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8 **BEFORE THE**
BOARD OF CHIROPRACTIC EXAMINERS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11 JAMES C. LOVELACE
216 "F" Street, Suite 141
12 Davis, California 95616
13 Chiropractic License No. DC-10155
14 Respondent.

Case No. 2004-414
DEFAULT DECISION
AND ORDER
[Gov. Code, §11520]

15
16 FINDINGS OF FACT

- 17 1. On or about December 2, 2003, Complainant Jeanine Smith, in her official
18 capacity as the Executive Director of the Board of Chiropractic Examiners, filed Accusation No.
19 2004-414 against James C. Lovelace (Respondent) before the Board of Chiropractic Examiners.
- 20 2. On or about January 1, 1966, the Board of Chiropractic Examiners (Board)
21 issued Chiropractic License No. DC-10155 to Respondent. The Chiropractic License expired on
22 October 31, 2003, and has not been renewed.
- 23 3. On or about December 5, 2003, Pamela Dias, an employee of the
24 Department of Justice, served by First Class Mail a copy of the Accusation No. 2004-414,
25 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
26 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
27 was and is 216 "F" Street, Suite 141, Davis, California 95616. A copy of the Accusation, the
28 related documents, and Declaration of Service are attached as Exhibit A, and are incorporated

1 herein by reference.

2 4. Service of the Accusation was effective as a matter of law under the
3 provisions of Government Code section 11505, subdivision (c).

4 5. On or about December 29, 2003, the aforementioned documents were
5 returned by the U.S. Postal Service marked "Refused." A copy of the postal returned documents
6 are attached hereto as Exhibit B, and are incorporated herein by reference.

7 6. Government Code section 11506 states, in pertinent part:

8 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
10 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
11 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

12 7. Respondent failed to file a Notice of Defense within 15 days after service
13 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
14 Accusation No. 2004-414.

15 8. California Government Code section 11520 states, in pertinent part:

16 "(a) If the respondent either fails to file a notice of defense or to appear at the
17 hearing, the agency may take action based upon the respondent's express admissions or
18 upon other evidence and affidavits may be used as evidence without any notice to
19 respondent."

20 9. Pursuant to its authority under Government Code section 11520, the Board
21 finds Respondent is in default. The Board will take action without further hearing and, based on
22 Respondent's express admissions by way of default and the evidence before it, contained in
23 Exhibits A and B, finds that the allegations in Accusation No. 2004-414 are true.

24 10. The total costs for investigation and enforcement are \$1,250.00 as of
25 December 29, 2003.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent James C. Lovelace
28 has subjected his Chiropractic License No. DC-10155 to discipline.

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2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Chiropractic Examiners is authorized to revoke Respondent's Chiropractic License based upon the following violations alleged in the Accusation:

a. California Code of Regulations, title 16, sections 317(l) and (m) (Falsification of Address).

ORDER

IT IS SO ORDERED that Chiropractic License No. DC-10155, heretofore issued to Respondent James C. Lovelace, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on APR 15 2004.

It is so ORDERED MAR 15 2004

Renue G. Stealy DO
FOR THE BOARD OF CHIROPRACTIC EXAMINERS

Attachments:

- Exhibit A: Accusation No,2004-414, Related Documents, and Declaration of Service
- Exhibit B: Postal Return Documents 3