MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DAVID E. SMOCK, **Appellant**,
v.
MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS,
Respondent.

DOCKET NUMBER WD88558

DATE: September 22, 2026

Appeal From:

Cole County Circuit Court
The Honorable Cotton Walker, Judge

Appellate Judges:

Division One: Gary D. Witt, Presiding Judge, Mark D. Pfeiffer, Judge, and Thomas N. Chapman, Judge

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Attorneys:

David Barrett, Jefferson City, MO for Appellant.
Adam Grayson, Jefferson City, MO for Respondent.
Trevor Ulm, Jefferson City, MO for Respondent.
Sam Lincoln, Jefferson City, MO for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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DAVID E. SMOCK, **Appellant**,
v.
MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS, **Respondent**.

WD88558 Cole County

Before Division One: Gary D. Witt, Presiding Judge, Mark D. Pfeiffer, Judge, and Thomas N. Chapman, Judge

David Smock ("Smock") appeals from a judgment of the Circuit Court of Cole County that affirmed a decision of the Missouri State Board of Registration for the Healing Arts (the "Board") to revoke Smock's physician and surgeon license. On appeal, Smock argues that the Board erroneously refused to consider evidence and that the Board erroneously allowed Board counsel to ask Smock an excessive number of questions that resulted in his invocation of his Fifth Amendment right against self-incrimination.

AFFIRMED.

Division One holds:

1. Generally, appellate courts will not review a claim of error regarding the exclusion of evidence without a specific and definite offer of proof. This rule has been applied to contested case hearings such as Smock's disciplinary hearing. Smock failed to attempt to make such an offer of proof. In any case, Smock failed to make an argument showing that any particular exhibit would be admissible in light of the multiple distinct objections that were made at the hearing.

2. Generally, an appellate court will not set aside an administrative action unless the agency has been given a prior opportunity to consider and rule on the issue being raised on appeal. By failing to raise an objection at the disciplinary hearing regarding the line of questioning he asserts was improper, Smock failed to preserve the issue for appeal.

Opinion by: Thomas N. Chapman, Judge September 22, 2026

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