



RICHARD J. CODEY
Acting Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 10th Floor, Newark, NJ 07102

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

March 11, 2005



PETER C. HARVEY
Attorney General

JEFFREY BURSTEIN
Acting Director

Mailing Address:
P.O. Box 45004
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By Certified and Regular Mail

Michael Carbone, D.C.
Total Health Physical Medicine
& Rehabilitation Center
171 Ridgedale Ave. Suite J
Florham Park, NJ 07932

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Carbone:

This letter is to advise you that the New Jersey State Board of Chiropractic Examiners (the "Board") has had an opportunity to review information concerning the advertisement of your practice, a copy of which is attached hereto.

It appears from that review that you have failed to include the name of at least one licensee responsible for the chiropractic practice in the facility identified in the advertisement; and that your advertisement has offered free services (*i.e.*, a "FREE Consultation") without stating the value of the free services, or that the offered free services are routinely or ordinarily performed free of charge in your practice, if that is the case.

At this juncture, the Board has preliminarily concluded that probable cause exists to support a finding that you violated N.J.A.C. 13:44E-2.1(i) by failing to include the name of at least one licensee in the advertisement; and N.J.A.C. 13:44E-2.1(g) by failing to state the value of the free consultation being offered in the advertisement, or that the consultation is ordinarily free of charge.

The above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

1. cease and desist from the aforesaid violations;
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$500.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter).

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 693-5056.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD
CHIROPRACTIC EXAMINERS

By: Joanne Boyer
Joanne Boyer, Acting
Executive Director

ACKNOWLEDGMENT: I, Michael Carbone, D.C., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$500.00 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.


Michael Carbone, D.C.

Dated:

cc: John D. Hugelmeyer, Deputy Attorney General