

STATE OF VERMONT  
BOARD OF CHIROPRACTIC

IN RE: )  
CURTIS GROSS ) Docket No. CH 04-1102  
License No: 006-0000736 )

**STIPULATION AND CONSENT ORDER**

The Respondent, Curtis Gross, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Chiropractic as a final order in this matter.

**Board Authority**

1. The Vermont Board of Chiropractic has jurisdiction to approve consent orders regarding allegations of unprofessional conduct committed by Chiropractic Physicians pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§521, 527, 529, 541 and; the Board's and the Office of Professional Regulation's Rules.

**Facts**

2. Respondent Curtis Gross, is a Chiropractic Physician holding license number 006-0000736 issued by the State of Vermont. Respondent was originally licensed on January 20, 1984 and Respondent's license has a current expiration date of September 30, 2004.
3. At all times relevant, Respondent practiced at the Middlebury Chiropractic Office in Middlebury, Vermont.
4. From September through November 2002, Respondent had advertised that he was "one of only three chiropractors in Vermont that are trained to practice corrective chiropractic care."
5. The advertisement was false.
6. Respondent had stopped running the advertisement prior to the complaint being filed.

### **Charge**

7. The above acts and/or omissions constitute unprofessional conduct pursuant to, and also violate: 3 V.S.A. §129a(a)(2) (Advertising that is intended or has a tendency to deceive).

### **Consent Order**

A. Based on the above stipulations, it is **ADJUDGED** as follows:

(1) The "Facts" listed above are true; and

(2) The Respondent has engaged in unprofessional conduct in that the Respondent has:

(a) Used advertising that was intended or had a tendency to deceive in violation of 3 V.S.A. §129a(a)(2).

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

a. The Respondent and/or Respondent's license is hereby issued **WARNING** and an **ADMINISTRATIVE PENALTY OF \$1000.00 (ONE THOUSAND DOLLARS)**. Said penalty to be paid within a period of two (2) months from the date of entry of this order.

### **Understandings**

C. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the

Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

- D. Respondent waives any notification period and requests that this be heard at the next available Board meeting. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
- E. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
- F. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- G. This Stipulation and Consent Order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
- H. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- I. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

BY: CURTIS GROSS  
RESPONDENT

Date: 4/30/03

*Curtis Gross*  
Curtis Gross

Approved as to form:

*Stephen L Klein*

Respondent's attorney

*Stephen L Klein*

AND BY: STATE OF VERMONT  
WILLIAM H. SORRELL  
ATTORNEY GENERAL

Date: 5/5/03

*George C. Haegele IV*  
George C. Haegele IV  
Assistant Attorney General

ACCEPTED AND SO ORDERED:

Date: 5-6-03

BOARD OF CHIROPRACTIC  
*Sean P. [Signature]*  
Chairperson

Dated entered: 5/6/03