

**BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS  
OF THE STATE OF NEW MEXICO**

	)	
	)	
IN THE MATTER OF:	)	
	)	
<b>DR. BRADLEY D. FACKRELL</b>	)	
	)	CASE No. C-COM-10-02-02
Respondent.	)	
	)	
LICENSE NO.:	)	
	)	

**SETTLEMENT AGREEMENT**

WHEREAS, the parties wish to resolve this matter by settlement and without further hearing on the matter:

IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The Respondent is licensed under the *Chiropractic Physician Practice Act* at NMSA (2010) § 61-4-1 *et. seq.* and is subject to the jurisdiction of the BOARD OF CHIROPRACTIC EXAMINERS OF THE STATE OF NEW MEXICO.

2. The Respondent enters into this Settlement Agreement voluntarily and waives his right to have to further hearing and appeal in the manner described in the *New Mexico Uniform Licensing Act*, 1978 NMSA §

61-1-1 *et seq.* (Repl. Pamp. 2003). This includes the Respondent's right to an evidentiary hearing, the right to confront and cross-examine witnesses, and the right to an appellate process.

3. The Respondent waives all rights to have this matter heard within the time frame set by the *Uniform Licensing Act*, §61-1-1 *et seq.* NMSA in order for the BOARD OF CHIROPRACTIC EXAMINERS OF THE STATE OF NEW MEXICO to address this Settlement Agreement.

4. It is further agreed as follows:

- a. Dr. Fackrell discontinue the credit card pre-payment plans whereby funds may be unilaterally withdrawn from the plan without authorization from the client at time of service.
- b. Dr. Fackrell shall take a continuing education class on ethics and boundaries class in addition to his basic CEU's within one calendar year of the Board's acceptance in an open public meeting of this agreement.
- c. Dr. Fackrell shall pay a \$1000 dollar fine within ninety (90) days of the Board's acceptance in an open public meeting of this agreement.

5. The Complaint, the *Notice of Contemplated Action*, and this

Agreement are public records within the meaning of the *Inspection of Public Records Act*, NMSA 1978, sec. 14-2-6 (E)(1993).

6. The parties further understand that this agreement is a matter of public record and may be reportable to governmental agencies requiring notice of adverse action: e.g. the National Practitioners' Data Bank ("NPDB"), the Health Integrity and Protection Data Bank ("HIPDB") and the Federation of State Medical Boards Disciplinary Data Bank as may be applicable.

7. The Board agrees that the resolution of this case is a settlement in full and final satisfaction of complaint No. **C-COM-10-02-02**, and it resolves all matters raised by said complaint and corresponding *Notice of Contemplated Action*.

8. By agreement of the parties, no admission of wrongdoing on the part of Respondent Fackrell is implied nor should be inferred by this agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Bradley Fackrell, Respondent

12-13-11  
Date

  
\_\_\_\_\_  
Chairman, New Mexico Chiropractic Examiners