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8 **BEFORE THE**
9 **BOARD OF CHIROPRACTIC EXAMINERS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. AC 2018-119

13 **GREGORY A. LIND**
1778 Clear Lake Avenue
Milpitas, CA 95035

OAH No. 2024090637

FIRST AMENDED ACCUSATION

14 **Chiropractor License No. DC 15992**

15 Respondent.

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17 **PARTIES**

18 1. Kristin Walker (Complainant) brings this First Amended Accusation solely in her
19 official capacity as the Executive Officer of the Board of Chiropractic Examiners, Department of
20 Consumer Affairs.

21 2. On or about July 19, 1984, the Board of Chiropractic Examiners issued Chiropractor
22 License Number DC 15992 to Gregory A. Lind (Respondent). The Chiropractor License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2025, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Chiropractic Examiners (Board), under the authority of the following sections of the Chiropractic Act (Act).¹

4. Section 10 of the Act states, in pertinent part, that the Board may suspend or revoke a license to practice chiropractic or may place the license on probation for violations of the rules and regulations adopted by the Board or for any cause specified in the Chiropractic Initiative Act.

5. California Code of Regulations, title 16, section 372 states:

The suspension, expiration, or forfeiture by operation of law of a license issued by the board, or its suspension, or forfeiture by order of the board or by order of a court of law, or its surrender without the written consent of the board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

STATUTORY PROVISIONS AND REGULATORY PROVISIONS

6. California Code of Regulations, title 16, section 317 states, in pertinent part:

The Board shall take action against any holder of a license who is guilty of unprofessional conduct which has been brought to its attention, or whose license has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct includes, but is not limited to, the following:

(e) Any conduct which has endangered or is likely to endanger the health, welfare, or safety of the public;

....

(g) Conviction of a crime which is substantially related to the qualifications, functions or duties of a chiropractor;

...

(h) Conviction of any offense, whether felony or misdemeanor, involving moral turpitude, dishonesty, physical violence or corruption. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction was of an offense involving moral turpitude, dishonesty, physical violence or corruption. A plea or verdict of guilty, or plea of nolo contendere is deemed to be a conviction within the meaning of the board's disciplinary provisions, irrespective of a subsequent order under the provisions of Section 1203.4 of

¹ The Chiropractic Act, an initiative measure approved by the electors on November 7, 1922, while not included in the Business and Professions Code by the legislature, is set out in West's Annotated California Codes as sections 1000-1 to 1000-19, and is included in Deering's California Codes as Appendix I, for convenient reference.

1 the Penal Code. The board may order a license to be suspended or revoked, or may
2 decline to issue a license upon the entering of a conviction or judgment in a criminal
3 matter.

4 (q) The participation in any act of fraud or misrepresentation

5 ...

6 7. California Code of Regulations, title 16, section 316.5 states, in pertinent part:

7 (a) For the purposes of the denial, suspension or revocation of a license pursuant to
8 Section 141 of the Business and Professions Code, Division 1.5 (commencing with
9 Section 475) of the Business and Professions Code, or a violation of Section 10(b) of
10 the Chiropractic Initiative Act of California, a crime, professional misconduct, or act
11 shall be considered substantially related to the qualifications, function or duties of a
12 licensee, if to a substantial degree, it evidences present or potential unfitness of a
13 person holding a license to perform the functions authorized by the license in a
14 manner consistent with the public health, safety or welfare.

15 (b) In making the substantial relationship determination required under subdivision (a) for
16 a crime, the Board shall consider the following criteria:

- 17 (1) The nature and gravity of the offense.
18 (2) The number of years elapsed since the date of the offense.
19 (3) The nature and duties of a chiropractor.

20 (c) For the purpose of subdivision (a), a substantially related crime, professional
21 misconduct, or act shall include, but is not limited to, the following:

22 ...

23 (5) Conviction for assault, battery or other violence including, but not limited to, those
24 violations listed in subdivision (d) of Section 11160 of the Penal Code.

25 8. California Code of Regulations, title 16, section 319.1 states:

26 (a) A licensed doctor of chiropractic shall verbally and in writing inform each
27 patient of the material risks of proposed care. "Material" shall be defined as
28 a procedure inherently involving known risk of serious bodily harm. The
chiropractor shall obtain the patient's written informed consent prior to
initiating clinical care. The signed written consent shall become part of the
patient's record.

(b) A violation of this section constitutes unprofessional conduct and may
subject the licensee to disciplinary action.

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COST RECOVERY

9. California Code of Regulations, title 16, section 317.5, subdivision (a), states, in pertinent part:

In any order in resolution of a disciplinary proceeding before the Board of Chiropractic Examiners, the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the Chiropractic Initiative Act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL ALLEGATIONS

10. On or about September 28, 2017, Patient 1² had a chiropractic appointment with Respondent to address tightness in her chest and difficulty breathing.

11. At approximately 9:30 AM, Patient 1 met Respondent in his office located in Milpitas, CA. No other employees were present, and Patient 1 was escorted into a private room.

12. During the course of Patient 1's examination and treatment, Respondent inserted his finger into Patient 1's anus, over her clothing for approximately 15 seconds.

13. Respondent continued with the examination by placing his hands on the bottom of Patient 1's buttocks. Respondent then inserted his hand over Patient 1's clothing and into her vagina approximately 2-3 inches deep. With his hand inside of Patient 1's vagina, Respondent, moved his hand from left to right, and then made an upward thrust movement.

14. On or about September 29, 2017, Patient 1 submitted to a SART examination. The examination revealed bruising and a small laceration on the exterior area of the anus. The internal area of Patient 1's anus was unable to be examined due to pain. Additionally, there was redness to the exterior area of the vagina.

15. Respondent failed to inform Patient 1 orally and/or in writing of the material risks of these intrusive actions.

16. On or about September 29, 2017, Patient 1 called the Milpitas Police Department and reported that she was sexually assaulted by Respondent.

17. On or about November 12, 2017, as part of the investigation, Patient 1 met with officers from the Milpitas Police Department and performed a pretext phone call with

² Full names will be provided in discovery.

1 Respondent. During the call, Patient 1 asked Respondent something to the effect of “Why you felt
2 the need to kind of go up into the anal and vaginal area” and “Was there something that was to,
3 where you actually adjusting my pelvis at or, or just to release energy.”

4 18. In response to these questions, Respondent did not directly answer Patient 1’s
5 questions, and the answers he did provide were illogical and ambiguous.

6 19. On or about November 14, 2017, Officers from the Milpitas Police Department
7 interviewed Respondent regarding his interaction with Patient 1.

8 20. During Respondent’s interview and when questioned by officers, Respondent stated
9 that he could not recall significant details of his interaction with Patient 1. When questioned about
10 his treatment of Patient 1, Respondent replied by stating what he would usually do during
11 treatment, rather than what he specifically did to Patient 1.

12 21. Respondent improbably claimed a lack of recall of the statements he had made over
13 the phone to Patient 1 just over a month earlier, and declined to admit to many of the statements
14 he had made to Patient 1, even after the recording of that call was played for him.

15 22. On or about February 27, 2024, in a criminal matter titled *People of the State of*
16 *California vs. Gregory Alan Lind*, Case Number C1777792 in Santa Clara County Superior
17 Court, Respondent pleaded nolo contendere to two misdemeanor violations of California Penal
18 Code section 234, subdivision (a) (Battery).

19 **FIRST CAUSE FOR DISCIPLINE**

20 (Engaging in Conduct Likely to Endanger the Public)

21 23. Respondent has subjected his Chiropractor License to disciplinary action pursuant to
22 California Code of Regulations, title 16, section 317, subdivision (e), in that, as described in
23 paragraphs 10-15, Respondent engaged in acts likely to endanger the health, welfare, or safety of
24 the public.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Conviction of a Substantially Related Crime)

3 24. Respondent has subjected his Chiropractor License to disciplinary action pursuant to
4 California Code of Regulations, title 16, section 317, subdivision (g), in that, as described in
5 paragraphs 10-22, Respondent was convicted of a crime substantially related to the qualification,
6 functions or duties of a chiropractor.

7 **THIRD CAUSE FOR DISCIPLINE**

8 (Conviction of a Crime of Moral Turpitude)

9 25. Respondent has subjected his Chiropractor License to disciplinary action pursuant to
10 California Code of Regulations, title 16, section 317, subdivision (h), in that, as described in
11 paragraphs 10-22, Respondent was convicted of a crime involving moral turpitude.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 (Engaging in Fraud or Misrepresentation)

14 26. Respondent has subjected his Chiropractor License to disciplinary action pursuant to
15 California Code of Regulations, title 16, section 317, subdivision (q), in that, as described in
16 paragraphs 17-21, Respondent engaged in acts of fraud and/or misrepresentation.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 (Failure to Provide Informed Consent)

19 27. Respondent has subjected his Chiropractor License to disciplinary action pursuant to
20 California Code of Regulations, title 16, section 319.1, in that, as described in paragraph 15,
21 Respondent failed to inform Patient 1 orally and/or in writing of the material risks of these
22 intrusive actions.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Chiropractic Examiners issue a decision:

26 1. Revoking or suspending Chiropractor License Number DC 15992, issued to Gregory
27 A. Lind (Respondent);

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2. Ordering Respondent to pay the Board of Chiropractic Examiners the reasonable costs of the investigation and enforcement of this case, pursuant to Title 16, California Code of Regulations, section 317.5 and if placed on probation, the costs of probation monitoring;

and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 08/11/2025

Signature on File

KRISTIN WALKER

Executive Officer

Board of Chiropractic Examiners

Department of Consumer Affairs

State of California

Complainant

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