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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)	NON-DISCIPLINARY
BRANDON LEE BABCOCK)	CEASE AND DESIST
TO PRACTICE AS A)	STIPULATION AND ORDER
CHIROPRACTIC PHYSICIAN)	
IN THE STATE OF UTAH)	Case No. DOPL-2008-294

BRANDON LEE BABCOCK (“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 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before a Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R156-46b-12 through R156-46b-15

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

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

7 Respondent admits the following facts

- a On or about September 12, 2002 Respondent was first licensed as a chiropractic physician in the State of Utah
- b In November 2008 Respondent authorized a full page advertisement for his business, "Babcock Wellness and Pediatrics" that represented that

Respondent treats, among other conditions: depression, multiple sclerosis, fibromyalgia, emotions/limiting beliefs, learning problems, ADD/ADHD, allergies, hormone replacement relief, ability to think clearly, sleep problems, and memory loss. Respondent is not qualified, by experience, education, or training to treat the aforementioned conditions. The advertisement contains false and misleading statements or otherwise operates to deceive.

- c Respondent is not and has never been licensed to practice as physician/surgeon or to practice mental health therapy in the State of Utah.

8 Respondent admits that Respondent's conduct described above is unprofessional and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(a), §§ 58-60-101 through 58-60-511, § 58-67-101 through 58-67-802, and Utah Administrative Code R156-73-501(2), and that said conduct provides a basis for the Division to issue an Order restraining Respondent from the conduct described in paragraph 7(b) above. This Stipulation and Order is not a finding of unprofessional or unlawful conduct, nor is it disciplinary action against Respondent. The Division retains jurisdiction to subsequently initiate disciplinary proceedings for any conduct Respondent may have engaged in prior to the effective date of this Stipulation and Order or may engage in subsequent to the effective date of this Stipulation and Order.

9 Respondent agrees the Division may issue an Order requiring Respondent to cease and desist from engaging in the conduct described in paragraph 7(b) above, until Respondent is properly licensed to do so. Respondent agrees to obey the Order and cease and desist from engaging in the conduct described in paragraph 7(b) above.

10 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order.


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 they might otherwise 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 and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation Respondent understands that failure to comply with this Order may subject Respondent to a civil penalty of up to \$2,000 (two-thousand dollars) for each day the order is violated pursuant to Utah Code Ann § 58-1-503(1)

12 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law


13 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY: 
SALLY A STEWART
Bureau Manager


DATE DEC 16 2008

RESPONDENT

BY: 
BRANDON LEE BABCOCK

DATE 12-16-08

MARK L SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

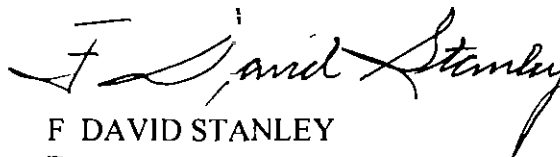
DATE. 16 Dec 2008

ORDER

THE ABOVE STIPULATION, in the matter of **BRANDON LEE BABCOCK**, 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 17 day of December, 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F DAVID STANLEY
Director

Investigator Pamela Bennett