

NORTH CAROLINA
CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
22 CVS 002283

2023 AUG -3 P 4:00

NORTH CAROLINA STATE BOARD)
OF CHIROPRACTIC EXAMINERS,)

Plaintiff,)

v.)

JESSE JUTKOWITZ,)

Defendant.)



**ORDER GRANTING
INJUNCTIVE RELIEF**

The North Carolina State Board of Chiropractic Examiners' ("Plaintiff") Complaint and Application for Injunctive Relief was heard on July 13, 2023, before the undersigned presiding Judge. The Court having reviewed the pleadings, reviewed evidence and testimony at trial, and heard arguments of the Parties, makes the following:

FINDINGS OF FACT

1. Plaintiff, North Carolina Board of Chiropractic Examiners ("Board"), is an agency of the State of North Carolina created under the authority of Article 8, Chapter 90 of the General Statutes of North Carolina, and having its principal office in Raleigh, Wake County, North Carolina.
2. Defendant Jesse Jutkowitz ("Defendant") is a citizen and resident of Cabarrus County, North Carolina.
3. Defendant operates a business known as Advanced BioStructural Correction International, LLC ("ABC") located at 7542 Paul Linker Place, Harrisburg, Cabarrus County, North Carolina.

4. Plaintiff Board is charged with the regulation of the practice of chiropractic in North Carolina and is authorized to bring this action under N.C. Gen. Stat. § 90-147, which provides in pertinent part:

The North Carolina State Board of Chiropractic Examiners may appear in its own name in the superior court in an action for injunctive relief to prevent violation of this section, and the superior court shall have the power to grant such injunction regardless of whether criminal prosecution has been or may be instituted. An action under this section shall be commenced in the superior court district in which the respondent resides or has his principal place of business or in which the alleged violation occurred.

5. N.C. Gen. Stat. § 90-143(a) defines “Chiropractic” as follows:

[t]he science of adjusting the cause of disease by realigning the spine, releasing pressure on nerves radiating from the spine to all parts of the body, and allowing the nerves to carry their full quota of health current (nerve energy) from the brain to all parts of the body.

6. Defendant is not now and never has been the holder of a valid license to practice chiropractic in the State of North Carolina.

7. On June 6, 2022, Plaintiff Board Investigator Lisa Hicks-Jones (“Board Investigator”) arrived at ABC for an appointment with Defendant at ABC’s office in Harrisburg, North Carolina.

8. During the appointment, Defendant performed several chiropractic techniques on Plaintiff Board Investigator including but not limited to spinal manipulation.

9. At trial, the Board Investigator testified credibly about her appointment with Defendant and the Investigation Worksheet, Plaintiff’s Exhibit 1.

10. Defendant performed the following techniques and procedures on Board Investigator:

- a. Defendant placed Board Investigator against a wall to correct the first rib, placed his hand on the collar bone and pushed in;
- b. Defendant placed Board Investigator against a wall and “performed a rapid karate chop type movement”;
- c. Defendant positioned Board Investigator against a wall in a hug position, grabbed Board Investigator elbows and thrust body weight upward in a vigorous movement, causing the chest to pop;
- d. Defendant positioned Board Investigator on a table in a hug position, lowered her body backwards over a block, causing the spine to crack;
- e. Finally Defendant performed the “Meningeal Release” by placing his hand on the left side of Board Investigator’s head, moving the ear toward the shoulder, and jolted head back closer to shoulder, causing a series of popping in the back and neck, followed by dizziness. Defendant then performed the technique on the other side of Board Investigator’s neck.

11. Plaintiff Board Executive Director, Joe Siragusa, D.C. (“Dr. Siragusa”) testified credibly as to his qualifications to determine whether an individual is practicing chiropractic, as defined in North Carolina, and whether an individual falls under the jurisdiction of the Board.

12. Dr. Siragusa testified credibly that the procedures and methods of Defendant, identified in Board Investigator’s report and testimony fall under the definition of chiropractic in North Carolina found in Article 8, Chapter 90 of the North Carolina General Statutes.

Based upon the foregoing Findings of Fact, the Court makes the following:


CONCLUSIONS OF LAW

- I. Plaintiff is authorized to bring this suit and obtain injunctive relief under the provisions of N.C. Gen. Stat. § 90-147.
- II. This Court has jurisdiction over Defendant and venue is proper.
- III. Defendant is engaged in the unlicensed practice of chiropractic in the State of North Carolina.

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED, ADJUDGED, and DECREED that:

- I. Defendant is hereby permanently enjoined from the practice of chiropractic in the State of North Carolina, until such time as Defendant is licensed by Plaintiff;
- II. Defendant is hereby permanently enjoined from performing the techniques and procedures identified in the above Findings of Fact or any other procedures that fall under the definition of chiropractic found in N.C. Gen. Stat. § 90-143(a).

This the 27th of July, 2023.



Michael Adkins
Superior Court Judge, Presiding