

BEFORE THE NORTH CAROLINA BOARD  
OF CHIROPRACTIC EXAMINERS

N.C. BOARD OF CHIROPRACTIC  
EXAMINERS

v.

AKIBA GREEN, D.C.  
Respondent,

**CONSENT ORDER**

This CONSENT ORDER, made between the N.C. Board of Chiropractic Examiners (the "Board"), acting through Kevin Sharp, D.C., in his official capacity as President of the Board, and AKIBA GREEN, D.C., ("Respondent") (hereafter collectively referred to as the "Parties") agree, for the purposes of resolving a pending disciplinary action and in lieu of proceeding with a Show Cause Hearing, to the following:

**WITNESS THAT:**

**WHEREAS**, the Board received complaints against Respondent, alleging that Respondent violated N.C. Gen. Stat. § 90-154(b);

**WHEREAS**, the Board notified Respondent of the complaints against him and provided him an opportunity to respond;

**WHEREAS**, the Parties met for a Probable Cause Hearing on June 21, 2018, and both parties were allowed to call and cross-examine witnesses;

**WHEREAS**, the Board's Review Committee determined that the allegations of the complaints against Dr. Green, if proven, would constitute a violation of the statutes and regulations administered by the Board and thus require disciplinary action;

**WHEREAS**, parties entered into an Informal Settlement Agreement (ISA) effective March 30, 2019, the terms and contents of which are incorporated by reference herein;

**WHEREAS**, the ISA contained a provision allowing the Board to conduct a Show Cause Hearing for a determination of any subsequent alleged violations during the period of suspension and/or probation, or for Dr. Green's failure to comply with one or more terms contained in the ISA;

**WHEREAS**, during the period of suspension, Board staff called Respondent's office and attempted to schedule chiropractic appointments, and were told that they could do so;

**WHEREAS**, the Board's Counsel scheduled a Show Cause Hearing to be held on June 28, 2019, for a determination whether Respondent had violated either or both of the Board's Practice Act and/or the terms of the ISA; and

**WHEREAS**, the Parties wish to resolve and settle these matters without proceeding to a Show Cause Hearing;

**NOW, THEREFORE**, pursuant to N.C. Gen. Stat. § 150B-22, which mandates that whenever possible disputes between a regulatory agency and another person that involves the person's rights, duties, or privileges be settled through informal procedure, and pursuant to N.C. Gen. Stat. § 150B-41(c), which authorizes settlement of a contested case by consent order, the Parties hereby agree and stipulate as follows:

**I. Jurisdiction:**

The Board is an occupational licensing board of the State of North Carolina, organized under N.C. Gen. Stat. § 90-139 *et seq.* The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 90-154 *et seq.*, N.C. Gen. Stat. § 150B-1 *et seq.*, and 21 N.C. Admin. Code 10 .0103 *et seq.*

**II. Identification of Licensee/Respondent:**

AKIBA GREEN, D.C. (Respondent), whose place of business is at Lake Norman Health & Wellness, located at 21000 Torrence Chapel Road, # 101, Cornelius, NC 28031, holds North Carolina license number 3241, which presently is SUSPENDED and which was first issued on January 24, 2004.

**III. Waiver of Rights:**

In order to resolve these matters by a Consent Order, Respondent agrees that the Board staff and its Counsel may discuss this Consent Order with the Board President and/or any subcommittee that may be assigned to this matter *ex parte* whether or not the Board accepts this Consent Order as written.

Respondent was previously represented by counsel in this proceeding and has had adequate opportunity to consult with an attorney before accepting this Consent Order but declines to do so.

**IV. Stipulation to Facts:**

The Respondent and the Board President stipulate to the following facts:

- A. The Board staff received several Complaints against Respondent in April and May of 2018, including complaints submitted by Ruiz, McCombs,

Thomas, Cathy Smith, Catina Smith, Tammy Black, and Dr. Sides, alleging violations including:

1. N.C. Gen. Stat. § 90-154.3(a) regarding exceeding the scope of chiropractic practice;
  2. N.C. Gen. Stat. § 90-154(b)(1) and 21 NCAC 10 .0302 regarding guaranteeing the success of treatment;
  3. N.C. Gen. Stat. § 90-54.2 alleging deliberately misinterpreting laboratory results and rendering unnecessary treatment;
  4. N.C. Gen. Stat. § 90-154(b)(9) alleging fraud; and
  5. N.C. Gen. Stat. § 90-154(b)(5) alleging incompetence; failure to render acceptable care.
- B. The parties met for a Probable Cause Hearing on June 21, 2018, and both parties gave unsworn testimony.
- C. At the Probable Cause Hearing, Respondent denied any wrongdoing, but wished to resolve this matter by an Informal Settlement Agreement (ISA).
- D. On February 28, 2019, Respondent signed an Informal Settlement Agreement (ISA), which became effective on March 30, 2019.
- E. Respondent violated one or more material terms of the ISA during the period in which his license was suspended pursuant to the ISA.

**V. Stipulated Order:**

The parties consent to the following terms in settlement of this case:

**A. Stipulation to Sections of Law Violated:**

1. Respondent admits that his alleged actions with regard to the allegations of violation of the ISA, were properly alleged in the Notice of Hearing that was served upon him on June 13, 2019.
2. Respondent admits that the Notice of Hearing was timely served upon him prior to the Show Cause hearing of June 28, 2019.
3. Respondent admits, that if proven, the allegations of the violation of the ISA, would constitute a basis for further disciplinary action by the Board.

**B. Stipulation to Sanction**

In lieu of proceeding to a Show Cause hearing, Respondent and the Board hereby enter into this Consent Order whereby the Respondent and Board agree to the following terms:

1. The Respondent admits the **Stipulations** contained in this Consent Order;
2. Respondent shall immediately cease and desist from the practice of chiropractic;
3. Within seven (7) days of the effective date of this Consent Order, Respondent shall voluntarily surrender his N.C. license to practice chiropractic and send his wall license directly to the Board office;
4. The parties agree that after five (5) years, Respondent may re-apply for his license to practice chiropractic pursuant to the then-current requirements for licensure in N.C.; and
5. Within 60 (sixty) days following the effective date of this Consent Order, Respondent shall pay the Board the amount of \$2,331.41 in costs.

**VI. Costs**

As allowed by N.C. Gen. Stat. §90-154(c), within thirty (30) days of the effective date of this Consent Order, Respondent shall pay hearing costs of Two Thousand Three Hundred Thirty-One Dollars and 41/100 cents (\$2,331.41); the attorney fees of Five Hundred Dollars (\$500) shall be waived.

**VII. Effective Date**

The effective date of this Consent Order is the date on which it is signed by the Board President, or designee.

**VIII. Public Record**

The parties agree that this Consent Order is a public record, as required by N. C. Gen. Stat. § 132-1.3. As such, it is admissible in future disciplinary proceedings. Other related documents are part of the investigative file and are trial preparation materials and are not public records, pursuant to N.C. Gen. Stat. § 132-1.9.

**IX. Adverse Action Reporting**

The parties agree that this Consent Order contains a negative action, as defined by 42 C.F.R. § 60.3 and, therefore, his voluntary license surrender will be reported to the National Practitioners Data Bank (The Data Bank).


**X. Respondent's Contact Information**

Respondent shall notify the Board by certified letter, return receipt, within one week of any changes in Respondent's contact information during the five (5) year period of this Consent Order.

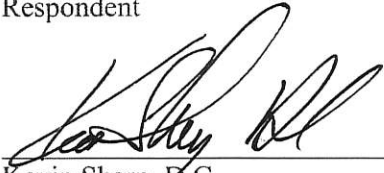
**XI. Compliance with Consent Order**

- A. This Consent Order and its provisions are effective on the date of signature by the Board President.
- B. Any modification of this Consent Order must be pre-approved in writing by the Board and signed by the Board President or designee before it may be effective.
- C. Failure by the Respondent to meet the terms of this Consent Order, either in substance or in timing, is a violation of N.C. Gen. Stat. §9 0-154(a)(6).
- D. If, during the five (5) year term of this Consent Order, or any time thereafter, the Board staff receives evidence that Respondent has violated any of the above conditions, the Board staff may schedule a Show Cause Hearing for a determination of the violations. Respondent will be allowed to appear with or without counsel and state his Response to the allegations of violations that will be detailed in the Notice of Show Cause Hearing.
- E. Should circumstances arise that affect the Respondent's ability to remain in compliance, the Respondent shall immediately notify the Board in writing by certified mail fully describing the situation along with any attendant request for Board consideration.
- F. Communications with Respondent regarding compliance with this Consent Order may occur between the Board staff and Respondent.


WE CONSENT:

  
\_\_\_\_\_  
AKIBA GREEN, D.C.  
Respondent

6/27/19  
Date

  
\_\_\_\_\_  
Kevin Sharp, D.C.  
President  
N.C. Board of Chiropractic Examiners  
6070 Six Forks Rd. Ste. L  
Raleigh, NC 27609

6/27/19  
Date

  
\_\_\_\_\_  
M. Jackson Nichols  
General Counsel for Board  
Nichols, Choi & Lee, PLLC  
4700 Homewood Court, Suite 220  
Raleigh, N.C. 27609  
Phone: (919) 341-2636  
Fax: (919) 647-4485  
Email: [Jack@ncl-law.com](mailto:Jack@ncl-law.com)

27 June 2019  
Date