

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:

Joel Wallach, ND

Licensee.

Case No. N17-07-34

**CONSENT ORDER: LETTER OF
REPRIMAND**

1.

The Board of Naturopathic Medicine (Board) is the state agency responsible for licensing, regulating and disciplining naturopathic physicians in the State of Oregon, pursuant to Oregon Revised Statutes (ORS) chapter 685 and Oregon Administrative Rules (OAR) chapter 850. Joel Wallach, N.D. (Licensee) is a licensed naturopathic physician in Oregon, and is subject to the jurisdiction of the Board.

FINDINGS:

The Board and Licensee Stipulate to the Following:

A. On March 23, 2016, Youngevity International Corp (Youngevity) filed suit against seven (7) individuals and two (2) corporations in U.S. District Court for the Eastern District of California. The suit alleged, including but not limited to, unfair competition, false advertising, and misappropriation of trade secrets. In response to the complaint, on or about July 13, 2016, defendants filed counter claims against Youngevity, naming Dr. Wallach as an additional plaintiff. A motion to dismiss the counterclaims was filed on or about March 9, 2017.

B. January 19, 2017, Dr. Wallach answered ‘no’ on his 2017 renewal application for licensure to the following question:

Are you aware of any current, proposed, pending or threatened civil or criminal action against you, whether or not a charge, claim or filing with a court has actually occurred?

C. On January 13, 2017, Diana Lee Wallach Lorretz¹, Turuche Lorretz, and Dr. Wallach filed suit in U.S. District Court for the Eastern District of California against several individuals, including several associated with State and Federal government. On or about September 13, 2017, all motions were denied as moot and the case was closed.

D. On December 21, 2017, Dr. Wallach answered ‘no’ on his 2018 renewal application for licensure to the following questions:

Since your last renewal, have you been a party to any civil proceeding, including any bankruptcy or administrative proceeding? (Either plaintiff or defendant)

E. On September 20, 2017, the Board informed Dr. Wallach he was under investigation for his failure to disclose he was a party the civil case filed in March 2016, on his 2017 renewal application.

F. On December 21, 2017, Dr. Wallach answered ‘no’ on his 2018 renewal application for licensure to the following questions:

Since your last renewal, have you been investigated by a professional licensing authority or received notice that a complaint was made against you or your license with a professional licensing authority?

G. Dr. Wallach’s failure to disclose the counterclaims filed against him in July 2016 on his 2017 renewal application is a violation of ORS 685.110 (1), as it was deceptive for

Dr. Wallach to answer “no” when asked if he was aware of any current, proposed, pending or threatened civil or criminal action against him, whether or not a charge, claim or filing with a court has actually occurred.

H. Dr. Wallach’s failure to disclose the lawsuit he and other parties filed in the U.S. District Court for the Eastern District of California in January 2017 on his 2018 renewal application is a violation of ORS 685.110 (1), as it was deceptive for Dr. Wallach to answer “no” when asked if since his last renewal if he had been a party to any civil proceeding, including any bankruptcy or administrative proceeding.

I. Dr. Wallach’s failure to disclose that he was under investigation by the Board on his 2018 renewal application is a violation of ORS 685.110 (1), as it was deceptive for Dr. Wallach to answer “no” when asked if since his last renewal, had he been investigated by a professional licensing authority or received notice that a complaint was made against you or your license with a professional licensing authority.

SETTLEMENT AGREEMENT

The parties wish to resolve this matter informally, without any hearing, appeal or judicial review, by entering this Settlement Agreement and Consent Order, pursuant to ORS 183.417(3) on the terms set forth below.

A. The Board finds violations based on the findings above in this Consent Order.

Licensee agrees the Board may enter this Consent Order.

B. Licensee enters into this Settlement Agreement and Consent Order voluntarily and without any force or duress. Licensee states that the Board and Board staff have not made promises or representations not stated herein to induce him to sign this document and agree to issuance of the Order.

- C. Licensee acknowledges that he had the opportunity to seek the advice of legal counsel. Licensee further acknowledges that he understands and agrees to the terms of this Order. Licensee does not admit to a violation of law and enters into this agreement to bring finality to these matters.
- C. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and fully and finally waives any and all right to a hearing and any rights to appeal or otherwise challenge this Settlement Agreement and Consent Order.
- D. The parties acknowledge that this Settlement Agreement and Consent Order is a public document.
- E. This Settlement Agreement and Consent Order shall take effect on the date it is signed by the Board.
- F. Licensee agrees the Board may enter the Consent Order set forth below, including the following terms and conditions: Letter of Reprimand

IT IS SO STIPULATED.

Joel Wallach, N.D

Date

CONSENT ORDER

The Board issues the following final order:

1. Letter of Reprimand
2. Licensee shall comply with the statutes, rules and orders of the Board.
3. Licensee's failure to comply with any term of this order, ORS chapter 685 or OAR chapter 850 shall be grounds for additional discipline by the Board.

DATED this _____ day of _____ 2018.

BOARD OF NATUROPATHIC MEDICINE
State of Oregon

Mary-Beth Baptista, Executive Director