

**INDIANA BOARD OF CHIROPRACTIC EXAMINERS
MINUTES
June 10, 2021**

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Klaes called the meeting to order at 8:01 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(f).

Board Members Present:

Marian Klaes, D.C., Chair
Diane Vuotto, D.C.
John Bernzott, D.C.
Derek Dyer, D.C.

Board Members Not Present:

Vacant, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Phillip Gordon, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda.

Bernzott/Vuotto
Motion carried 4-0-0

III. ADMINISTRATIVE HEARINGS

8:00 a.m.

A. James M. Pucka, D.C., License No. 08001350A

Cause No. 2021 IBCE 0004

Re: Petition for Summary Suspension

Parties Present:

Respondent was present with counsel James Olds
April Keaton, Deputy Attorney General for the State
Mary Hutchinson, Deputy Attorney General for the State
Heather Orbaugh, Court Reporter, Accurate Court Reporting

Witnesses for the Respondent:

Dr. James Puka, DC
Dr. Grace McNeil, DC
Dr. Brian Yost, DC
Dr. Harpal Brar, DC

Kendal Wigent
Andrea Austin
Kim Puka
Irene Torres
William Cottrell
Michele Pavey
Junia Gutierrez
Shelly Ehresman
Junia McDole

Witnesses for the State:

Rebecca Hammond, Deputy Attorney General for the State
Becky Copas-Chitty
Amber Walker
April Robertson
Rachel Prine
Elizabeth Boener
Shawn Sherry

Participating Board Members:

Dr. Klaes, DC (Hearing Officer)
Dr. Bernzott, DC
Dr. Vuotto, DC
Dr. Dyer, DC

Case Summary: On or about May 7, 2021, a petition to Summarily Suspend Dr. Puka's license for 90 days was filed due to allegations that Dr. Puka presents clear and immediate danger to the public. The State alleged that Dr. Puka has been engaged in a pattern of sexual misconduct for a number of years such as comments on women's breast sizes, and comments to his clients regarding them performing different sexual acts. Mr. Olds stated that Dr. Puka has made coarse and blunt comments; however, he has not molested, battered, or had sexual relations with his clients. He stated that Dr. Puka has not worked beyond the boundaries of a client and doctor boundary. Dr. Puka has apologized to his clients on Facebook after a Facebook review was posted with the initial allegations against his behavior and practice. Mr. Olds explained that Dr. Puka never intentionally did something that would make his patients uncomfortable.

The State called Rebecca Hammond as witness. Ms. Hammond has worked as a case investigator for the State of Indiana for four years, participating in 780 cases in the past. Ms. Hammond remained available for cross on the authentication process of the submitted State Exhibits.

The State submitted Exhibit A which is a certified copy of the Office of Secretary State's website which shows the current review of Spine Works, Dr. James Puka's office. Included in the Exhibit are also copies of the business records of Spine Works. Mr. Old does not object to

the Exhibit, and it is accepted. The records show Dr. James Puka is the manager and Kim Puka is the office manager.

The State submitted Exhibit B which is a copy of the Consumer Complaint filed against Dr. Puka from Jessica Christian. Ms. Christian is not present as a witness due to a medical reason. Mr. Olds does not object to the Exhibit, and it is accepted by the Board.

The State submitted Exhibit C which is a copy of Dr. Puka's response to the Consumer Complaint. Mr. Olds does not object to the Exhibit, and it is accepted by the Board.

The State called Becky Copas-Chitty. Ms. Copas-Chitty explained that she has been a patient at Spine Works since December 2020. Ms. Copas-Chitty stated that in her initial consultation Dr. Puka told her that "one of them is going to be naked, and it was not going to be him." She stated that he made comments of a similar nature when her x-rays were being done, and when she entered the room. Ms. Copas-Chitty stated also that during the consultation, Dr. Puka lifted the top of her bra straps and jiggled her breasts from the straps stating that her boobs were her issue. When he made a comment that her boobs were beautiful, she had given him a disapproving look. Dr. Puka did correct his statement to say eyes. Ms. Copas-Chitty stated that after her first consultation, she had scheduled another consultation with Dr. Grace, another Doctor employed at Spine Works. Dr. Puka assisted Dr. Grace during Ms. Copas-Chitty's adjustment, but Ms. Copas-Chitty stated that she did not feel like she experienced a normal therapeutic massage. Ms. Copas-Chitty stated she felt like his stares were voyeuristic. Ms. Copas-Chitty stated that she did smile and chuckle during the consultations; however, it was more of a defensive response. She stated that after reading the Facebook review of Dr. Puka, she had wanted to share her own experience. She indicated she is not appearing as witness in order to receive a payout. Ms. Copas-Chitty stated that she does not want Dr. Puka to lose business, but just wanted to let him know he was being unprofessional.

The State called Amber Walker as witness. Ms. Walker attested that she has been a patient of Dr. Puka since 2014 due to severe back pain. Ms. Walker stated that due to her pain, her husband would drive her to the appointments. During her first consultation with Dr. Puka, she was taken to a back room and with the door closed, Dr. Puka told her that her pain was due to her "big titties". Ms. Walker stated that during the initial examination, Dr. Puka's wife came into the exam room unexpectedly and asked him if he was done. Dr. Puka had then responded to his wife "did you hear my pants unzip?" Ms. Walker stated that when Dr. Puka made that comment she was in the middle of her initial adjustment with her leg up and against the back wall for the procedure. She stated that she was never given an x-ray. Ms. Walker attested that at the end of the appointment she felt shocked, scared, vulnerable, and angry. She stated that she never returned to his office after that appointment. She stated that she had never reported the incident to Spine Works as she was terrified of what occurred that day, and she was unaware of the process to report anything. Ms. Walker stated that she only told her story after she saw a Facebook post mentioning Spine Works. She had reached out to the poster to let her know that she was not alone in her experience. Ms. Walker attested she is not appearing in order to receive a payout, and she has not sought Chiropractic treatment since. She stated that she struggles to even see her normal doctors as they now make her uncomfortable.

State called April Robertson as a witness. Ms. Robertson stated that she first knew Dr. Puka as a patient, and then was hired to work at Spine Works as an employee. She stated that she has regularly heard Dr. Puka make the comment to “take your clothes off” to clients. She stated that Dr. Puka has commented on her breasts and has used their size as a model when discussing issues with other clients. Ms. Robertson stated that she did laugh at the comments; however, it was more of a defensive response as she did not want to get into a confrontation with her boss. She stated that she had complained to other employees, but never to Dr. Puka.

The State submitted Exhibit G which is a copy of the 2019 Spine Works employee manual. Mr. Olds did not object to the exhibit, and the Board accepted it.

The State inquired to Ms. Robertson if she followed the Spine works policy of anti-harassment of first going to the individual, and then to the next two managers if nothing was addressed. Ms. Robertson stated that she went to one of the managers, but that the complaint did not go anywhere. Ms. Robertson stated that she quit soon after her complaint was not addressed. Ms. Robertson stated that after the Facebook review of Spine Works, she felt surprised. Ms. Robertson attested that Dr. Puka regularly made the comments mentioned in the post and had become desensitized by it. She attested that she found her viewpoint become different after seeing Dr. Puka’s behavior from a patient perspective. Ms. Robertson stated that she does not have a vendetta against Dr. Puka, and she is not testifying in order to receive a payout.

The State called Rachel Prine as a witness. Ms. Prine stated she went to Dr. Puka’s office on the recommendation from her husband who was a patient. She stated that during her initial consultation she had x-rays done, and that Dr. Puka saw something unusual in the x-ray. She stated that Dr. Puka called in some of the other doctors in the office to consult on her x-ray, and she only felt uncomfortable around him. She stated that Dr. Puka gave her an initial suspicion what her issue might be before leading her to the back room for her initial examination. Dr. Puka then made a comment about taking her clothes off, and Ms. Prine stated that she took the comment as a joke. During the examination Dr. Puka had touched her arms and made a comment that she was “tight” and that her “boy toy” must like that, in reference to her husband. She stated that Dr. Puka also commented on her breasts calling them “big titties” and would continue to make innuendos. Ms. Prine stated that Dr. Puka did have a male employee on staff and made the comment to her that he and the employee were “brothers” from the waist down. Ms. Prine also attested that Dr. Puka had shown her an image of a leather-bound woman that was hogtied.

The State submitted Exhibit D which was a picture of a BDSM woman in a restrained position. Mr. Olds did not object and the Board accepted the Exhibit.

Ms. Prine stated that Dr. Puka continued to make statements that the photo was a more accurate image of what she needed to do to address her neck issues. She stated that Dr. Puka told her that if her “boy toy” could not last twelve minutes, she could come into the office so Dr. Puka could pull her neck back to correct her neck issues. Ms. Prine stated that she took his comment as a sexual advance. She stated that Dr. Puka called her “babe” and “baby” during the appointment. She stated that after the appointment she was a wreck and made a Facebook

post about her experience at his office. She attested that in her initial post she never disclosed the doctor she saw, nor the place of business. She stated that it was only after the post was shared a few times that she had edited the post with more detail. Ms. Prine did want to clarify that based upon Dr. Puka's initial suspicion she went to a General Practitioner to address her issues which have been resolved. Ms. Prine stated that Dr. Puka's behavior had been intimidating and shocking. She stated that she did not address Dr. Puka's behavior with him, and she only filed the complaint so he would understand that his behavior was unacceptable. Ms. Prine stated that she is not attesting for any monetary gains or lawsuits.

The State submitted Exhibit M which is a copy of Ms. Prine's Consumer Complaint. Mr. Olds did not object and the Board accepted the Exhibit.

The State called Elizabeth Boener as a witness. Ms. Boener is a patient and employee of Spine Works. Ms. Boener stated that her husband is also the team coach to Dr. Puka's children, so she knows of him on a personal and professional capacity. Ms. Boener stated that she was aware of Dr. Puka's comments of telling clients to "take their clothes off" and "to shut up and get up against the wall" as he would say that in the lobby regularly. She did attest that the jokes did become pervasive, and Dr. Puka was the only one to make jokes or comments. The other Doctors in the office did not use similar language. She had taken the comments made by Dr. Puka as joking and bantering while she was employed at Spine Works and did not think upon their impact as they did not affect her. Ms. Boener stated that she did speak to Dr. Puka about his comments and warned him about how they could negatively be taken. She stated that Dr. Puka reassured her that it was ok because he knew which clients could take a joke. Ms. Boener stated that she then voluntarily left Spine Works on March 24, 2021. Ms. Boener stated she is used to people making comments on her last name; however, some of Dr. Puka's comments made her uncomfortable. Ms. Boener stated that she offered to explain why she was leaving to the office manager, Kim Puka. Ms. Puka stated that Ms. Boener did not need to tell her the reason.

The State submitted Exhibit E which is a letter between Kim Puka and Elizabeth Boener. Mr. Olds had no objection to the Exhibit, and it was accepted.

Ms. Boener verified that in the letter, Ms. Puka had stated that Dr. Puka spoke like an old boy country doctor. Ms. Boener attested that she believed at the time of her employment that Dr. Puka could read the limits on his patients. She attested that after the Facebook post, she felt her inactions to addressing Dr. Puka's behavior contributed to the victimization of women in his office. Ms. Boener stated that after that realization she had filed a police report against Dr. Puka.

The State called Shawn Sherry as a witness. Mr. Sherry has been a police officer for twenty-six years. Mr. Sherry stated that he has received several calls with allegations against Dr. Puka. The first complaint received by Mr. Sherry occurred six years ago with allegations of sexual harassment. Mr. Sherry stated that he had received additional complaints of sexual harassment from victim JC on March third, AR, EB on March twenty-six, and RP on March thirty-first. There have also been a few anonymous reports as well. Mr. Sherry stated that each report has been only allegations, and no charges have been filed against Dr. Puka. Mr. Sherry

stated that he provided other avenues for each person to pursue, such as civil suits, contacting the District Attorney's Office, contacting the Chiropractic Board, and the Better Business Bureau.

The State objected to the number of witnesses Mr. Old is calling to present on the grounds of relevance. Mr. Olds stated that the witnesses will provide relevance on the atmosphere of Dr. Puka's office and give context to what the State's witnesses have presented. The State attested that these are all character witnesses and character inadmissible to the proceeding. Mr. Olds stated that the allegations are that Dr. Puka is a danger to the public, and these witnesses will show that he is not a danger. The Board overruled the State's objections and accepted the witness testimonies.

Mr. Olds called witness Shelly Ehresman for Dr. Puka. Ms. Ehresman stated that she has been a patient of Dr. Puka since March of 2016, and she has even had family members go to his office for treatment. Ms. Ehresman stated that she has heard Dr. Puka's comments to "take her clothes off" in a room full of people, but she has taken the comments as Dr. Puka making a joke in order to put people at ease. She stated that the jokes Dr. Puka makes in his packed office allows the time in the office to go quicker. She stated that Dr. Puka has done the bra straps demonstration to her as well and used the term hooters during that appointment in reference to her breasts. She stated that if Dr. Puka had used the term breasts in her appointment, it would have made her feel squeamish. She informed the Board that the hooters term did take her a step back, but that Dr. Puka's office staff had warned her that it was an unconventional office. Ms. Ehresman also stated she had seen the photo presented to the Board and stated that Dr. Puka had used google images to show what he wanted his patients to do. She affirmed it was not his intention to show explicit images to his clients.

Mr. Olds called Junia McDole as a witness. Ms. McDole is currently employed by DCS and has been a patient of Dr. Puka for eight years. He has seen her for a number of different issues and attested that he uses jokes to both his male and female clients. She attested that she trusts him and his attitude. The State asked Ms. McDole if she is aware that if there is abuse in one child in a home, but not another in the same home, would the actions still be considered abuse. Ms. McDole affirms that if that situation happened it would still be considered abuse.

Mr. Olds called Michele Pavey as a witness. Ms. Pavey attested that she has been a patient of Dr. Puka for seven years. She stated that his office has a very relaxed atmosphere and is not a typical Doctor's office. She stated that Dr. Puka was the first one to comment on her chest and that her breasts might be her issue. She stated that Dr. Puka did the bra test on her as well, and it was not sexual in any way. She stated when she goes to Dr. Puka's office she has never felt uncomfortable, and she has never been exposed.

Mr. Olds called Dr. James Puka as witness. Dr. Puka stated that he has been in practice for thirty years and has never had any action against his license.

Mr. Olds submitted Exhibits A, B, C, and D which are pictures of Dr. Puka's office. Exhibit A is a picture of the main treatment room, Exhibit B is a picture of the exam rooms, Exhibit C is

a picture of the rehabilitation area, and Exhibit D is a picture of the x-ray and workout room. The State has no objections to the Exhibits, and they are accepted.

Dr. Puka attested that in his office he employs four other Chiropractors, seven Massage Therapists, and five office administrators. He stated that his office manager and HR are the ones who direct him when he is in the office on the day-to-day business. He stated that his patients are aware he has a tendency to be late to appointments, and playfully tease him about it. He stated that he does stay later in the office on those days to make up for the time. Dr. Puka stated that there is a joke paper posting in his office that he can be socially offensive and politically incorrect. He stated that was posted in case clients were not aware from the word-of-mouth clients. He stated that he does regularly use the phrase “shut up and take your clothes off against the wall” He stated that he does not use that phrase to minors, nor does he say it when minors are present. He does keep seven Chiropractic Assistants on staff and has at least one with him when he works. A normal day in the office will have two Doctors available at a time for patients. Prior to the Facebook post he saw 900-1000 patients, and after the Facebook post he sees around 700. He stated that his behavior started when he was training with his mentor in school. He stated that he tried to use a normal doctor terms and behavior; however, one of his first patients had informed him not to use bigger “doctor” words as it scared them. After that incident he had made it part of his practice to do what he considered ironic humor to make them comfortable. Dr. Puka attested that if someone had told him to stop, he would stop. Dr. Puka stated he would not just take their request, but also look at the person’s body language to gauge their comfort level. He would try to reassure them that he was joking and not serious with any of his comments should they look uncomfortable. Dr. Puka stated that he has never used the phrase tit or titties as he does not like to use that word, but he would use the phrase boob.

Mr. Olds submitted Exhibit E which s a copy of the Chiropractic Technic Manual regarding proper pelvic techniques. The State had no objections, and the Exhibit was accepted.

Dr. Puka attested that he followed the presented techniques in his practice, and he would comment to his clients on their breasts if they had large chests and displayed back issues. He would try to speak in a joking manner, and that Ms. Puka would come in to check on him during procedures in order to keep on track with his schedule. He stated that he has made the zipper comment with a patient present before. Dr. Puka stated that in regard to client RP, she had started the conversation that her chest was big when her husband was present. Dr. Puka told the husband that he was lucky to have her as a wife as she was hot. Dr. Puka affirmed that his tone was meant to be joking. Dr. Puka stated that during their conversation he had never joked about his penis but did state that he called her husband a “boy toy”. Dr. Puka stated that the photo he showed RP was meant to be used as a reference of the position she needed to be in for her treatment. Dr. Puka stated that he did not have any idea that RP was dissatisfied with her treatment at his office, until he saw the Facebook post. He stated that prior to the post, he thought how he behaved was normal communication.

Mr. Olds submitted Exhibit X which is Dr. Puka’s response to RP’s Facebook post. The State did not object to the Exhibit, and it was accepted.

Dr. Puka affirmed he did not know how to use Facebook. He stated that he had typed a response, and his daughter posted the reply to RP on the page. He stated that RP never replied to his apology, and that he was trying to fix something that he was not aware was an issue.

Mr. Olds submitted Exhibit O and P. Exhibit O and P are copies of the Certificate of Completion Dr. Puka completed regarding Sexual Harassment. The State did not object and the Board accepted them.

Mr. Olds submitted Exhibit Z which is a petition in favor for Dr. Puka from his patients.

Mr. Olds submitted Exhibit BB which is a letter of recommendation from one of Dr. Puka's patients. The State objected to Exhibit BB as they are letters of recommendation that Dr. Puka requested from his patients, and the recommendations in those letters are not under oath. The letter is also a character reference, and not evidence. The State cannot confirm that the letter writers are patients of Dr. Puka. Mr. Olds withdraws the Exhibit, and it was not accepted.

Dr. Puka stated that he has changed the environment in his office in result of this new knowledge. He has had patients approach him to tell him that the office is no longer as fun. He stated that using the term breasts has made some of his clients squeamish, particularly the factory workers and farmers. Dr. Puka attested that he has taken CE in professional boundaries from approved sponsors through the Indiana Chiropractor Association.

Mr. Olds called Dr. Grace McNeil as witness. Dr. McNeil stated that she has known Dr. Puka for twenty-seven years, since she was five years old. She informed the Board that Dr. Puka has a laid-back atmosphere in his office and is aware that Dr. Puka has used the phrase "take your clothes off" to both men and women clients. She stated that the phrase is stated in a joking manner. She also stated that Dr. Puka has used the term boobs when addressing both men and women clients. Dr. McNeil stated that since the Facebook post Dr. Puka has become more guarded in his interaction with clients and does not joke back as often. Dr. McNeil stated that since she has obtained her Doctor of Chiropractic license, she has only worked at Spine Works, and has not worked in another office environment. She stated that she does not use Exhibit D to show traction for clients, instead she will have them stand against the wall. Dr. McNeil stated that she has had some patients of Dr. Puka approach her to state they did not like his personality. She stated that she is the only female doctor on staff. If a patient has a preference on a doctor, they can be assigned to that doctor; otherwise, it is the first available doctor assigned.

Mr. Olds called Dr. Harpal Brar as witness. Dr. Brar stated that he has worked at Spine Works since 2018. He stated that his schedule overlaps with Dr. Puka and is aware that Dr. Puka uses joking terms. Dr. Brar stated he has seen Dr. Puka use the Exhibit D, and there is no sexual connotation when the image is used. Dr. Brar stated that Exhibit D is used only in discussion to show the position the client needs to be in for treatment. The State asked if Dr. Puka checks with all patients in the room before he makes the joke regarding the clothes, and Dr. Brar stated that Dr. Puka does not. He has never heard Dr. Puka use the word tit or titties, and Dr. Brar has not used Exhibit D with his clients as an example. Dr. Brar stated that he does not

use similar language that Dr. Puka employs, and he has not had any patient complain to him regarding Dr. Puka's behavior.

Mr. Olds called Dr. Brian Yost as witness. Dr. Yost stated that he has been a Chiropractor and had his own clinic Louisville. Dr. Yost stated that when he had his own clinic, it was a different atmosphere that Dr. Puka's office. Dr. Yost stated that if he saw something of concern with Dr. Puka's behavior, he addressed it with him. Dr. Yost stated that he has heard Dr. Puka use the term boobs to both men and women, and that Dr. Puka does take queues from this patient. If a patient tells Dr. Puka to stop, Dr. Puka stops using those terms and his demeanor changes. Dr. Yost stated he has never used Exhibit D, nor used the terms boob. Dr. Yost did affirm that patients have been transferred to him after stating that they were uncomfortable with Dr. Puka.

Mr. Olds called Kimberly Puka as witness. Ms. Puka stated that she has been married to Dr. Puka since 1988 and is his office manager. Ms. Puka stated that that she has heard Dr. Puka make the comment regarding removing clothes and getting against the wall, but it is meant as a joke. Ms. Puka stated that she has never heard of Dr. Puka use the term tit or titties, and when she checks on him, her intention is to ensure that he remains on schedule. She has not received any complaints regarding Dr. Puka's behavior. Ms. Puka stated that prior to the Facebook post Dr. Puka would see clients in private rooms, and she has not needed to stay in the room with him. Ms. Puka stated that she sees the language as bantering and does not consider it offensive.

Mr. Olds called Kendal Wigent as witness. Ms. Wigent is employed at Spinal Works as a fitness coach. Ms. Wigent stated that her time overlaps with Dr. Puka in the office. She stated that she has seen Dr. Puka make the comments presented; however, she has never taken them in a derogatory manner. Ms. Wigent informed the Board that the atmosphere is different from her previous office, and she finds that care is better done at Spine Works. Ms. Wigent stated that she has no problem having her young daughter treated by Dr. Puka in his office, and if she saw any alarming behavior, she would not go to him. Ms. Wigent stated that she has seen Exhibit D, but it is used as an example. Ms. Wigent stated that if Dr. Puka had shown that picture to her daughter as an example she would consider it inappropriate.

Mr. Olds called William Cottrell as witness. Mr. Cottrell stated that he has been a patient of Dr. Puka since 2018 and has been hired as an employee since last year. Mr. Cottrell works as a Chiropractic Assistant and is present with the Doctor when assessments are done. Mr. Cottrell stated he has heard Dr. Puka use the word boobs to clients, but only in the context of addressing slouching. Mr. Cottrell stated that the atmosphere in the office is very relaxed and joking. He attested that Dr. Puka maintains the same mannerisms between both men and women clients and that it is clear Dr. Puka is joking. Mr. Cottrell stated that he has never heard Dr. Puka say anything regarding his penis or the comparisons between individuals.

Mr. Olds called Irene Torres as witness. Ms. Torres stated that she has been a patient of Dr. Puka since 2016 and is currently employed at Spine Works as a Chiropractic Assistant. Ms. Torres stated that she was the employee that took Ms. Prine's new patient information and had informed her of the environment Dr. Puka employs at his office. Ms. Torres stated Dr. Puka

makes similar banter with both the men and women patients and has only heard Dr. Puka use the term boobs. She has never heard Dr. Puka use the term tit or titties. She attested that Dr. Puka's are never meant to be in a sexual context. She is aware of Exhibit D and has seen Dr. Puka use it as an example of the type of traction. She stated that she does not consider Exhibit D offensive, nor does she consider its use to be interpreted in a sexual manner.

Mr. Olds called Andrea Austin as witness. Ms. Austin stated that she is a Massage Therapist and Chiropractic Assistant at Spine Works. She informed the Board that she and her two daughters have seen Dr. Puka as a doctor. She attested that the words Dr. Puka uses in his office are meant to be taken as jokes and banter. Ms. Austin stated that she is aware not all patients might take his comments in a joking manner.

The State closed by stating that a Chiropractor must hold esteem for their profession, and their methods of treatment must be for the betterment of the patient's wellbeing. The State presented that Dr. Puka has not put the betterment of his patients based upon his repeated behavior by all the presented witnesses. The State has stated that the multiple police complaints have been filed against Dr. Puka, and the multiple witness testimonies have shown that Dr. Puka will not stop his behavior unless explicitly told to stop. It has been presented that the photos and comments in Dr. Puka's office have made his patients uncomfortable, but he still continues to use the same language. The repeated sexual harassment makes Dr. Puka a clear and present danger to the public as he is not fully aware if his comments and behavior are done out in the open in the presence of minors. The State attested that the witnesses are scared of retaliation and have made their stance clear that they want to tell their story told to ensure that Dr. Puka is held accountable for his actions.

Mr. Olds closed by stating that the State must prove that Dr. Puka is a clear and present danger to the public. He attested that the State has not shown this to be true as Dr. Puka has not molested, battered, or sexually assaulted any of his patients. The police have not found any means to charge Dr. Puka based upon the complaints filed against him, and the presented witnesses attest that it is not Dr. Puka's intention to make his patients uncomfortable. Dr. Puka is taking steps to take additional courses to address any behavioral issues. Mr. Olds stated that despite the Facebook post, Dr. Puka still has patients come to his office for treatment.

Board Action: A motion was made and seconded to deny the petition to summarily suspend Dr. Puka's chiropractic license.

Bernzott/Dyer
4-0-0

IV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 2:33 p.m. by general consensus.

Marian Klaes, D.C., Chair

Date