

BEFORE THE NORTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS

N.C. BOARD OF CHIROPRACTIC)
EXAMINERS,)
)
Petitioner,)
)
v.)
)
MICHAEL CHANDLER, D.C.,)
)
Respondent.)

**INFORMAL SETTLEMENT
AGREEMENT**

This **INFORMAL SETTLEMENT AGREEMENT** is made between Petitioner N.C. Board of Chiropractic Examiners (the “Board” or “Petitioner”), acting through Dr. John P. Hammer, in his official capacity as Secretary of the Board (the “Secretary”) and Chair of the Chiropractic Review Committee (the “Committee”), who presided over the Committee’s interview of Respondent Dr. Michael Chandler (“Chandler” or “Respondent”) (collectively, the “Parties”) on June 1, 2021. The Parties hereby agree, for the purposes of resolving a pending disciplinary action and potential contested case against Respondent, to the following:

WITNESS THAT:

WHEREAS, the Board received a complaint regarding the actions of Respondent on April 14, 2021;

WHEREAS, the Committee, in the presence of Respondent and counsel for the Board, held a Probable Cause Hearing (“PCH”) on May 27, 2021;

WHEREAS, during the PCH before the Committee, Respondent was provided the opportunity to discuss the complaint made against him;

WHEREAS, the Parties wish to resolve and settle this matter without a revocation or suspension of Respondent’s license;

NOW THEREFORE, pursuant to N.C. Gen. Stat. § 150B-22, which mandates that whenever possible disputes between a regulatory agency and another person that involve the person’s rights, duties or privileges be settled through informal procedure, and pursuant to N.C. Gen. Stat. § 150B-41(c), which authorizes settlement of a contested case by consent, the Parties hereby agree and stipulate as follows:

I. Jurisdiction:

The Board is an occupational licensing board of the State of North Carolina, organized under N.C. Gen. Stat. § 90-139, *et seq.* The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 90-154, *et seq.*, N.C. Gen. Stat. § 150B-1, *et seq.*, and 21 N.C. Admin. Code 10 .0103, *et seq.*

II. Identification of Licensee/Respondent:

Respondent practices chiropractic at Zen Massage, located at 1021 East Blvd, Charlotte, North Carolina 28203.

III. Waiver of Rights:

In order to resolve this matter by Informal Settlement Agreement, Respondent agrees that the Board staff and counsel may discuss this Informal Settlement Agreement with Dr. Hammer in his role as the Presiding Board Member for this matter and any subcommittee that may be assigned to this matter *ex parte*, whether or not the Board accepts this Informal Settlement Agreement as written.

IV. Stipulation to Facts:

The Parties stipulate to the following facts:

- A.** The Board received a complaint by Ms. Tamara Roles of Kernersville, NC (the "Complainant"):
1. At all times relevant, the Complainant was not a patient of Respondent; and
 2. The Complainant had knowledge of felony charge against Respondent. Specifically, the Complainant alleged that Respondent had been arrested by Border Patrol Agents ("BPAs"), at which time Respondent was discovered to have been transporting two (2) undocumented aliens ("UDAs") in the trunk of his vehicle.
- B.** On April 14, 2021, the Board initiated its investigation into the allegations made against Respondent by the Complainant. The investigation revealed as follows:
1. On or about June 19, 2020, Respondent had been arrested by BPAs outside of Laredo, Texas, for an alien smuggling event involving Respondent and two (2) UDAs;
 2. On or about June 20, 2020, Respondent was charged with violating Title 8, United States Code Section 1324, a felony;
 3. On August 28, 2020, Respondent agreed to the filing of a Notice of Plea Agreement, in which Respondent agreed to enter a guilty plea to a felony

charge;

4. On May 10, 2021, Respondent was formally sentenced to, *inter alia*, three (3) years probations with six (6) months of home confinement; and
 5. Other than the aforementioned felony plea, Respondent had no prior criminal convictions or charges.
- C. Under N.C. Gen. Stat. § 90-154(b)(19), any licensee of the Board has an obligation to report a felony conviction to the Board.
- D. Pursuant to advice of counsel, Respondent did not report his Notice of Plea Agreement to the Board until the plea was accepted by the presiding judge, which occurred on May 10, 2021.
- E. Based upon the Board's investigation and the information gathered during the Probable Cause Hearing, the Parties wish to settle this matter without a hearing and on a non-disciplinary basis.

V. Stipulated Informal Settlement Agreement:

A. Stipulation to Applicable Sections of Law:

Respondent agrees to abide by N.C. Gen. Stat. § 90-154(b)(19) for any future incidents.

B. Stipulation to Sanction

In lieu of proceeding to hearing, the Parties hereby enter into this Informal Settlement Agreement, whereby Respondent and the Board agree to the following terms:

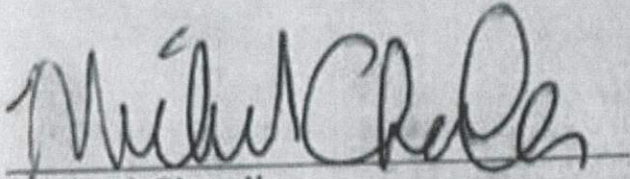
1. Respondent admits the **Stipulation to Facts** above;
2. Respondent shall complete and maintain all other requirements for licensure as a chiropractor in the State of North Carolina.
3. Respondent will be placed on probation for a period of twelve (12) months. At the end of this period, Respondent may send a letter to the Board requesting that such probationary status be removed from his license. During the probationary period, Respondent is subject to random audits.
4. Respondent shall submit to a full panel drug test within ten (10) days of the execution of this Informal Settlement Agreement and such testing shall be done at the expense of Respondent. Respondent shall provide the Board with the results of this drug test upon receipt.
5. Respondent shall undergo a psychological evaluation regarding Respondent's ability to practice as a chiropractic physician. Such

psychological evaluation shall be done at Respondent's expense and shall be completed within six (6) months of the date of execution of the Informal Settlement Agreement.

6. Respondent agrees to comply with the statutes and guidelines for the practice of chiropractic care in North Carolina. If, during the period of probation, the Board staff receives evidence that Respondent has violated any of the above conditions, the Board staff may schedule a Show Cause Hearing for a determination of the violations.
- C. This Informal Settlement Agreement and its provisions are effective on the date of signature by the Board's Secretary.
 - D. Any modification of this Informal Settlement Agreement must be pre-approved in writing by the Board and signed by the Board Secretary or designee before it may be effective.
 - E. Failure by Respondent to meet the terms of this Informal Settlement Agreement, either in substance or in timing, is a violation of N.C. Gen. Stat. § 90-154(a)(2).
 - F. This Informal Settlement Agreement is not a negative action and does not require reporting by the Board.
 - G. Communications with Respondent regarding compliance with this Informal Settlement Agreement may occur between the Board staff and Respondent.

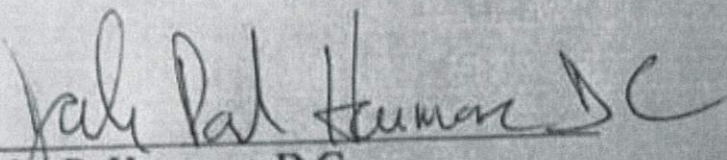
THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY

CONSENTED TO THIS THE 7th DAY OF July 2021.



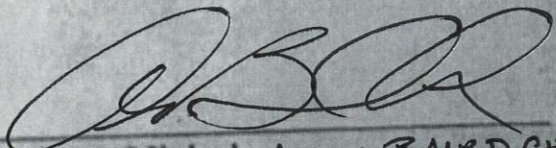
Michael Chandler
Zen Massage
1021 East Blvd.
Charlotte, NC 28203

06-29-21
Date



John P. Hammer, D.C.
Board Secretary

7/1/21
Date



~~M. Jackson Nichols~~ ANNA BAIRD CHOI
General Counsel for the Board
Nichols, Choi & Lee, PLLC
4700 Homewood Court, Suite 220
Raleigh, N.C. 27609

7.7.2021
Date