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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. AC 2024-2043

ROBERT I. STROHBACH
9673 A Sierra Avenue
Fontana, CA 92335

OAH No.

Chiropractor License No. DC 18969

ACCUSATION

Respondent.

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PARTIES

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

2. On or about January 22, 1998, Board of Chiropractic Examiners issued Chiropractor License Number DC 18969 to Robert I. Strohbach (Respondent). The Chiropractor License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2025, unless renewed.

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JURISDICTION

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

4. Section 10, subdivision (a) of the Act states:

The board may by rule or regulation adopt, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of professional service and the protection of the public. Such rules or regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.

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.

REGULATORY PROVISIONS

6. California Code of Regulations, title 16, section 316, subdivision (c), states:

(a) Every licensee is responsible for the conduct of employees or other persons subject to his supervision in his place of practice, and shall insure that all such conduct in his place of practice conforms to the law and to the regulations herein.

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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.

(b) Where a chiropractic license is used in connection with any premises, structure or facility, no sexual acts or erotic behavior involving patients, patrons or customers, including, but not necessarily limited to, sexual stimulation, masturbation or prostitution, shall be permitted on said premises, structure or facility.

(c) The commission of any act of sexual abuse, sexual misconduct, or sexual relations by a licensee with a patient, client, customer or employee is unprofessional conduct and cause for disciplinary action. This conduct is substantially related to the qualifications, functions, or duties of a chiropractic license. This section shall not apply to sexual contact between a licensed chiropractor and his or her spouse or person in an equivalent domestic relationship when that chiropractor provides professional treatment.

7. California Code of Regulations, title 16, section 317, states in relevant 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:

(a) Gross negligence;

(b) Repeated negligent acts;

• • • •

(e) Any conduct which has endangered the health, welfare, or safety of the public.

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(k) The commission of any act involving moral turpitude, dishonesty, or corruption,

whether the act is committed in the course of the individual's activities as a license holder, or otherwise;

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(m) Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate any provision or term of the Act or the regulations adopted by the board thereunder;

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COST RECOVERY

8. 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 licentiate 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

9. On May 18, 2023, the Board of Chiropractic Examiners (Board) received a report regarding a civil complaint that had been filed against Respondent by one of his patients, J.S., alleging that Respondent had sexually harassed and sexually assaulted her (patient J.S.) in connection with chiropractic treatment she had received from him on the premises of Respondent's chiropractic facility.

10. Thereafter, the Board conducted an investigation into the underlying factual circumstances surrounding patient J.S.'s allegations against Respondent.

11. Patient J.S. was interviewed by the Board investigator, during which the factual allegations in her civil lawsuit against Respondent were discussed.

12. According to patient J.S., she suffered injuries to her spine in an automobile accident that occurred on or about October 19, 2017, for which she submitted a bodily injury claim to an insurance carrier that provided coverage for the loss.

13. Thereafter, in or around November 2017, patient J.S. sought and began receiving chiropractic treatment from Respondent as a patient at his chiropractic facility in Fontana, California.

14. Initially, Respondent performed chiropractic treatments on patient J.S. without incident. However, in or around mid to late November 2017, Respondent began to make sexually inappropriate comments to patient J.S. during her treatment sessions. According to patient J.S., at one point when Respondent providing her treatment, he started asking her sexual questions. At another point, while administering a chiropractic adjustment to J.S.'s neck, he put his hand under

1 her shirt and bra and touched J.S.’s full breast. Patient J.S. was wearing her everyday clothes at
2 the time. Patient J.S. jumped in response to this, but Respondent continued administering
3 treatment to her as if nothing had happened.

4 15. Patient J.S. later returned to Respondent’s office for further treatment after
5 Respondent “pushed” her to do so by telling her that she would not receive any settlement monies
6 in her related personal injury claim if she did not continue to receive her chiropractic treatment.

7 16. Thereafter, during a treatment visit in November 2017, Respondent was adjusting
8 patient J.S. while she was lying face down on the adjustment table. Respondent proceeded to
9 stand at the head of the adjusting table with his legs spread, at which point he pulled himself
10 closer to patient J.S. and pressed her head up against his genital area. This caused J.S.’s eye to
11 press up against Respondent’s penis (through his pants). Patient J.S. stated that she “felt a little
12 bit of movement” in Respondent’s genital area, though her head did not remain in that position
13 for very long. Respondent then said to patient J.S. “don’t worry it’s not going to poke your eye”
14 and told her he was only trying to get a better angle position.

15 17. During a subsequent treatment visit, after patient J.S. had received a chiropractic
16 adjustment, Respondent told her that she had to sign a document confirming she had received the
17 treatment. At that point Respondent backed up against the door, held the door closed, pushed
18 patient J.S. down, opened his pants, and told patient J.S. she had to “be a good girl” as he pulled
19 her close to him and put her head to his crotch with his penis exposed. According to patient J.S.,
20 she then performed oral sex on Respondent for a very short period (under 2 minutes).
21 Immediately thereafter, Respondent told patient J.S. to be quiet about what had just occurred
22 between them.

23 18. Patient J.S. settled her injury claim with the auto insurance carrier with the
24 understanding that she would pay Respondent’s outstanding chiropractic bill herself by
25 negotiating a compromise with them for the amount they had billed for, since according to J.S.,
26 such amount seemed excessive in relation to the treatment she received from Respondent. The
27 claims representative with the insurance company had suggested to patient J.S. that she handle the
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1 situation with Respondent's outstanding charges this way. Meanwhile, Respondent and his staff
2 were pressuring patient J.S. to pay their outstanding bill out of her settlement proceeds.

3 19. Thereafter, patient J.S. called Respondent's office and made an appointment to pay
4 them for their services rendered. When J.S. arrived at Respondent's facility, Respondent asked
5 her to meet with him in a treatment room to sign some documents, at which point Respondent
6 accepted the money J.S. was willing to pay him for the chiropractic treatment she had received in
7 connection with the underlying automobile accident.

8 20. However, Respondent then closed the door of the room and the same thing (oral sex)
9 happened again, after which Respondent immediately told J.S. "if you ever need to exchange
10 services again we can." Patient J.S. subsequently never returned to Respondent's facility again.
11 However, Respondent and his billing manager continued to contact J.S. to compel her to return to
12 their office to pay them more money out of her settlement proceeds. Respondent even sent text
13 messages to J.S. after business hours for this purpose. J.S. also received letters from
14 Respondent's office advising that a lawsuit would be filed against her if she continued to refuse to
15 pay them more money. J.S. then consulted a private attorney for assistance in dealing with
16 Respondent and his office, after which a civil lawsuit was filed on behalf of J.S. against
17 Respondent regarding his unprofessional sexual misconduct towards her.

18 21. During the Board's investigation, the applicable records and other relevant documents
19 in this case were sent to an independent Board expert for the expert's review, analysis, findings,
20 and determinations in this matter. The Board expert thereafter prepared and submitted a written
21 report to the Board, wherein he effectively determined that Respondent committed acts
22 constituting moral turpitude regarding the treatment he provided to patient J.S.; that Respondent
23 engaged in sexual acts involving patient J.S. while on Respondent's business premises; and that
24 Respondent's conduct with J.S. in this matter constituted both extreme departures and multiple
25 deviations from the standard of care and/or practice in the chiropractic community.

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FIRST CAUSE FOR DISCIPLINE

(Committed Acts of Sexual Abuse and/or Misconduct)

22. Respondent has subjected his license to discipline pursuant to section 1000-10 of the Code for unprofessional conduct, as defined in California Code of Regulations, title 16, section 316, subdivision (c), in that Respondent committed acts of sexual abuse and/or sexual misconduct with patient J.S. Complainant hereby incorporates paragraphs 9-21 above as though set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Conduct on Premises Involving Sexual Acts)

23. Respondent has subjected his license to discipline pursuant to section 1000-10 of the Code for unprofessional conduct, as defined in California Code of Regulations, title 16, section 316, in that Respondent engaged in sexual acts with a patient on his business premises. Complainant hereby incorporates paragraphs 9-21 above as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Moral Turpitude)

24. Respondent has subjected his license to discipline pursuant to section 1000-10 of the Code for unprofessional conduct, as defined in California Code of Regulations, title 16, section 317, subdivisions (k), in that Respondent committed acts of moral turpitude with his patient. Complainant hereby incorporates paragraphs 9-21 above as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Engaged in Conduct Which Endangered the Health, Safety or Welfare of Public)

25. Respondent has subjected his license to discipline pursuant to section 1000-10 of the Code for unprofessional conduct, as defined in California Code of Regulations, title 16, section 317, subdivisions (e), in that Respondent engaged in conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Complainant hereby incorporates paragraphs 9-21 above as though set forth fully herein.

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FIFTH CAUSE FOR DISCIPLINE

(Gross Negligence)

3 27. Respondent has subjected his license to discipline pursuant to section 1000-10 of the
4 Code for unprofessional conduct, as defined in California Code of Regulations, title 16, section
5 317, subdivision (a), in that Respondent committed acts with his patient which constituted an
6 extreme departure from the standard of care in the chiropractic community. Complainant hereby
7 incorporates paragraphs 9-21 above as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Repeated Acts of Negligence)

10 28. Respondent has subjected his license to discipline pursuant to section 1000-10 of the
11 Code for unprofessional conduct, as defined in California Code of Regulations, title 16, section
12 317, subdivision (b), in that Respondent repeatedly committed acts with his patient which
13 deviated from the standard of care in the chiropractic community. Complainant hereby
14 incorporates paragraphs 9-21 above as though set forth fully herein.

DISCIPLINE CONSIDERATIONS

16 29. To determine the degree of discipline, if any, to be imposed on Respondent,
17 Complainant alleges that on or about February 7, 2005, in a prior disciplinary action titled *In the*
18 *Matter of the First Amended Accusation Against Robert Strohbach, D.C.*, before the Board of
19 Chiropractic Examiners, in Case Number AC 2003-367. Respondent's license was revoked
20 pursuant to section 1000-10 of the Code for unprofessional conduct, as defined in California Code
21 of Regulations, title 16, sections 317, subdivisions (g), (h), (k), (m) and (q), and 810(b) [Penal
22 Code section 487(a) - felony grand theft for insurance fraud]. That decision is now final. On or
23 about February 26, 2008, the criminal conviction was dismissed pursuant to Penal Code section
24 1203.4.

25 30. On or about December 22, 2008, *In the Matter of the Petition for Reinstatement of*
26 *Revoked License of Robert Strohbach*, Case Number AC 2003-367, the Board granted
27 reinstatement of Respondent's chiropractic license and immediately revoked the license with
28 revocation stayed and placed the license on probation for 5 years with certain terms and

1 conditions. On or about April 12, 2013, *In the Matter of the Petition for Early Termination of*
2 *Probation of Robert Strohbach, D.C.*, Case Number AC 2003-367, the Board granted early
3 termination of probation.

4 **PRAYER**

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

7 1. Revoking or suspending Chiropractor License Number DC 18969, issued to Robert I.
8 Strohbach;

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

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

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15 DATED: 01/13/2025

Signature on File

16 KRISTIN WALKER
17 Executive Officer
18 Board of Chiropractic Examiners
Department of Consumer Affairs
State of California
Complainant

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