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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF PSYCHOLOGICAL EXAMINERS

In the Matter of the Suspension  
or Revocation of the License of

Dominic DeCencio, Ph.d.

To Practice Psychology  
in the State of New Jersey

Administrative Action  
COMPLAINT

DEBORAH T. PORITZ, ATTORNEY GENERAL OF NEW JERSEY, by Denise A. Cobham, Deputy Attorney General, with offices located at 124 Halsey Street, Newark, New Jersey, on the basis of information and belief, by way of Complaint says:

COUNT I.

1. Complainant, Attorney General of New Jersey, is charged with enforcing the laws in the State of New Jersey, pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons licensed by the Board of Psychological Examiners, pursuant to N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Psychological Examiners is charged with the duty and responsibility of regulating the practice of

psychology in New Jersey pursuant to N.J.S.A. 45:14B-1 et seq.

3. During all times pertinent to the within Complaint, Respondent Dr. Dominic DeCencio was engaged in the practice of psychology at 1138 East Chestnut Avenue, Building 5, Vineland, New Jersey 08360, and held license number 230.

4. During all times pertinent to the within Complaint, N.J.A.C. 13: 42-4.1(a)(1)(xvi)(1)<sup>1</sup> prohibited unethical or unprofessional conduct. Physical contact of a sexual nature between a psychologist and a client constitutes one form of such prohibited conduct. Section 4.1(a)(1)(xvii)(4) proscribed participation in a conflict of interest which includes exploitation of the trust and dependency of clients and exploitation of the professional relationship with a client.

5. On or about August 30, 1989, Ms. E.J. consulted Respondent for treatment of anticipated marital problems due to the imminent retirement of her spouse. Dr. DeCencio diagnosed M.S. as suffering from possible marital difficulties and possible sexual dysfunction and within a psychologist - patient relationship rendered psychological services, including psychotherapy, in order to treat these conditions.

6. During the course of an ongoing psychologist - patient relationship, and regularly continuing thereafter, Dr. DeCencio, on several occasions, engaged in sexual contact or sexual conduct with E.J., including sexual intercourse, in her home, hugging and kissing, and the exposing of his penis to her in his office.

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<sup>1</sup>On November 1, 1993 the Board regulations cited herein were repealed and new regulations were adopted. The new regulations continue each prohibition cited herein as unlawful conduct. See N.J.A.C. 13:42-10.9 and N.J.A.C. 13:42-10.13.

7. After October 12, 1989, and continuing approximately until January, 1990, at a time when the psychologist-patient relationship was deemed terminated, the Respondent continued to have sexual contact with E.J., including sexual intercourse, as well as, have lunch and take trips to Atlantic City.

8. Respondent's engaging in a course of sexual conduct with E.J. during a psychologist - patient relationship violated N.J.A.C. 13:42-4.1(a)(1)(xvi)1 and 4.1(a)(1)(xvii)(4). Respondent's conduct under these circumstances further constituted gross and repeated malpractice, professional misconduct, and failure to maintain the ongoing requirement of good moral character, all in violation of N.J.S.A. 45:1-21(b), (c), (e) and (h) and N.J.S.A. 45:14B-14(b) and 24(e) and (f). Each separate instance of said conduct constitutes a separate transaction and a separate offense.

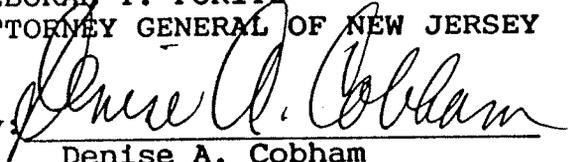
WHEREFORE, Complainant demands the entry of an Order against Respondent including the following:

1. The suspension or revocation of the license heretofore issued to Respondent to practice psychology in the State of New Jersey.
2. Imposition of civil penalties for each separate unlawful act as set forth in Count 1.
3. Imposition of costs, including investigative costs, fees for experts and witness expenses, and costs of trial including transcripts.
4. Reimbursement to patients and/or third party payors and/or the payor agency of all monies received for acts found to be unlawful in the circumstances alleged herein.

5. Direction to cease and desist from the unlawful conduct proved;  
and  
6. Such other and further relief as the Board of Psychological  
Examiners shall deem just and appropriate.

DEBORAH T. PORITZ  
ATTORNEY GENERAL OF NEW JERSEY

By:



Denise A. Cobham  
Deputy Attorney General

Dated:

July 22, 1994