Roseanne R. Hardin
Hearing Officer
818 La Cassia Drive
Boise, Idaho 83705
Telephone: (208) 336-8858
Facsimile: (208) 367-1560
Idaho State Bar No. 3204

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OCCUPATIONAL LICENSES

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BEFORE THE BOARD OF ACUPUNCTURE

STATE OF IDAHO

In the Matter of the License of: TREV D. WHEELER, License No. ACC-92, Respondent.	)))))))))	Case No. ACU-B2A-02A-02-2 ACU-03-02A-02-3 CHI-P1-02A-02-014 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER**

The contested case regarding the complaint against Trev. D. Wheeler, an individual initially licensed to practice acupuncture in the state of Idaho on July 6, 2000, duly came on for hearing before the Idaho State Board of Acupuncture on Thursday, June 26, 2003, at 9:00 a.m., at the offices of the Idaho Bureau of Occupational Licenses, at the Owyhee Plaza, Suite 220, 1109 Main Street, Boise, Idaho. Roseanne R. Hardin was the duly appointed hearing officer designated to act as the hearing officer for this hearing, with authority limited to conducting the hearing as defined in Sections 04.11.01, *et. seq.*, and 24.20.01, *et seq.*, of the Idaho Administrative Procedures Act

(hereinafter referred to as "IDAPA"). The Respondent, Trev D. Wheeler (hereinafter referred to as the "Respondent"), appeared without legal counsel and represented himself. The complainant, Idaho State Board of Acupuncture (hereinafter referred to as "the Board"), was represented by its legal counsel, Cheri L. Bush, Deputy Attorney General. The Respondent and the Board may be hereinafter collectively referred to as the "Parties."

The issues presented in this contested case are as follows:

1. Whether the Complaint filed in this matter contained sufficient cause or grounds that, if proven, required and warranted disciplinary action by the Board against the acupuncture license of Respondent; and

2. If sufficient cause or grounds were proven, what disciplinary action, if any, would be appropriate.

The hearing officer, after considering the Complaint and other pleadings filed in this matter by the Respondent and the Board, after having heard and considered the testimony and arguments of the respective parties presented during the course of the administrative hearing, having reviewed the record of this matter including the Parties' exhibits admitted herein, and being otherwise fully advised in the premises, does hereby issue the following Findings of Facts, Conclusions of Law, and Recommended Order.

I.

SUMMARY OF THE PROCEEDINGS

A. Legal Authority of the Board and Statutory Standards for Disciplinary Action Regarding a License.

As set forth in the Idaho Acupuncture Act (Chapter 47 Title 54, Idaho Code), the Board is the self-governing agency for the State of Idaho that, among other matters, is responsible to promulgate necessary administrative rules, to initiate or receive complaints against licensees, to investigate

complaints against licensees, and to conduct disciplinary proceedings against licensees in the state of Idaho. The Board has, by written agreement, authorized the Idaho Bureau of Occupational Licenses to act as its agent in interest.

A "license" or "certificate" is defined as that document issued by the Board certifying that the person named thereon has satisfied the requirements for licensure or certification to practice acupuncture in the state of Idaho and bearing a license or certificate number assigned by the Board. Idaho Code §§ 54-4703, 53-4706, and 54-4707. The Board issues original and renewal licenses to qualified persons to practice acupuncture in the state of Idaho. Idaho Code § 54-4710. After notice and opportunity for hearing, the Board:

> may refuse to issue a license or certification, refuse to renew a license or certification, or may suspend or revoke a license or certification, under such conditions as the board may determine, if the applicant or holder of the license or certification:
>
> (1) Has been convicted of a felonious act, or crime involving moral turpitude;
>
> (2) Obtained a license or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;
>
> (3) Endangered the health of any person engaging in the practice of acupuncture in a manner which does not meet the generally accepted standards for the practice of acupuncture within the state of Idaho;
>
> (4) Has failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;
>
> (5) Engaged in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the acupuncturist by the client.

Idaho Code § 54-4711.

Penalties which may be imposed are provided in Idaho Code Section 54-4713, and include:

(1) A person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor.

(2) The board may seek injunction against any person who practices acupuncture in violation of this chapter and may, in the event a permanent injunction is entered against such person or plea or verdict of guilty is entered in any criminal matter, impose civil penalty in the amount of all costs and fees incurred by the board in prosecuting the matter.

(3) The representation to another person that a person is licensed or holds certification pursuant to this chapter, when such representation is untrue, constitutes the using of a method, act, or practice which is declared to be unlawful under the provisions of the chapter 6, title 48, Idaho Code [The Idaho Consumer Protection Act].

B. The Board's Complaint against the Respondent.

The Board's Complaint filed on September 24, 2002, included the following allegations:

1. Respondent failed to renew his license for the 2001-2002 year until June 5, 2002, and that he practices acupuncture in the state of Idaho during the period in which he was not duly licensed, July 1, 2001, and June 4, 2002. Respondent advertised to the public that he may practice acupuncture and had been issued a license or was certified pursuant to Title 54, Chapter 47, in the State of Idaho during the period that he was not duly licensed, July 1, 2001, and June 4, 2002. Respondent's practice of acupuncture and advertising to the public that he may practice acupuncture without being properly licensed constitutes a violation of the laws and rules governing the practice of acupuncture, specifically Idaho Code Sections 54-4703(2) and (3) and 54-4712, and further constitutes grounds for disciplinary action against his license to practice acupuncture in the state of Idaho pursuant to Idaho Code Section 54-4711(3).

2. On approximately May 7, 2002, Pamela Russell presented at Respondent's office for an appointment. During the appointment, Respondent stated to Ms. Russell that he was a practicing chiropractic physician and licensed acupuncturist. Respondent further informed Ms. Russell that he would be performing a combination of chiropractic adjustments, massage, and acupuncture on her. Respondent thereafter performed chiropractic adjustments/manipulations and acupuncture on Ms. Russell. The Idaho State Board of Chiropractic Physicians does not license Respondent in the state of Idaho. Respondent's practice of chiropractic on Ms. Russell without being first properly licensed by the Idaho State Board of Chiropractic Physicians constitutes a violation of the laws and rules governing the practice of acupuncture, specifically Idaho Code Section 54-4712, and further constitutes grounds for disciplinary action

against his license to practice acupuncture in the state of Idaho pursuant to Idaho Code Section 54-4711(3).

3. Ms. Russell had previously had a bi-lateral mastectomy with reconstruction. During the appointment with Ms. Russell, Respondent requested to see the reconstruction work on Ms. Russell's breasts. Respondent asked Ms. Russell questions about the reconstruction, such as where the incisions were made, if she had nipples or if they were reconstructed, and what it felt like. Ms. Russell was wearing a bra, and Respondent ran his fingers over the exposed portion of one or both of Ms. Russell's breasts. Respondent's inquiry of Ms. Russell into the reconstruction of her breasts and Respondent's touching of Ms. Russell's breast(s) constitutes a violation of the laws and rules governing the practice of acupuncture, and further constitutes grounds for disciplinary action against his license to practice acupuncture in the state of Idaho pursuant to Idaho Code Section 5404711(5).

4. On May 24, 2002, Cindy Rowland, an investigator from the Idaho Bureau of Occupational Licenses, interviewed Respondent and requested to see Respondent's medical records for Ms. Russell. Respondent admitted that he did not have any such medical records. Respondent's failure to keep accurate records for each patient constitutes a violation of the laws and rules governing the practice of acupuncture, specifically IDAPA 24.17.01.401, and further constitutes grounds for disciplinary action against his license to practice acupuncture in the state of Idaho pursuant to Idaho Code Section 54-4711(3).

5. During the interview with Ms. Rowland on May 24, 2002, Respondent's failure to maintain confidentiality of information pertaining to an identifiable client constitutes a violation of the laws and rules governing the practice of acupuncture and further constitutes grounds for disciplinary action against his license to practice acupuncture in the state of Idaho pursuant to Idaho Code Section 54-4711(4).

No formal Answer was filed by the Respondent in this matter.

C. Additional Pleading and Actions.

The following additional pleadings and actions have been taken in this matter:

1. A Notice of Proposed Default Order signed by Therese Hahn, Chair of the Board dated November 27, 2002.

2. Respondent submitted a letter to the Idaho Bureau of Occupational Licenses, which was received on December 10, 2002.

3. An Order of Default signed by Ms. Hahn was issued on December 12, 2002.

4. This hearing officer was appointed on May 24. 2003, and a Notice of Hearing setting this matter for hearing on June 26,2003, was issued by the Idaho Bureau of Occupational Licenses on May 24, 2003.

D. Contested Case Proceedings Under the Idaho Administrative Procedures Act.

The Board is authorized to conduct hearings in furtherance of its licensing function. Idaho Code §§ 54-4705 and 54-4711. The Idaho Acupuncture Act states that hearings are to be conducted in accordance with the provisions of IDAPA. Idaho Code § 54-4711 authorizes the Board to protect the health, safety, and welfare of the public in accordance with the requirements of Chapter 52, Title 67, Idaho Code (the Idaho Administrative Procedures Act) in the refusal to renew, suspend or revoke a license or certificate. An administrative hearing conducted in accordance with the Idaho Administrative Procedures Act is denominated a "contested case." Idaho Code §§ 67-5201(6) and 67-5240. In conducting a contested case proceeding and issuing findings of fact, conclusions of law, and recommended orders, the presiding officer and hearing board are guided by express provisions of IDAPA, the Administrative Procedure of the Attorney General as the standards for the procedures employed in conducting contested cases. Idaho Code § 67-5206(2); IDAPA 01.01.01.003. The Board, as the moving party in this proceeding, has the burden of proof.

E. Summary of the Testimony and Evidence Presented at the Administrative Hearing.

At a hearing held on June 26, 2003, the Board presented evidence in the testimony under oath of the patient, Ms. Pamela Russell; the investigator, Ms. Cindy Rowland; and offered the admission of eight exhibits. The Respondent had no objections to any of the exhibits offered by the Board. All exhibits were admitted. The Respondent testified under oath in his own behalf. He offered no exhibits.

The Board's exhibits consisted of:

1. Supplemental Investigative Report dated December 13, 2002, three Payette County Judgments in criminal cases dated December 2, 2002, with Respondent as defendant, total of five pages.

2. Four-page Final Stipulated Order in Case No 2002-1016 before the Oregon Board of Chiropractic Examiners in the matter of Trev Wheeler, D.C.

3. Eleven-page summary Investigation report of the Oregon Board of Chiropractic Examiners.

4. Occupational Licenses Licensee Listing—one page.

5. Copy of a check for $500 paid to the order of the Bureau of Occupational License on the account of Trev Wheeler or Becky Wheeler, signed by Trev Wheeler with notation on page stating: For reinstatement—will send in the rest as soon as possible—as per a discussion w/Carl with an illegible signature.

6. Photograph of a sign located at 401 N. Whitley Drive in Fruitland, Idaho, advertising Dr. Trev Wheeler.

7. Print out of a report from Cin-Bad, the Official Actions Data of the Federation of Chiropractic Licensing Boards regarding Trev Dean Wheeler (four pages).

8. Three-page typed transcript prepared by Cindy Rowland of the tape recording made by Ms. Russell for the Fruitland Police Department.

The testimony of Ms. Russell established that she attended an appointment with the Respondent at his office located at 401 North Whitley Drive in Fruitland, Idaho, on May 7, 2002, and, as a result of the conduct of the Respondent, she contacted the Fruitland Police Department on May 9, 2002, and also made contact with the Idaho Bureau of Occupational Licenses. Her concerns were that she did not complete any type of patient information form for the Respondent; that the Respondent did not take a medical history; that the Respondent did an "adjustment" that was like the one that her chiropractic practitioner, Dr. Mess, performed; that the Respondent touched her side in the area of her breast.

Subsequent to her discussion with law enforcement, Ms. Russell revisited the Respondent's office with a tape recorder supplied by the Fruitland Police Department; the Respondent showed her acupuncture needles that he had used with a prior patient. Ms. Russell made a complaint to the Oregon Board of Chiropractic Examiners.

The testimony of Ms. Russell regarding the treatment in Respondent's office was generally consistent with the subsequently presented testimony of Ms. Rowland regarding Ms. Russell's prior statements in their interview, and the written report of the Oregon investigator, Exhibit 3 which details Ms. Russell's allegations. The veracity and character of Ms. Russell was addressed in the interviews with her chiropractor, Dr. Mess; an acquaintance of 25 years; and a friend of 13 years. Each found her to be credible and without a motive to fabricate.

Although the Respondent denied having touched the patient inappropriately or without permission, he has pled guilty to the criminal battery charge and agreed to a stipulation regarding his practice of chiropractic in the state of Idaho. Respondent testified that he did touch the breast area of the patient. He states that he asked permission and that permission was granted prior to his touching of the patient's breast area. He states that the patient was very forward in her actions, "whipping her shirt off." Tr., p. 79, Ll. 24; p.115, Ll. 14-17; p.118, Ll. 14-18; and Exhibit 3, p. 6. He testified:

> I did not run my hands around the side of her breast. She had her breast cupped in her hand like that (demonstrating). I did not run my hands across the top of her breast. I did not run my hands around the side of her breast, because she had her breast cupped up like that exposing a huge scar. And that's where I touched one finger, right there on the scar. I was in total—I was all in interest of learning about reconstructive surgery, about mastectomy. It had nothing to do with jollies or inappropriateness. That didn't even cross my mind. What crossed my mind was being upset that she was so forward and exposing herself. But I guess I was just overtaken by the opportunity to learn something.

Tr., p. 83, Ll. 3-18.

Respondent acknowledged that on the second visit of the patient he did not handle needles appropriately: "I was sloppy in the handling of my needles, although they were in a plastic container; and at that time they were in a water bottle that I do have and the –I was keeping—and I didn't have a sharps unit from the hospital, which I do have now." Tr., p. 85, Ll. 4-12; pp. 87-90.

Testimony of Ms. Rowland and of the Respondent established that he was initially licensed by the Idaho Bureau of Occupational Licenses on July 1, 2000, as an acupuncturist and that he did not receive a renewal of his license in the licensure period of July 1, 2001, through June 4, 2002. Tr., pp. 86-90. Evidence regarding the reasons for non-renewal of the license to practice acupuncture during this period is inconclusive.

Respondent acknowledged that he did not take a medical history of the patient and did not create a medical record simultaneously with the time of treatment of Ms. Russell. Respondent stated he created the medical record for the patient immediately after the visit of the investigator, Ms. Rowland. Tr., p. 108, Ll. 19-23.

The Respondent currently resides in Parma and practices only in the Vale, Oregon. He is not currently practicing any healing arts of any kind in Idaho. Respondent asserts that there are only semantic differences between some chiropractic manipulations or adjustments and the manipulations done by a naturopath. He stated he was licensed at the time of the hearing as an acupuncturist in Idaho and that he also practices naturopathy in Idaho, which does not require licensure in Idaho. He is not licensed as a chiropractor in Idaho but is licensed as a chiropractor in the state of Oregon, and does practice as a chiropractor in Vale, Oregon. He is not licensed as a naturopath in Oregon, and does not practice naturopathy in Oregon. Respondent asserts in his testimony that the "adjustment" that he did on the patient on May 7, 2002, at his office was "under the auspice of a naturopathic

manipulative therapy as allowed naturopaths in the state of Idaho because they're staying within their scope of practice." Tr., pp. 75-76.

Respondent was charged by Bert L. Osborn, Fruitland City Prosecutor in Payette County, Idaho, with Practicing Chiropractic without a license, Practicing Acupuncture without a license, and Sexual Assault by a Medical Provider. Respondent pled guilty to the practice of acupuncture without a license, a conviction was entered, and Judge Dillon sentenced Respondent on December 2, 2002, to pay a fine and costs of $190. On December 2, 2002, Judge Dillon dismissed the charge of unlawful practice of chiropractic without a license. The charge of sexual assault by a medical practitioner was reduced to a misdemeanor battery to which the Respondent pled guilty and a conviction was entered. Respondent was sentenced to pay a fine and costs of $190, to 12 months of unsupervised probation, and to perform 16 hours of community service to be completed by March 1, 2003. Judge Dillon also stated in his written order dated December 2, 2002, that "[F]ailure to report for community service or failure to follow rules will result in arrest. Remain licensed."

The Oregon Board of Chiropractic Examiners issued a Final Stipulated Order dated April 17, 2003. The Final Stipulated Order states in the Conclusions of Law:

> The board finds that the acts committed by Licensee and of which he was convicted in Fruitland, Idaho, are also in violation of the Oregon Revised Statutes which apply to Oregon Chiropractors. These acts would violate ethical conduct toward a patient and could reasonably be interpreted as sexual or sexually demeaning, that Licensee failed to get the informed consent of the patient for the procedure prior to touching her breasts, in addition, to being convicted of two misdemeanors involving crimes of moral turpitude. If proven, these would be violations of ORS 684.100(1)(d), (g)(A) and, OAR 811-03500015(1)(a) and OAR 811-035-0005(2).
>
> The Board finds that the convictions were based on findings of unprofessional conduct that involved moral turpitude.

Respondent stated that he was advised by legal counsel to plead guilty to the criminal complaints as a part of the plea agreement to dismiss the third criminal complaint regarding the practice of chiropractic. He also states that the disclaimer in the stipulation with the Oregon Board of Chiropractic Examiners is true.

> Licensee denies that the patient did not provide informed consent prior to examination. Licensee denies that he violations would be crimes involving moral turpitude.

Respondent stated that he did not ask for a signed consent to disclose medical information prior to talking to the investigator, Ms. Rowland, regarding his patient, Ms. Russell.

There was no evidence presented establishing the generally-accepted standards for the practice of acupuncture with the state of Idaho. There was no evidence presented by either of the Parties establishing the generally-accepted standards for the practice of chiropractic or naturopathy within the state of Idaho.

II.

BOARD'S DISCIPLINARY STANDARDS

The Idaho Legislature intended in the passage of the Chapter 47, Title 54, to aid in the provision of acupuncture services of high quality to the people of Idaho and to fulfill the purpose the chapter provides for the licensure and regulation of acupuncturists within the state of Idaho. Idaho Code § 54-4701.

The issue presented in this contested case is whether the Complaint filed in this matter contained sufficient cause or grounds that, if proven, required and warranted disciplinary action by the Board against the license for the practice of acupuncture of Respondent, and, if so, the nature of the disciplinary action, if any.

III.

FINDINGS OF FACT

1. Respondent was licensed initially in the state of Idaho to engage in the practice of acupuncture on July 1, 2000. Respondent was not licensed in the state of Idaho to practice acupuncture in May 2002.

2. Respondent did engage in the practice of acupuncture on May 7, 2002, and did treat a patient on that date at the office he maintained in his home at 401 North Whitley Drive in Fruitland, Idaho.

3. In the course of treatment of a patient on May 7, 2002, Respondent did touch the breast area of the patient without medical treatment justification. The evidence is in conflict as to whether the patient was asked for consent and if, subsequently, consent was voluntarily given by the patient. There is extensive corroborative evidence of the veracity of the patient. There is no such objective corroborative evidence as to the veracity of the Respondent. This hearing officer finds that the Respondent touched the patient in the area of the breast without treatment justification or the voluntary, knowing consent of the patient.

4. Respondent did not create a medical record for the patient treated on May 7, 2002, at the time of treatment and did not create a medical treatment record until subsequent to the interview by the Idaho Bureau of Occupational Licenses investigator.

5. Respondent did disclose information regarding the patient seen by him on May 7, 2002, without obtaining or seeing a signed consent of the patient, in the course of being interviewed by the Idaho Bureau of Occupational Licenses investigator.

6. The hearing officer takes judicial notice of the content of IDAPA 24.17.01.401:

   > A practitioner shall keep accurate records of each patient the practitioner treats. The records shall include the name of the patient, the indication and nature of treatment given, and any other relevant data deemed important by the practitioner. Records shall be kept on file for a minimum of five (5) years and shall be open to inspection at any time by the Board or its duly authorized representative and shall be made available to the patient on request.

   Ms. Rowland, as an investigator for the Idaho Bureau of Occupational Licenses, was a duly authorized representative of the Board.

7. Respondent made an adjustment or joint manipulation of the patient on May 7, 2002.

8. Respondent is not currently, and never has been, licensed to practice chiropractic in the state of Idaho.

9. Respondent pled guilty to and was convicted on the practice of acupuncture without being properly licensed, and to a misdemeanor battery.

10. Respondent signed a Stipulation to the Oregon Board of Chiropractic Examiners that he failed to get consent prior to touching the breast of the patient.

11. Respondent did not appropriately handle used acupuncture needles in his office.

IV.

CONCLUSIONS OF LAW

1. The Board may refuse to issue a license or certification, refuse to renew a license or certification, or may suspend or revoke a license or certification under such conditions as the Board may determine, for a violation of the Idaho Code Title 54, Chapter 47, or the rules of the Board promulgated pursuant to Idaho Code Section 54-4711.

2. Respondent's license to engage in the practice of acupuncture was not renewed for the period of July 1, 2001, to June 4, 2002. Respondent did hold himself out as a licensed acupuncturist, did display a sign at his place of business representing that he was authorized to practice as an acupuncturist, and did engage in the practice of acupuncture while he was not duly licensed in the state of Idaho, all in violation of Idaho Code Section 54-4703.

3. Respondent pled guilty to and was convicted of the crime of battery, in which the victim was a patient. The circumstances of this crime constitute a violation involving moral turpitude.

4. Respondent engaged in the practice of acupuncture in a manner that does not meet the generally- accepted standards for the practice in that he did not properly dispose of used acupuncture needles.

5. Respondent did touch a patient in the area of her breast without medical treatment justification or permission of the patient; thus, engaging in conduct that constitutes an abuse or exploitation of a client arising out the trust and confidence placed in the acupuncturist by the client. Idaho Code § 54-4711 (5).

6. Respondent did not timely create a patient record.

7. Disclosure of patient information in the course of an investigative interview by a duly authorized representative of the Board was not a violation of confidentiality pursuant to IDAPA 24.17.01.401 and Idaho Code Section 54-4711 (4).

8. Respondent was not licensed to practice chiropractic in the state of Idaho. Respondent did engage in practice that resulted in a manipulation or adjustment of the patient. The evidence presented is not sufficient for a determination to be made that such action by the Respondent constituted the practice of chiropractic. Idaho Code § 54-4712.

V.

RECOMMENDED ORDER

It is the Recommended Order of the Hearing Officer that the Board of Acupuncture take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

VI.

APPEAL RIGHTS

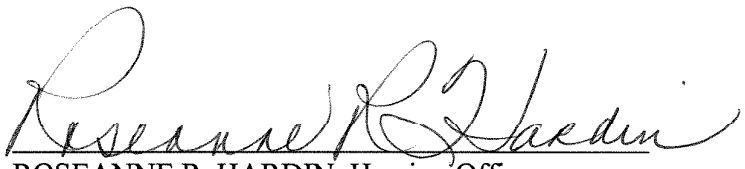
Pursuant to Idaho Code Section 67-5244 and IDAPA 04.11.01.720.02:

a. This is a recommended order of the hearing officer. It will not become final without action of the agency head. Any party may file a petition for reconsideration of this recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

b. Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

c. Written briefs in support of or taking exception to the recommended order shall be filed with the agency head (or designee of the agency head). Opposing parties shall have twenty-one days to respond. The agency head or designee may schedule oral argument in the matter before issuing a final order. The agency head or designee will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The agency head (or designee of the agency head) may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

DATED this 30th day of July, 2003.



ROSEANNE R. HARDIN, Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of July, 2003, the original of the within and foregoing document was served by U.S. Mail, postage prepaid, upon:

Idaho State Board of Acupuncture
1109 Main Street, Suite 220
Boise, Idaho 83702-5642

and a true and correct copy of the within and foregoing document was served upon the following persons in the manner indicated below:

Cheri L. Bush, Deputy Attorney General
Idaho Attorney General's Office
650 West State Street, Lower Level
P.O. Box 83720
Boise, Idaho 83720-0010

__X__ **via U.S. MAIL, POSTAGE PREPAID**
_____ **via HAND DELIVERY**
_____ **via FACSIMILE TO 334-2830**

Trev D. Wheeler
33532 Applevalley Road
Parma, Idaho 83660

__X__ **via U.S. MAIL, POSTAGE PREPAID**
_____ **via OVERNIGHT DELIVERY**

Roseanne R. Hardin