

8. Shae Parker, Patient of Dr. Fricke
9. Shantica Hinton, Patient of Dr. Fricke

The following Exhibits were introduced into evidence at the hearing:

- Board Staff Exhibit 1 – Complaint filed with the Board (8/24/2023)
- Board Staff Exhibit 2 - Board's Order for Summary Suspension (8/30/2023)
- Board Staff Exhibit 3 - Arrest Report (High Point Police Department - 8/23/2023)
- Board Staff Exhibit 4 - Warrant for Arrest (Gulford County - 8/23/2023)
- Board Staff Exhibit 5 - Video of Dr. Fricke
- Respondent Exhibit 1 - Patient Records for Eboni Johnson (SSN to be redacted)

Based on the sworn testimony of witnesses, and documents entered into evidence at the Hearing, the Board hereby makes the following:

FINDINGS OF FACT

1. Respondent holds a North Carolina Doctor of Chiropractic License, license number 1525, which was issued on June 9, 1985 and will expire on December 31, 2023.
2. Respondent practices chiropractic under the business name Affordable Chiropractic in High Point, N.C. This is a solo practice, conducted since 1995.
3. On Friday, August 18, 2023, Complainant Eboni Johnson was being treated by Dr. Fricke in his office. She was lying face down on a treatment table, fully clothed, with her face in a "doughnut". They were the only 2 people in the treatment room – Ms. Johnson and Dr. Fricke.
4. Dr. Fricke has a regular medical assistant, but she was out on August 18. Ms. Chandrea Holmes was acting as his assistant on August 18.
5. This was the Complainant's third appointment of the week with the Respondent. She was being treated for neck pain, back pain and pain in her lower left buttock. The pain resulted from a car accident.
6. There was conflicting testimony from Ms. Johnson and from Dr. Fricke over who initiated sexual contact between them and how long it lasted. There was no dispute that the result of the interaction was that Dr. Fricke voluntarily allowed his penis to be exposed while in the room with his patient. Ms. Johnson recorded a 7 second video on her phone showing Dr. Fricke in the treatment room with his penis exposed through his pants.
7. Ms. Johnson left Dr. Fricke's office after this incident. She reported the incident to the police on Monday, August 21, 2023, resulting in Dr. Fricke's arrest. The charges of Misdemeanor Sexual Battery and Misdemeanor Indecent Exposure are pending.
8. Dr. Fricke self-reported the criminal charges against him by voicemail to the Board on August 29, 2023. He indicated his intention to return to practice on August 30, 2023.
9. On August 30, 2023, the Board's Executive Director issued the Order of Summary Suspension, suspending Dr. Fricke's license to practice chiropractic.

10. Ms. Johnson has been previously convicted of a crime in North Carolina and was imprisoned for the offense.
11. Dr. Fricke has been licensed as a chiropractor in North Carolina since 1985. He has never previously had a complaint filed against him with the Board.
12. The Patients of Dr. Fricke (Stone, Penry, Parker and Hinton) each testified that he was a skilled and caring practitioner, who had never acted inappropriately in his care or treatment of them. Each were long-term patients who had referred family and friends to Dr. Fricke. None were present in Dr. Fricke's office on August 18, 2023.

Based on the foregoing Findings of Fact, the Board hereby makes the following:

CONCLUSIONS OF LAW

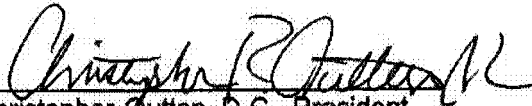
1. Respondent has engaged in conduct that violates N.C. Gen. Stat. 90-154 (b) (4), (8) and (22) by exposing his penis in the presence of a patient under his care.
2. Respondent's conduct poses a potential danger to patients and to the public health, safety and welfare.

Based on the foregoing Findings of Fact and Conclusions of Law, the Board hereby enters the following:

ORDER

1. The Order of Summary Suspension was properly issued.
2. The Order of Summary Suspension is hereby upheld and shall remain in place until further Order of this Board or Order of the Board's Disciplinary Hearing Committee.

Adopted this 15th day of September 2023.


Christopher Outten, D.C., President
NC State Board of Chiropractic Examiners

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order Upholding Summary Suspension was served upon the following persons by mailing a copy via Federal Express, postage prepaid, and addressed as follows:

Jeffrey Fricke
137 W. Lexington Avenue
High Point, N.C. 27262

With a courtesy copy to Mike Allen, Batten Lee
Counsel to Respondent
By email mallen@battenlee.com

With courtesy copy to Grant Simpkins, Hedrick Gardner
Counsel to Petitioner
By email gsimpkins@hedrickgardner.com

This the 18th day of September 2023

By: R. Frank Gray
R. Frank Gray, Administrative Law Counsel to the Board
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