

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

AUG 02 2002

Plaintiff, )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

v. )

CASE NO. 02-04-2491

TROY ANTHONY TORTORICI, M.D., )  
LICENSE NO. 19410, )

Defendant. )

**ANSWER OF DEFENDANT TROY ANTHONY  
TORTORICI, M.D.**

Troy Anthony Tortorici, M.D. (“**Tortorici**”) for Answer to the Complaint alleges:

Tortorici admits the allegations of paragraphs 1 and 2.

2. Tortorici admits the allegations of paragraph 3, except that he denies the employment of chiropractors to the extent that the allegations might be intended to assert current employment of Kris Wilson.

3. As to paragraphs 4 through 18, Tortorici is currently without information sufficient to form a belief as to the truth of factual matters alleged. Tortorici disputes allegations that are conclusory, evaluations, inferences, or opinions.

4. Tortorici denies the factual matters in Paragraph 19, and disputes the matters that are conclusory, evaluations, inferences or opinions.

5. In further defense, Tortorici alleges:

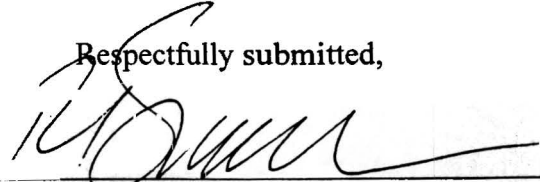
a. The Complaint must be dismissed because it fails to state a claim upon which relief may be granted.

b. The Complaint must be dismissed because the statutes and regulations allegedly supporting prosecution lack the clarity and specificity required by the United States Constitution, Amendment XIV and the Oklahoma Constitution Art. 2, sec. 7, for enforcement in a penal proceeding.

c. The Complaint must be dismissed because the statutes authorizing penalties are overly broad in the scope and lack standards required by protections of the United States Constitution, Amendment XIV and the Oklahoma Constitution, Art. 2, sec. 27, against grossly excessive penalties.

WHEREFORE, Troy Anthony Tortorici requests that the Complaint be dismissed.

Respectfully submitted,



R. BROWN WALLACE, OBA #9130  
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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

This is to certify that I did, on this 2 day of August, 2002, mail a true and correct copy of the above and foregoing to:

Elizabeth A. Scott OBA 12470  
Assistant Attorney General  
State of Oklahoma  
5104 North Francis, Suite C  
Oklahoma City, Oklahoma 73118

