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**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
**IN MEDICINE AND SURGERY**

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IN THE MATTER OF:	)	Case No.: DO-10-0165
	)	
<b>DAVID LINCOLN THORSON, D.O.</b>	)	<b>CONSENT AGREEMENT FOR</b>
Holder of License No. 005363	)	<b>SURRENDER OF LICENSE</b>
	)	
For the practice of osteopathic medicine in the	)	
State of Arizona	)	
	)	
	)	

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and David Lincoln Thorson, D.O. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. Respondent admits to the statement of facts and conclusions of law contained in the Consent Agreement and Order.

1           5.     This Consent Agreement, or any part thereof, may be considered in any future  
2 disciplinary action against Respondent.

3           6.     This Consent Agreement does not constitute a dismissal or resolution of other  
4 matters currently pending before the Board, if any, and does not constitute any waiver, express or  
5 implied, of the Board's statutory authority or jurisdiction. The acceptance of this Consent  
6 Agreement does not preclude any other agency, subdivision or officer of this State from  
7 instituting other civil or criminal proceedings with respect to the conduct that is the subject of  
8 this Consent Agreement.

9           7.     All admissions made by Respondent are solely for final disposition of this matter  
10 and any subsequent administrative proceedings or litigation involving the Board, Respondent and  
11 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any  
12 other purpose or administrative regulatory proceeding or litigation in another state or federal  
13 court.

14           8.     Upon signing this agreement, and returning this document (or a copy thereof) to  
15 the Board's Executive Director, Respondent may not revoke the acceptance of the Consent  
16 Agreement. Respondent may not make any modifications to the document. Any modifications to  
17 this original document are ineffective and void unless mutually approved by the parties.

18           9.     If the Board does not adopt this Consent Agreement, Respondent will not assert as  
19 a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice,  
20 prejudgment or other similar defense.

21           10.    This Consent Agreement, once approved and signed, is a public record that will  
22 be publicly disseminated as a formal action of the Board and will be reported to the National  
23 Practitioner Data Bank and to the Board's website.



1 Child Pornography and Count Two: 18 U.S.C § 2252A(a)(5)(B)— Possession of Child  
2 Pornography.

3 4. On September 22, 2010, the Board received a copy of the Plea Agreement for  
4 Case No. 10-20085, *United States of America v. David Lincoln Thorson*, in the United States  
5 District Court Eastern District of Michigan Southern Division, and signed by Respondent on  
6 April 19, 2010. Respondent entered a plea of guilty to Count Two—Possession of Child  
7 Pornography.

8 5. Final sentencing in Case No. 10-20085 will take place at the end of October,  
9 2010.

#### 10 CONCLUSIONS OF LAW

11 1. The Board possesses jurisdiction over the subject matter herein.

12 2. The allegations described in paragraphs 1, 3 and 4 above constitutes  
13 unprofessional conduct as defined by A.R.S. § 32-1854 (2), which states, “Committing a felony,  
14 whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either  
15 case conviction by any court of competent jurisdiction is conclusive evidence of the  
16 commission.”

17 3. The Board has the authority to informally dispose by stipulation, agreed  
18 settlement, consent order or default pursuant to A.R.S. § 41-1092.05(F)(5).

19 4. The Board possesses statutory authority to enter into a consent agreement with a  
20 physician and accept the surrender of an active license from a physician who has admitted in  
21 writing to an act of unprofessional conduct under A.R.S. § 32-1855(M).

#### 22 ORDER

23 1. **IT IS HEREBY ORDERED THAT** License Number 005363, issued to David  
24 Lincoln Thorson, D.O., for the practice of osteopathic medicine in the State of Arizona, is  
25 **SURRENDERED**, and that David Lincoln Thorson, D.O. shall immediately return his wallet

1 card and shall no longer engage in the practice of medicine in the State of Arizona after the  
2 effective date of this Order.

3 2. Any violation of this Consent Agreement constitutes unprofessional conduct and  
4 may result in disciplinary action and or referral to the appropriate criminal agency.



6 ISSUED THIS 22<sup>nd</sup> DAY OF Nov, 2010.  
7 STATE OF ARIZONA BOARD  
8 OF OSTEOPATHIC EXAMINERS IN  
9 MEDICINE AND SURGERY

10 By: Elaine LeTarte  
11 Elaine LeTarte, Executive Director

12 Original "Consent Agreement for Surrender  
13 Of License" filed this 22<sup>nd</sup> day of Nov 2010 with the:

14 Arizona Board of Osteopathic Examiners  
15 In Medicine and Surgery  
16 9535 East Doubletree Ranch Road  
17 Scottsdale AZ 85258-5539

18 Copy of the foregoing "Consent Agreement  
19 For Surrender of License" sent via certified,  
20 return receipt requested this 23<sup>rd</sup>  
21 day of Nov, 2010 to:

22 David Lincoln Thorson D.O.  
23 Address of Record

24 Copies of the foregoing "Consent Agreement  
25 For Surrender of License" sent via regular  
mail this 23<sup>rd</sup> day of Nov, 2010 to:

Camila Alarcon, AAG  
Office of the Attorney General CIV/LES  
1275 West Washington  
Phoenix AZ 85007