

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Rick Scott**  
Governor

**Celeste Philip, MD, MPH**  
Surgeon General and Secretary

**Vision:** To be the **Healthiest State** in the Nation

**PROBABLE CAUSE PANEL OF THE  
BOARD OF CHIROPRACTIC MEDICINE AGENDA  
SCHEDULED September 6, 2016**

R-01 to R-02	Reconsiderations
RCS-01 to RCS-04	Reasonable Cause Subpoenas*
AC-01 to AC-04	Administrative Complaints*
L-01	Letter of Guidance*
D-01 to D-06	Dismissals*

The Probable Cause Panel meeting scheduled for **September 6, 2016** will commence at **1:00 p.m.**, or as soon as possible thereafter, at the following location:

**MEET-ME NUMBER**

**\*\*Toll Free Number - 1-888-670-3525\*\***

\*Everyone will need to call in on the above number for the public and private sections of the agenda at all PCP Meetings.

\*After dialing in, you will be asked to enter a conference code number: **7342425515**

**Court Report:** For the Record (850) 222-5491; FAX (850) 224-5316

**Members scheduled to participate:**

Julie Hunt, D.C. – Chairperson  
Gene Jenkins, D.C. – Panel Member

**Board Counsel:**

Deborah Loucks, Esq.

**Prosecution Services:**

Christopher Dierlam, Esq. – Assistant General Counsel  
Octavio Simoes-Ponce, Esq. – Assistant General Counsel  
Kristen Summers, Esq. – Assistant General Counsel

**\*Note** – Administrative Complaints (A's), Reasonable Cause Subpoena (RCS's) Letters of Guidance (C's) and Dismissals (D's) are all CONFIDENTIAL Cases and no transcripts can be given until Probable Cause is found.

**Florida Department of Health**

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4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3265  
EXPRESS MAIL: 2585 Merchants Row, Suite 105  
PHONE: 850/245-4640 • FAX: 850/245-4662

**FloridaHealth.gov**



**Accredited Health Department**  
Public Health Accreditation Board

**\*\*Note** – Please contact Irene Lake at (850) 245-4660 or Jamillah Clare at (850) 245-4444, extension 8199, if you need assistance with the flash drive and/or CD.

**OPENING PROCEDURES**

1. The meeting is called to order by the Chairperson.
2. The introduction of the Panel members and all other attending persons.
3. Opening remarks by the Chairperson.
4. Opening remarks by the Panel's Legal Advisor.
5. Opening remarks by the Agency attorney.

**RECONSIDERATION (Public)**

R-01	Joshua L. Otiniano, D.C.	2015-07945	Christopher Dierlam_____
R-02	Wendy Flynn, D.C.	2015-03621	Octavio Simoes-Ponce_____

**REASONABLE CAUSE SUBPOENA (CONFIDENTIAL)**

RCS-01	Amaro M. Exposito, DC	2016-11497	Christopher Dierlam_____
RCS-02	Amaro M. Exposito, DC	2016-11517	Christopher Dierlam_____
RCS-03	Amaro M. Exposito, DC	2016-11523	Christopher Dierlam_____
RCS-04	Amaro M. Exposito, DC	2016-11524	Christopher Dierlam_____

### **ADMINISTRATIVE COMPLAINT (Private)**

The Agency attorney will state a short synopsis of the facts with a listing of the counts. A Panel member will make a motion on whether to find probable cause. This motion can then be seconded and the Panel members should discuss the case to reflect their understanding of the allegations. After the panel's deliberations, the members will vote on the motion. If probable cause is found, an administrative complaint will be filed.

AC-01	Octavio P. Fernandez, D.C.	2015-21936	Octavio Simoes-Ponce_____
AC-02	Stephen Diamantides, D.C.	2014-15036	Christopher Dierlam_____
AC-03	Robert Hawthorne, D.C.	2016-17111	Christopher Dierlam_____
AC-04	Richard Pfaff, D.C.	2016-09326	Octavio Simoes-Ponce_____

### **PROPOSED LETTER OF GUIDANCE (Private)**

After a motion is made and seconded to dismiss with a Letter of Guidance in lieu of a finding of probable cause, the Panel may deliberate and vote on the motion.

L-01	Jon Thomas, D.C.	2016-08514	Octavio Simoes-Ponce_____
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### **PROPOSED CLOSING ORDERS (Private)**

The Panel will discuss cases where there is a question or where deliberation is desired by a Panel Member. When deliberation is complete, a Motion to Dismiss is made covering the cases where no violation is found. A vote on the motion is required.

D-01	Jamie Rodgers, R.C.A.	2015-24391	Octavio Simoes-Ponce_____
D-02	Grady L. Carter, D.C.	2016-17578	Kristen Summers_____
D-03	Kevin J. Dickhaut, D.C.	2016-05167	Christopher Dierlam_____
D-04	William Chaney, D.C.	2012-10963	Octavio Simoes-Ponce_____
D-05	Alberto B. Franco, R.C.A.	2016-05304	Christopher Dierlam_____
D-06	Laz David Rodriguez, D.C.	2016-11247	Christopher Dierlam_____

/jc