

**IN THE MATTER OF
JAVAIS BAZEMORE
APPLICANT**

*** BEFORE THE
* STATE BOARD OF
* CHIROPRACTIC EXAMINERS
* Case No: 17-24C**

* * * * *

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

On July 12, 2018, the State Board of Chiropractic Examiners (the "Board"), notified the Applicant, **JAVAIS BAZEMORE**, that it was initially denying him 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 2017 Supp.). The Notice informed the Applicant that he 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:

Health Occ. II §3-404.

A licensed chiropractor may delegate duties to an assistant to the extent permitted by the rules and regulations of the Board if the assigned duties do not require the professional skill and judgment of a licensed chiropractor. The rules and regulations shall also establish qualifications for the position of chiropractic assistant.

The applicable Board regulations are found in Code Md. Regs. (COMAR)

§ 10.43.07.00. Chiropractic Assistants Authority, (2003):

.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 [;].

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. Pursuant to the above regulations, Supervising Chiropractor A¹ submitted an application to the Board, dated September 11, 2017, on behalf of the Applicant for registration in Maryland as a Chiropractic Assistant.

2. On that same date, the Applicant also submitted an application (the "Application") for "Chiropractic Assistant ... 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 "Yes". The Application instructed: "If yes, please provide details on a separate sheet and include copies of relevant court documents, i.e. charging document, court order, etc. (Emphasis added.)"

4. The Applicant provided a letter which stated, *inter alia*:

¹ The names of individuals and facilities are confidential.

I was charged at the age of 20, for underage drinking. Theft from a vehicle and receiving stolen property in 2012...When the police officers arrived at my Aunts (*sic*) house (*sic*) they realized I was under the age limit to drink. The police officers started looking around the house for contraband. They saw my gifts and stated that there have been a lot of calls about cars being broken into around the neighborhood...Not thinking my friends or family would give me stolen property (*sic*) I consented to the search. A couple of things came back stolen and me (*sic*) and a couple of my friends were arrested. ...I agreed to anything just to get me out of jail...

BOARD INVESTIGATION

5. The Applicant did not provide court documents, as instructed. Therefore, the Board's Investigator contacted him about his Application. The Applicant informed the Investigator that the arrest had to do with underage drinking and purchasing stolen goods in 2012 but he did not remember much about it, including where in Pennsylvania it occurred. After being informed by the Investigator that the Investigator needed the court documents, the Applicant sent the court documents to the Investigator. According to the guilty plea, the Applicant pled guilty to two counts of theft from a motor vehicle; two counts of receiving stolen property; and, purchasing alcoholic beverage by a minor.

6. According to the guilty plea statement of facts, a Police Officer in York County, Pennsylvania, was on patrol when two men approached his vehicle waving their arms; one of them informed him that someone had just broken into his mother's vehicle and had run into a parking lot to the Officer's left.

7. The Officer proceeded to the location and observed a black Nissan with the driver's side front door open and the [Applicant] seated in the driver's seat with his legs hanging out.

8. The Officer approached the vehicle and the [Applicant] exited the car and walked towards him, whereupon the informant identified the [Applicant] as the one he had seen running from his mother's car.

9. The [Applicant] informed the Officer that the car he was sitting in belonged to friends who were in a nearby club, and that he had been kicked out of the club because he was intoxicated, and he had come back to wait for them.

10. The Officer asked the [Applicant] if he had been to the street where the informant indicated that the car had been broken into, and the [Applicant] denied being anywhere but in the parking lot after he left the club.

11. The Officer asked the [Applicant] if he had anything in his pockets, whereupon the [Applicant] began emptying his pockets out onto the trunk of the Officer's car, producing two Pennsylvania Identification (ID) cards, a cigar, a white cell phone, a white thumb drive and some loose change.

12. One of the ID cards belonged to KB who turned out to be the person whose car was broken into at a motel parking lot across the street and who was with another police officer. The other Pennsylvania ID belonged to a CW. Neither of the IDs belonged to the [Applicant].

13. The Officer then took the [Applicant] into custody and placed him into the back seat of his cruiser, whereupon the [Applicant] began to continuously yell profanity and bang on the window, despite being instructed not to do so. While the [Applicant] was

seated in the back seat of the Officer's car, the Officer investigated the back seat of the black car that the [Applicant] had been sitting in and observed numerous electronic devices.

14. While still in the parking lot, the mother of the informant, JD, arrived in her 2002 Hyundai sedan and advised that a black "Duracell" phone charger and a black power cord for her GPS unit were missing from her vehicle. CF arrived with JD and stated that he was the one who initially saw the [Applicant] inside JD's car and could identify him. CF described what the [Applicant] was wearing and positively identified the [Applicant]. The Officer took JD to the black Nissan to have her look into it to see if she could see her missing items and she immediately identified her stolen phone charger and GPS power cord in the front passenger seat of the vehicle in plain view.

15. At that time, a group of people approached the Nissan; one of them, VH, stated that the car belonged to his mother. VH stated that he had driven it earlier and parked it there to go to the club. He further stated that the [Applicant] had come to the club with the group but he arrived in a white vehicle which was parked next to the Nissan. VH also stated that the [Applicant] had gotten kicked out of the club and VH gave him the keys to his car so that he could sit in it and wait for the rest of them.

16. The Officer asked VH if he recognized the items in his mother's car in the back seat, whereupon VH looked inside and stated that only the clothing items and shoes were in the car when he parked it and none of the electronic devices were his. The Officer contacted the other officer at the motel parking lot and asked him to have KB come over to the parking lot where, once there, she identified a white "X-Box" gaming system and power cords missing from the trunk of her car that were now in the Nissan as hers. The

Officer also advised her that he had her Pennsylvania ID, which she didn't realize was missing.

17. VH identified the stolen items that were inside his car and gave the police permission to remove them. The X-Box, power cords and ID were returned to KB. The Duracell cell phone charger and black GPS power cord were returned to JD.

18. The vehicle contained electronic items, car stereo equipment, tools and other items valued at \$1,258.00. The items were tagged, returned to the station and kept until the owners could be identified.

19. While still on the lot, the [Applicant] stated that he had bought the items from a RV parked in the lot. When the police contacted the owner of the RV (GS), they were advised by him that someone had broken out a window in the RV and was attempting to gain entry by reaching in the window but fled when GS hit his arm with a pan and yelled at him. GS advised that this happened just before the police arrived. The value of the window was assessed at \$60.

20. The Investigator determined that the Applicant pled guilty to two counts of theft from a motor vehicle; two counts of receiving stolen property; and, purchasing alcoholic beverage by a minor. The Applicant was originally given community service, ordered to get a drug and alcohol evaluation, undergo any recommended treatment, and make restitution. He later violated the terms of his probation, was incarcerated, and had a probation violation hearing, as late as April 24, 2017.

BASIS OF DENIAL

21. The Applicant failed to reveal on his Application the nature and extent of the criminal charges against him and misled the Board by claiming that the charges stemmed

from unknowingly accepting stolen birthday gifts at a birthday party at his Aunt's house, rather than occurring because he stole them. He was identified as the sole culprit who vandalized cars in the area while his friends were in a club. Furthermore, both he and his friends stated that he was kicked out of the club for intoxication, which the arresting Police Officer observed.

22. As stated above, he pled guilty to two counts of theft, buying an alcoholic beverage while underage, and receiving stolen goods, and was convicted of same. Furthermore, as recently as five months before he filled out his Application, he was in violation of the terms of Probation for those offenses. Yet, when the Investigator questioned him about the charges, he claimed that he didn't remember the incident or where in Pennsylvania the crime had been committed, when he is currently still serving the remainder of his Probation for it.

23. As set forth above, the Applicant failed to fully disclose to the Board the criminal charges against him. The circumstances of that charge varied distinctly from his description of the incident, which results in a material misrepresentation.

24. In responding to the question in the Application regarding criminal history in this manner, the Applicant demonstrated a lack of good moral character, in violation of COMAR 10.43.07.05.A. (2), and his application for Chiropractic Assistant is Denied.

CONCLUSIONS OF LAW

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated COMAR 10.43.07.05.A. (2)[;].

ORDER

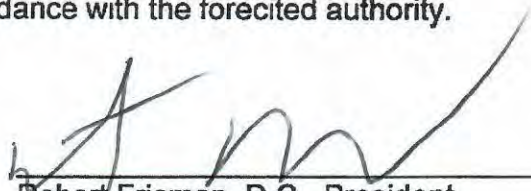
As set forth above, the Board hereby Orders that the application to practice as a Chiropractic Assistant in Maryland filed by **JAVAIS BAZEMORE**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§4-101 et seq. (2014 Vol. and 2017 Supp.).

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 2017 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 forecited authority.

1-3-19.

Date



Robert Frieman, D.C., President
Board of Chiropractic Examiners