

**FILED**

JUL 16 2004

**GERALD C. ESCALA**  
P.J.S.C.

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Division of Consumer Affairs  
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Board of Medical Examiners

By: Susan C. Berger  
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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: BERGEN COUNTY  
DOCKET NO. C-000005-04

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PETER HARVEY, ATTORNEY  
GENERAL OF NEW JERSEY; RENI :  
ERDOS, DIRECTOR OF THE NEW :  
JERSEY DIVISION OF CONSUMER :  
AFFAIRS; and THE NEW JERSEY :  
STATE BOARD OF MEDICAL :  
EXAMINERS, :

plaintiffs, :

v. :

ALAN LOUIS LUPINACCI, :

Defendant. :

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Civil Action

AMENDED FINAL ORDER

This matter was opened to the Court, by Plaintiffs, Peter Harvey, Attorney General of New Jersey, the New Jersey Division of Consumer Affairs and the State Board of Medical Examiners by

**CERTIFIED TRUE COPY**

the filing of an Order to Show Cause, with **Verified** Complaint, **supporting** exhibits **and** a brief **seeking** temporary restraints pending the return **date** of the Order **to Show** Cause.

The **Verified Complaint** alleged **that** the **license** of Alan Louis Lupinacci to **practice medicine** and surgery was revoked on June **15**, 1995 based on **his** guilty plea to ten **counts** of criminal sexual contact with his patients. The **Verified Complaint** further **alleged** that Lupinacci was **therefore unlicensed** to practice **medicine** and surgery, but nonetheless engaged in the practice of medicine and surgery on June 27, 2003, June 30, 2003 and **October 15**, 2003 at the Wyckoff Health Shoppe LLC which is presently **located at 574 Franklin Avenue**, Franklin Lakes, New Jersey and which **was previously located at 637 Wyckoff Avenue, Wyckoff**, New Jersey. **Alan** Louis Lupinacci consented to temporary restraints **via an order** entered on January 7, 2004.

In or **about** February 13, 2004 **Alan** Louis Lupinacci (**by** Robert S. Damiano, Esq.) **filed** an **answer** admitting **some** of the allegations and denying **othexs**. On May 10, 2004, a summary hearing regarding the allegations in the complaint was held **wherein** the Attorney **General** **appeared** by Susan C. **Berger**, D.A.G. and **Alan** Louis Lupinacci **appeared** with **counsel**, Robert S. Damiano, Esq. A **consumer** and the **defendant** testified. On **May 18**, 2004, **the** Honorable Gerald C. Escala, J.S.C. issued a written decision finding that **Alan** Louis Lupinacci **engaged** in the

unlicensed practice of **medicine** and **surgery** and directing that an Order implementing his decision be filed under the five day rule.

IT IS on this 16 day of July, 2004

ORDERED:

1. Defendant Alan Louis Lupinacci is permanently restrained and enjoined from engaging in, or holding himself out as engaging in, the **practice** of medicine and surgery, including but not limited to counseling patients/clients, in a nutritional **counseling business**, health **shop**, health **care** service or similar establishment and from using the title or designation "doctor", "M.D.", "ND", "Naturopathic Physician", "Nutritional Doctor" or any other title denoting licensure in any **dealings** with clients or the **public** in connection with any nutritional counseling business, health shop, health care service or similar establishment and from **displaying** any signs, diplomas, cards or other **documents** containing the **title** "M.D.," "N.D." and/or "doctor" on the premises of a nutritional **counseling** business, health **shop**, health care **service** or similar establishment pursuant to N.J.S.A. 45:9-1 et seq., unless and until he is duly authorized **by** the Board of Medical Examiners to **do so**.

2. Defendant Alan Louis Lupinacci is permanently restrained and **enjoined** from **engaging** in **any** unconscionable commercial **practice**, fraud, deception, false **promise**, false **pretense** or **misrepresentation** including but not limited to

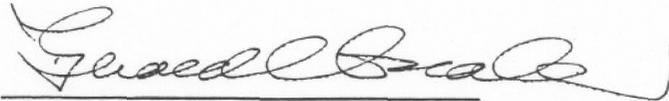
falsely representing himself *as* a doctor, "MD", "ND", Naturopathic Doctor and/or Nutritional Doctor and/or using any other title implying he is authorized to practice medicine, and/or examine patients/clients, diagnose any medical, physical and/or mental conditions and/or prescribe products in connection with any nutritional counseling, health shop, health care service or similar establishment in violation of the Consumer Fraud Act.

3. Defendant, Alan Louis Lupinacci shall pay costs in the amount of \$2,190.40 to the State of New Jersey by certified check or money order payable to the Treasurer, State of New Jersey which shall be mailed or delivered to Susan C. Besger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101 within 60 days of the date of entry of this order.

4. Defendant, Alan Louis Lupinacci shall pay attorneys fees in the amount of \$6,000.00 to the State of New Jersey by certified check or money order made payable to the Treasurer, State of New Jersey which shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101 within 60 days of the date of entry of this order.

5. Defendant, Alan Louis Lupinacci shall pay civil penalties in the amount of \$2,500.00 to the state of New Jersey by certified check or money order made payable to the Treasurer,

State of New Jersey which shall be mailed or delivered to Susan C. Berger, Deputy Attorney General, Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101 within 60 days of the date of entry of this order.



Gerald C. Escala, J.S.C.