

IN THE MATTER OF
VICTOR ABADOM
Applicant for Registration

* BEFORE THE MARYLAND
* STATE BOARD OF
* CHIROPRACTIC EXAMINERS
* Case Number: 17-11C

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On June 6, 2017, the Maryland State Board of Chiropractic Examiners (the "Board") issued a Notice of Intent to Deny Interim Chiropractic Assistant Application Under the Maryland Chiropractic Act (the "Notice") in which it notified **VICTOR ABADOM** (the "Applicant") of its intent to deny his *Interim Chiropractic Assistant Application* (the "Application"), filed on or about April 21, 2017, pursuant to the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. I ("Health Occ. I") §§ 3-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.) and the Board's regulations, Md. Code Regs. ("COMAR") 10.43.07 *et seq.* and 10.43.14 *et seq.*

The pertinent provisions of the Act and COMAR provide the following:

Health Occ. I § 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 . . . if the applicant . . . :

- (1) Fraudulently or deceptively . . . attempts to obtain a license for the applicant . . . ;
- (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 proceeding is pending to have the conviction or plea set aside;

SEP 11 2017

- (8) Is unethical in the conduct of the practice of chiropractic;
- (12) Makes or files a false report or record in the practice of chiropractic;
- (19) Violates any rule or regulation adopted by the Board;
- (20) Behaves immorally in the practice of chiropractic;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic; [and/or]
- (28) Violates any provision of this title[.]

COMAR 10.43.07 CHIROPRACTIC ASSISTANTS.

.05 Chiropractic Applicant or Assistants Qualifications and Training.

A. At the time of application for hire and training, an applicant shall:

...

- (2) Be of good moral character[.]

COMAR 10.43.14 CODE OF ETHICS.

.03 Standards of Practice.

B. A chiropractor or chiropractic assistant shall:

- (1) Use professional discretion and integrity in relationships with a member of the health care community;
- (2) Be professional in conduct, with honesty, integrity, self-respect, and fairness[.]

C. A chiropractor and chiropractic assistant may not:

- (2) Knowingly engage in or condone behavior that is fraudulent, dishonest, or deceitful, or involves moral turpitude.

On August 31, 2017, the Applicant appeared before a Case Resolution Conference (the "CRC") of the Board. As a result of negotiations occurring before the

CRC, the Applicant agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. The Applicant submitted his Application to the Board on or about April 21, 2017. In his Application, the Applicant was instructed to respond "YES" or "NO" to a series of questions. The Application instructed the Applicant to provide a detailed explanation on a separate sheet for every "YES" response.
2. The Applicant answered "YES" to the following question:

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. The Applicant provided a written attachment to his Application, dated April 10, 2017, in which he addressed the "YES" response he noted in his Application. The Applicant disclosed that while attending New York Chiropractic College, he pleaded guilty to one misdemeanor count of filing for government aid incorrectly. In this attachment, the Applicant did not disclose any other arrests, guilty pleas, pleas of *nolo contendere* or no contest, or that he had any convictions or received probation before judgment for any criminal acts, including driving while impaired ("DWI") or driving while under the influence of alcohol ("DUI").
4. The Board initiated an investigation of the Applicant based on the information he provided in his Application.

SEP 11 2017

5. The Board's investigation determined that on November 2, 2016, in the Waterloo Village Court, Seneca County, New York, the Applicant entered a guilty plea to a misdemeanor charge of offering a false instrument for filing in the second degree. According to court documents, the Applicant submitted an application to the Supplemental Nutrition Assistance Program, or SNAP (formerly known as the Food Stamp Program), in which he failed to fully disclose his employment status. On December 13, 2016, the Applicant was sentenced to conditional discharge for one year and was ordered to pay a court cost surcharge of \$ 205.00.

6. The Board's investigation also determined that the Applicant failed to disclose an alcohol-related motor vehicle offense on his Application. The Applicant failed to disclose on his Application that: (a) on November 22, 2014, he was arrested for Operating a Motor Vehicle Under the Influence of Alcohol and/or Drugs in Seneca Falls, New York; (b) on January 8, 2015, he pleaded guilty in the Seneca Falls Town Court, Seneca County, New York, to Driving While Ability Impaired; and (c) he was sentenced to conditional discharge for a period of one year, commencing on January 8, 2015; a fine of \$500.00; and attending a victims impact panel.

7. On June 6, 2017, the Board issued its Notice in which it stated that it intended to deny the Applicant's Application pursuant to the following provisions of Health Occ. I § 3-313: (1) Fraudulently or deceptively . . . attempts to obtain a license for the applicant . . . ; (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 proceeding is pending to have the conviction or plea set aside; (8) Is unethical in the conduct of the practice of chiropractic; (12) Makes or files a false report or record in the practice of

SEP 11 2017

chiropractic; (19) Violates any rule or regulation adopted by the Board; (20) Behaves immorally in the practice of chiropractic; (21) Commits an act of unprofessional conduct in the practice of chiropractic; and/or (28) Violates any provision of this title.

8. The Board also stated in its Notice that it intended to deny the Applicant's Application based on his violation of COMAR 10.43.14.03 and 10.43.07.05.

9. Following further investigation, the Board makes the following additional findings:

A. The Applicant's additional employment income would not have affected his eligibility for SNAP benefits and thus was viewed as a reporting error rather than an attempt to defraud, or actually defrauding, the SNAP program.

B. The Applicant promptly provided details regarding the alcohol offense when notified of his inadvertent failure to include the information in the supplement to his Application. The Applicant completed the required items of the court, as well as a New York State Department of Motor Vehicle Drinking Driver Program and a National Safety Council Defensive Driver Program. The Applicant fully and completely cooperated with the Board's subsequent investigation.

C. The Applicant graduated from the New York Chiropractic College in 2017, having received the Clarence Fick Memorial Award for research, the Distinguished Service Award for research and volunteer tutoring and having achieved Dean's List. The Applicant

continues his studies at the New York Chiropractic College in pursuit of his Master's degree in Human Anatomy and Physiology.

- D. The Applicant is employed at the Baltimore Back and Pain Center in their marketing department. He presented letters of reference from several licensed chiropractors who are co-employees, attesting to his honesty and work ethic and recommending him for licensure.
- E. The Applicant acknowledged his past actions, inactions and errors in judgment indicating a commitment to improvement. He has voluntarily enrolled in and has successfully completed a Board-approved program in professional ethics.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that it has grounds to deny the Applicant's Application pursuant to Health Occ. I § 3-313(19), Violates any rule or regulation adopted by the Board. The Board concludes as a matter of law that the Applicant violated COMAR 10.43.14.03B, A chiropractor or chiropractic assistant shall: (2) be professional in conduct, with honesty, integrity, self-respect, and fairness.

ORDER

It is, on the affirmative vote of a majority of the quorum of the Board, hereby:

ORDERED that the Applicant's Application is **GRANTED**; and it is further

ORDERED that the Applicant is **REPRIMANDED**; and it is further

SEP 11 2017

ORDERED within **three (3) months** of the date the Board executes this Consent Order, the Applicant shall enroll in and successfully complete a Board-approved course in professional ethics. The Applicant must provide timely documentation to the Board that he has successfully completed the course; and it is further

ORDERED that the grounds under Health Occ. I §§ 3-313(1), (5), (8), (12), (20), (21) and (28) are hereby **DISMISSED**; and it is further

ORDERED that the Applicant is responsible for all costs incurred in fulfilling the terms and condition of this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

Sept. 21, 2017
Date

Laurie Sheffield-James
Laurie Sheffield-James
Executive Director
Maryland State Board of Chiropractic
Examiners

CONSENT

I, Victor Abadom, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact, Conclusions of Law and Order.

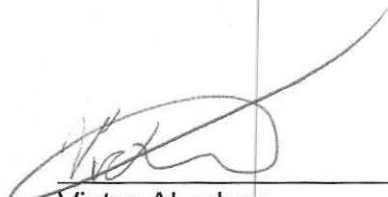
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf,

11 2017


and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

9/8/17
Date


Victor Abadom
Applicant

Read and approved:


Richard B. Desser, Esquire
Counsel for Mr. Abadom

SEP 11 2017

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 8th day of September, 2017, before me, a Notary Public of the foregoing State and City/County, did personally appear Victor Abadom, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Beth A. Waite
Notary Public

SEP 11 2017