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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF)
MICHAEL WIMMER TO PRACTICE AS A) **SURRENDER**
CHIROPRACTIC PHYSICIAN) **STIPULATION AND ORDER**
IN THE STATE OF UTAH) CASE NO. DOPL 2014- 574
)

Michael Wimmer (“Respondent”) and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows:

1. The Respondent admits the jurisdiction of the Division over himself and over the subject matter of this action.
2. The Respondent acknowledges that he enters into this Surrender Stipulation and Order (“Stipulation”) knowingly and voluntarily.
3. The Respondent understands that he has the right to be represented by counsel in this matter, and his signature below signifies that he has been represented by Russell Farr in this

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matter.

4. The Respondent understands that the alleged facts (criminal charges) associated with this case could have led to an Emergency Hearing held by the Division, followed by an appeal hearing based on the findings of fact and law at the Emergency Hearing, and a formal adjudicative action. The Respondent further understands that he is entitled to be served with a Petition and a Notice of Agency Action in this matter as part of a formal adjudicative action, and that he is further entitled to a hearing before the State of Utah Chiropractic Physicians Licensing Board (“the Board”), or other Division Presiding Officer, at which time the Respondent may present evidence on his own behalf, call witnesses, confront adverse witnesses and address adverse evidence. The Respondent acknowledges that by executing this document he is entering into an agreement with the Division which results in the temporary surrender of his license until the criminal and administrative actions associated with the criminal charges in this case have been resolved. The Respondent is not waiving the right to answer any Petition and Notice of Agency Action filed by the Division. He is simply agreeing to a temporary surrender of his professional license until the criminal and administrative actions dealing with the recent criminal charges are resolved. If and when the Division files a Petition and Notice of Agency Action in this case, he will be entitled to respond to these pleadings and to participate in a hearing, present evidence on his own behalf, confront adverse witnesses and address adverse evidence.

5. The Respondent acknowledges that this Stipulation, if adopted by the Director of he Division, will be classified as a public document and may be released to other persons and entities.

6. Respondent admits to the following facts:

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a. That he was licensed as a chiropractic physician in the State of Utah on or about January 28, 1982;

b. That on or about June 25, 2014, a female patient alleged the Respondent engaged in conduct including but not limited to inappropriately touching her breasts and buttocks with his hands without a valid reason related to the patient's chiropractic treatment;

c. That based in part on the allegations in provision 6(b), the Weber County Attorney's Office charged the Respondent with one count of Forcible Sexual Abuse, a Second Degree Felony in the Second Judicial District Court of Weber County, State of Utah.

7. The Respondent neither admits nor denies the truth of the criminal allegations made against him in provision 6 of this Stipulation. The Respondent also does not contest the fact that if the Division held an emergency hearing based on the alleged facts/criminal charges described in provision 6 of this Stipulation, the Emergency Hearing Panel may find that the alleged facts demonstrate an immediate and significant danger to the public health, safety and welfare; and that this danger requires immediate action by the Division.

8. The Respondent agrees to temporarily surrender his license to practice as a chiropractic physician until the criminal and administrative actions associated with the criminal allegations in provision 6 of this Stipulation are resolved. The Division agrees not to start administrative proceedings against the Respondent until the criminal proceedings have been resolved, with the one exception being if the criminal proceedings are not resolved within the four year statute of limitations period that applies to this case. This license surrender temporarily terminates all rights and privileges associated with the Respondent's professional license, number 167047-1202, until the criminal and administrative actions associated with the criminal allegations in provision 6 of this Stipulation are resolved. This license surrender takes effect on

the date the Division Director signs the Order page of this Stipulation.

8. In the event the Respondent practices as a chiropractic physician without a license, the Division may take action against the Respondent, which may include the imposition of a civil penalty in the amount of \$2,000 a day pursuant to Utah Code Ann. § 58-1-503.

9. This Stipulation is not a finding of unprofessional or unlawful conduct, but it is a disciplinary action against the Respondent and the Respondent's license. It is a temporary surrender of the Respondent's license until disciplinary proceedings, both criminal and administrative, are resolved.

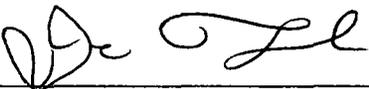
10. This Stipulation, upon approval by the Director of the Division, shall finalize a temporary license surrender of the Respondent's professional license until the criminal and administrative actions in this case can be resolved. The Respondent acknowledges that the Director is not required to accept the terms of this Stipulation, and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment the Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. If the Respondent violates any term or condition of this Stipulation, (for example, by practicing as a chiropractic physician without a license) the Division may take action against the Respondent, including imposing appropriate

sanctions, in the manner provided by law.

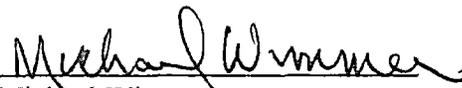
12. The Respondent has read each and every paragraph contained in this Stipulation. He understands each and every paragraph contained in this Stipulation, and he has no questions about any paragraph or provision contained in this Stipulation. Further, the Respondent admits that he was not coerced, bullied or unduly influenced into signing Stipulation.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY: 
Dave Taylor
Acting Bureau Manager

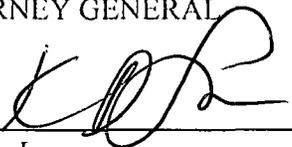
DATE: 10/16/14

RESPONDENT

BY: 
Michael Wimmer
Respondent

DATE: 10-16-14

SEAN REYES
ATTORNEY GENERAL

BY: 
Dan Lau
Assistant Attorney General

DATE: 10/16/14

BY: 
Russell Farr
Counsel for the Respondent

DATE: 10/16/14

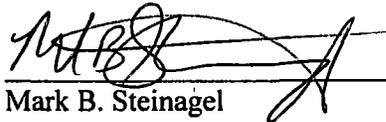
ORDER

THE ABOVE SURRENDER STIPULATION, in the matter of Michael Wimmer, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 16 day of October, 2014.



DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



Mark B. Steinagel
Director