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

13 In the of the Accusation Against:

14 **RORY WILLIAM FLYNN**
14 5234 Newpark Plaza #B,
14 Newark, CA 94560.

15 **Chiropractor License No. DC 21970**

16 Respondent.

17 Case No. AC 2025-2057

ACCUSATION

19 **PARTIES**

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

22 2. On or about July 27, 1992, the Board of Chiropractic Examiners issued Chiropractor
23 License Number DC 21970 to Rory William Flynn (Respondent). The Chiropractor License was
24 in full force and effect at all times relevant to the charges brought in this Accusation and will
25 expire on October 31, 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 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 304, states:

“The revocation, suspension, or other discipline by another state of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, shall constitute grounds for disciplinary action against a chiropractic licensee or grounds for the denial of chiropractic licensure of an applicant in this state.”

6. 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

7. Business and Professions Code section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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.

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 316.5, states:

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

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

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

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

(1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Chiropractic Initiative Act of California, these regulations and/or other state or federal laws governing the practice of chiropractic.

(8) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous to the individual or the public.

9. California Code of Regulations, title 16, section 317, states:

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:

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(f) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license;

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

(i) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

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10. California Code of Regulations, title 16, section 327, states:

(a) When considering the suspension or revocation of a license under Section 490 of the Business and Professions Code on the ground that the person holding the license has been convicted of a crime, the Board shall consider whether the licensee has made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(1) Nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the licensee has not completed the criminal sentence without a violation of parole or probation, or the Board determines that the licensee did not make a showing of rehabilitation based on the criteria in subdivision (a), or the suspension or revocation is based upon a disciplinary action as described in Section 141 of the Business and Professions Code, or the suspension or revocation is based upon one or more of the grounds specified in Section 10(b) of the Chiropractic Initiative Act of California, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:

(1) Nature and gravity of the act(s), disciplinary action(s), or crime(s);

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(6) The criteria in subdivision (a)(1) through (5), as applicable.

(7) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

11. 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.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

12. Respondent has subjected his chiropractor license to disciplinary action in that he was convicted of crimes that are substantially related to the qualifications, functions, and duties of a licensed chiropractor. (Bus. & Prof. Code § 490; Cal. Code Regs, tit. 16, § 317, subd. (g).) Specifically, on or about on or about November 7, 2023, in the criminal proceeding entitled *The People of the State of California v. Rory William Flynn* (Tehama County Super. Ct., Case No. 23CR-001522), Respondent was convicted of one misdemeanor count of driving while having 0.08% or more, by weight, of alcohol in his blood (Veh. Code § 23152, subd. (b)) and one felony count of evading a peace officer, disregard for the safety of the public (Pen. Code § 2800.2, subd. (a)) for an arrest that occurred on June 11, 2023. The court placed Respondent on two (2) years of formal probation, with certain terms and conditions which included paying all fees and fines, and serving 120 days in jail.

13. The circumstances of the arrest are that on or about June 17, 2023, Respondent engaged police in a vehicle pursuit that lasted approximately 5.5 miles, with Respondent's car reaching a speed of 100 miles per hour. The pursuit ended after officers used spikes to get Respondent to yield and stop his car. When the responding police officers approached the car, they could smell the strong odor of alcohol emitting from Respondent. The officers also observed Respondent to have red watery eyes and an unsteady gait. The officers found several empty cans of different types of beer in Respondent's car. Respondent was placed under arrest and provided a breath sample that revealed a breath alcohol level of 0.16% on the first reading and 0.15% on the second.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

14. Respondent has subjected his chiropractor license to disciplinary action in that Respondent used alcoholic beverages and dangerous drugs to an extent or in a manner dangerous or injurious to himself, another person or the public, when he drove a vehicle while under the influence of alcohol. (Cal. Code Regs, tit. 16, § 317, subd. (f.)) Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 12 and 13, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Conviction of Crimes Involving the Consumption of Alcohol)

15. Respondent has subjected his chiropractor license to disciplinary action in that Respondent was convicted of crimes involving the consumption of alcohol. (Cal. Code Regs, tit. 16, § 317, subd. (i.)) Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 12 and 13, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Chiropractic Examiners issue a decision:

1. Revoking or suspending Chiropractor License Number DC 21970, issued to Rory William Flynn;

2. Ordering Rory William Flynn 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,

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1 3. Taking such other and further action as deemed necessary and proper.
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3 DATED: 06/26/2025

Signature on File

4 KRISTIN WALKER
5 Executive Officer
6 Board of Chiropractic Examiners
7 Department of Consumer Affairs
8 State of California
9 *Complainant*

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