

6. On January 11, 1993, Dr. Moore entered into a negotiated Transcript of Plea in which he offered a plea of guilty to the offenses recited in the bills of information.

7. On January 11, 1993, Dr. Moore appeared before the Honorable Ernest Fullwood, Judge of the Superior Court of Sampson County, who accepted Dr. Moore's Transcript of Plea and imposed the following Judgment in case numbers 93 CR 227-30:

- A. The four counts of Obtaining Property by False Pretenses were consolidated;
- B. Dr. Moore was sentenced to five years' imprisonment, suspended on the following terms and conditions:
 - (1) That he be placed on supervised probation for three years;
 - (2) That he pay a fine of \$1,000.00, court costs of \$340.00, restitution of \$5,400.00 (restitution having already been paid prior to the entry of judgment), a community service fee of \$100.00 and a probation supervision fee of \$20.00 per month;
 - (3) That he complete 75 hours of community service within three months;
 - (4) That he be assigned to intensive probation for not less than six months and not be away from his place of residence from 7:00 p.m. to 6:00 a.m. unless authorized by his probation officer.

8. On January 25, 1993, Dr. John Tierney, then Secretary of the Board of Examiners, caused to be filed the disciplinary complaint which is the subject of this action, charging Dr. Moore with having been convicted of a felony on January 11, 1993, thereby violating G.S. 90-154(b)(2).

9. Dr. Tierney's complaint was duly served upon Dr. Moore; and on February 15, 1993, Dr. Moore, through counsel, filed a written waiver of preliminary hearing and requested that the complaint against him be referred to the full Board of Examiners for a final agency decision.

10. Dr. Moore has been licensed to practice chiropractic in North Carolina since 1982 and has no prior record of disciplinary violations before the Board of Examiners.

11. At hearing, Dr. Moore offered the testimony of four character witnesses and tendered approximately 115 additional character witnesses. Dr. Moore also submitted written statements attesting to his good character from approximately 150 patients and members of the Clinton community.

Based on the foregoing Findings of Fact, the Board of Examiners made and now formally enters the following:

CONCLUSIONS OF LAW

1. The Board of Chiropractic Examiners is properly constituted and has jurisdiction of subject matter and of the person of the Respondent, and the disciplinary complaint filed on January 25, 1993 is properly before the Board for adjudication.
2. Conviction of a felony is grounds for disciplinary action by the Board pursuant to G.S.90-154.
3. The crime of Obtaining Property by False Pretenses, in violation of G.S. 14-100, is a class H felony.
4. Dr. Moore was convicted of the felony of Obtaining Property by False Pretenses in the Superior Court of Sampson County on January 11, 1993.
5. It is injurious to the public health, safety and welfare for a chiropractic physician to submit fraudulent insurance claims and thereby obtain property by false pretenses because such conduct unnecessarily and without justification increases the cost of health care coverage to consumers.
6. It is injurious to the public health, safety and welfare for a chiropractic physician to have been convicted of a felony because such a conviction erodes the physician's credibility and thereby undermines the public's confidence in him.

WHEREFORE, having made the relevant Findings of Fact and Conclusions of Law, the North Carolina Board of Chiropractic Examiners hereby enters the following:

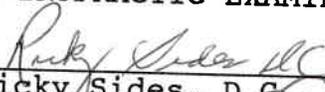
FINAL AGENCY DECISION

1. Upon his plea of guilty, Dr. Wesley D. Moore is found guilty of violating G.S.90-154(b)(2) by having been convicted of a felony on January 11, 1993 in the Superior Court of Sampson County.
2. The license of Dr. Wesley D. Moore to practice chiropractic in this State shall be suspended for a term of ninety (90) consecutive days. Dr. Moore is directed to surrender his license to the Secretary not later than thirty (30) days after this Decision is served upon him. The period of his suspension shall commence on the date upon which the Secretary receives said license.
3. At such time as his license is restored by the Secretary, Dr. Moore shall be placed on probationary status for five (5) years. He may resume practice during probation on the following

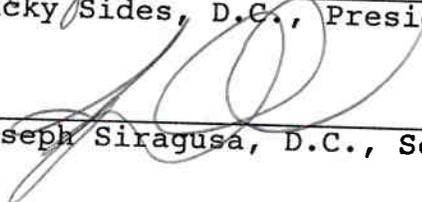
condition: that he report to the Board regarding his insurance filing practices by permitting a representative of the Board to enter his office and inspect, examine and copy any and all of his patient ledger cards, billing entries and insurance reporting forms upon demand and without prior notice.

This is the 7th day of May, 1993.

THE NORTH CAROLINA STATE BOARD OF
CHIROPRACTIC EXAMINERS



Ricky Sides, D.C., President



Joseph Siragusa, D.C., Secretary