record in the practice of chiropractic; [and]
- (19) Violates any rule or regulation adopted by the Board [.]

### **COMAR 10.43.07 Chiropractic Assistants**

#### **.05 Chiropractic Applicant or Assistant Qualifications and Training.**

- A. At the time of application for hire and training, an applicant shall:
  - (2) Be of good moral character [.]

#### **.12 Penalties for Violations of This Chapter.**

- C. A chiropractic assistant and an applicant for registration is subject to the Board's disciplinary authority under Health Occupations Article, § 3-313, Annotated Code of Maryland.

### **BASES OF DENIAL**

The Board based its decision to deny the registration on the foregoing facts which the Board had reason to believe are true:

### **BACKGROUND**

1. At all times relevant, the Applicant is not and has never been registered as a chiropractic assistant in the State of Maryland.
2. On or about October 31, 2018, the Board received the Applicant's Application, entitled "Chiropractic Assistant Application for Hire and Training."

3. Question Number 2 of the Application asked the following: “Have you ever been arrested, charged with a crime, or pled guilty, *nolo contendere (sic)*, no contest, or been convicted or received probation before judgment for any criminal act, including DWI or DUI?” The Applicant marked “No”.

4. The Applicant failed to disclose in her Application that, on October 20, 2017, in the District Court of Maryland for Montgomery County, under Case Number 6D00372084, the Applicant pled guilty to Theft Scheme \$10,000 to under \$100,000, for which she received a Probation Before Judgment<sup>1</sup>, was placed on unsupervised probation until October 20, 2022, and ordered to pay restitution of \$10,564.70 to the bank from which funds were illegally taken.

5. The Court documents revealed that the Applicant pled guilty to taking part in a theft scheme between 3/20/17 to 3/23/17 in which multiple counterfeit checks were deposited into the Applicant’s bank account, inflating the account balance from approximately \$152 to over \$10,000. The Applicant was identified withdrawing funds from this account which could only be accessed via use of her user name and password.

#### **GROUND FOR DENIAL**

6. The Applicant’s plea of guilty to Theft Scheme \$10,000 to \$100,000 in the District Court of Maryland for Montgomery County, Case Number 6D00372084, on October 20, 2017, constitutes grounds for denial of her Application for: pleading guilty to a felony and a crime involving moral turpitude, in violation of Health Occ. § 3-313(5);

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<sup>1</sup> Md. Code Ann., Crim’l Law, § 6-220, Probation Before Judgment or PBJ means a person has not been convicted and usually has some type of conditions attached to it.

and violating any rule or regulation adopted by the Board, *i.e.* lacking good moral character under COMAR 10.43.07.05A (2), in violation of Health Occ. § 3-313(19).

7. The Applicant's failure to disclose in her Application her plea of guilty and receipt of probation before judgment for Theft Scheme \$10,000 to \$100,000 in the District Court of Maryland for Montgomery County, Case Number 6D00372084, on October 20, 2017, constitutes grounds for denial of her Application for: fraudulently or deceptively obtaining or attempting to obtain a license, in violation of Health Occ. § 3-313(1); making or filing a false report or record in the practice of chiropractic, in violation of Health Occ. § 3-313(12); and violating any rule or regulation adopted by the Board, *i.e.* lacking good moral character under COMAR 10.43.07.05A(2), in violation of Health Occ. § 3-313(19) and § 3-313 (17) is disciplined by ... a court of any state ... for an act that would be grounds for disciplinary action under this section.

#### **CONCLUSIONS OF LAW**

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated Health Occ. § § 3-313 (1), (5), (12), (17) and (19) and COMAR 10.43.07.05A (2).

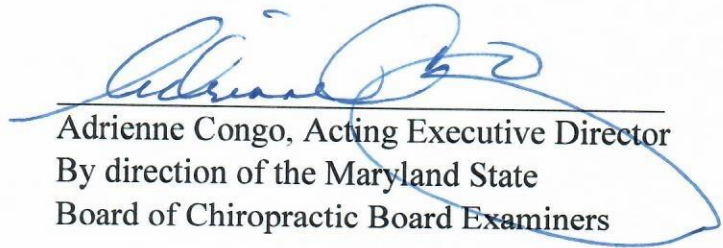
#### **ORDER**

As set forth above, the Board hereby Orders that the application to practice as a Chiropractic Assistant in Maryland filed by **LEXIE PINEDA**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions § §4-101 et seq. (2014 Vol. and 2018 Supp.) .

**NOTICE OF RIGHT OF APPEAL**

In accordance with § 3-316 of the Act and the Administrative Procedure Act, Md. Code Ann., State Government (State Govt.). §§ 10-201, et seq. (2014 Repl. Vol and 2018 Supp.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the fore cited authority.

7/23/2019  
Date

  
Adrienne Congo, Acting Executive Director  
By direction of the Maryland State  
Board of Chiropractic Board Examiners



# MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

## MD STATE BOARD OF CHIROPRACTIC EXAMINERS

July 23, 2019

**Certified Mail**  
**Return Receipt Requested**

7016 2140 0001 0155 5295

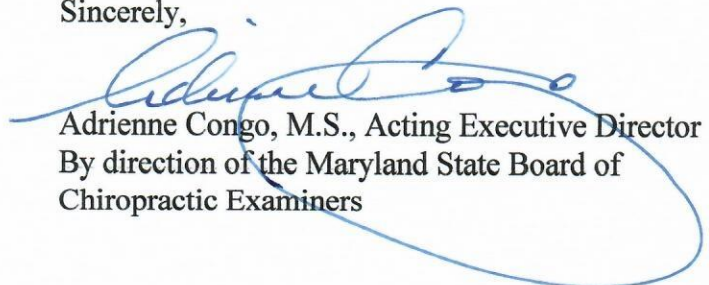
Lexie Pineda  
19309 Club House Road  
Apt. 302  
Montgomery Village, Maryland 20886

Re: **Final Order of Notice of Intent to Deny**  
**Case No. 18-22C**

Dear Ms. Pineda:

On May 20, 2019, the State Board of Chiropractic Examiners (the "Board") sent you a Notice of Intent to Deny your Chiropractic Assistant Application, informing you that you had 30 days to request a hearing. More than 30 days have elapsed and you have failed to request a hearing. Therefore, the enclosed Order is final.

Sincerely,



Adrienne Congo, M.S., Acting Executive Director  
By direction of the Maryland State Board of  
Chiropractic Examiners

Enclosure (copy to all ccs)

cc: Nicholas Johansson, Principal Counsel  
Roberta Gill, AAG, Administrative Prosecutor  
Dr. Gregory Lewis, D.C., Board President  
Grant Gerber, AAG, Board Counsel  
Gloria Toney Brown, Administrative Officer  
Dave Ford, Compliance Investigator  
Rosalind Spellman, Administrative Officer