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FILED

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

By: Siobhan B. Krier
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

RICHARD J. NARDONE, D.C.
License No. MC257700

TO PRACTICE CHIROPRACTIC IN THE
STATE OF NEW JERSEY

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: Administrative Action
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: FINAL CONSENT ORDER
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This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter, "Board") upon receipt of information from the Division of Criminal Justice, Office of the Insurance Fraud Prosecutor and Division of Taxation, that criminal charges were pending against Richard J. Nardone, D.C. (hereinafter, "Respondent") stemming from his defrauding the State of New Jersey out of approximately \$117,000 in business and income taxes.

In 1998, Dr. Nardone maintained chiropractic offices at 150 Main Street, Orange, New Jersey and the Elmora Family Chiropractic Center at 520 Westfield Avenue, Elizabeth, New Jersey. Dr. Nardone also owned or controlled several other

healthcare facilities engaged in providing services including physical therapy/rehabilitation, medical durable goods and diagnostic testing. Entities controlled by Dr. Nardone included: Camino Rehabilitation, located at 765 Mountain Avenue, Springfield, New Jersey, Hermosa Medical Services, Inc., located at 520 Westfield Avenue, Elizabeth, New Jersey, Professional Medical Technologies, Inc., located in Mountainside, New Jersey, Advanced Diagnostic, Inc., located at 68a Woodside Gardens, Roselle Park, New Jersey, and Medical Diagnostic, Inc., located in Mountainside, New Jersey.

By way of an 18-count indictment Dr. Nardone was charged on February 10, 2004 with third-degree conspiracy, filing of false and fraudulent income tax returns, failure to pay New Jersey gross income tax with the intent to evade, filing false and fraudulent New Jersey corporate tax return and misconduct by a corporate official. He pleaded guilty on October 4, 2004 before the Honorable Scott J. Moynihan, P.J.S.C. in the Superior Court of New Jersey, Union County, Law Division, Criminal Part.

Dr. Nardone has admitted that during the period of January 1, 1998 and May 31, 1999, he failed to report income he generated from the aforementioned corporations and knowingly and purposefully operated them with the intent to commit the crimes of filing false tax returns and evading taxes. Accordingly, Dr. Nardone was convicted on October 4, 2004 of: 1) filing false and fraudulent New Jersey income tax returns, in violation of N.J.S.A. 2C:2-6; 2) failure to pay New Jersey gross income tax with the intent to evade, in violation of N.J.S.A. 2C:2-6; and 3) misconduct by a corporate official, in violation of N.J.S.A. 2C:21-9(c). On June 17, 2005, Dr. Nardone was

sentenced to probation for a period of 30 months and required to make restitution with taxes, interest and penalties, to the State of New Jersey.

The Board finds that Respondent has been convicted of a crime or offense involving moral turpitude or relating adversely to the practice of chiropractic, in violation of N.J.S.A. 45:1-21(f); has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation false promise or false pretense, in violation of N.J.S.A. 45:1-21(b); has engaged in professional or occupational misconduct, in violation of N.J.S.A. 45:1-21(e); and has failed to demonstrate good moral character, in violation of N.J.S.A. 45:9-6.

In lieu of further proceedings, Respondent and the Board of Chiropractic Examiners have agreed to the form and entry of the within Order.

Accordingly IT IS on this 5th day of December, 2005

ORDERED that:

1. Respondent, Richard J. Nardone, D.C.'s license to practice chiropractic in the State of New Jersey shall be hereby actively suspended for a period of five years, commencing on the entry of this Order.
2. Respondent shall not represent himself as a chiropractor or take any steps to renew his license nor engage in any service within the scope of chiropractic during the suspension period.
3. Respondent shall deliver his most recent original chiropractic license and his most recent biennial renewal application to the Executive Director, Board of

Chiropractic Examiners, P.O. Box 45004, Newark, New Jersey 07101 within thirty days of entry of this Order.

4. Respondent shall take and unconditionally pass, at his own expense, a Board-approved professional ethics course as a pre-condition to application for reinstatement. Respondent shall submit information regarding the proposed course to the Executive Director for approval prior to taking the course. Respondent shall submit to the Board an assessment and certificate of completion issued by the approved program prior to application for reinstatement.

5. Respondent's license to practice shall be subject to revocation in the event that the Board receives information revealing that Respondent has engaged in the practice of chiropractic or has failed to comply with any of the requirements or conditions set forth herein or with the requirements imposed upon him in any criminal proceeding.

6. At the conclusion of five years active suspension as set forth herein, Respondent may apply for license reinstatement provided that there is no sister-state disciplinary action, outstanding criminal action, PTI or criminal probation in effect at that time. Respondent's application shall be in writing and shall contain proof that he successfully completed criminal probation and that there is no outstanding criminal action against him in any State; proof that there is no sister-State licensing Board disciplinary investigation or final action against him; and such other information and documentation as the Board requires at that time. The burden shall be on the Respondent to demonstrate that he has complied with the terms of this Order and to

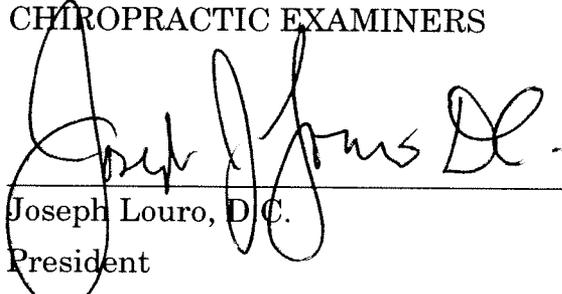
demonstrate that he is fit, competent and sufficiently rehabilitated to reenter chiropractic practice. If the board determines that Respondent's license shall be restored, Respondent agrees to be placed on probation in accordance with such conditions and restrictions as may be determined by the Board at that time.

7. As a condition of reinstatement, Respondent shall comply with the requirements of N.J.S.A. 45:1-7.1(d), applicable to licensees seeking renewal of a license or certificate suspended for more than 5 years past the expiration date.

8. Respondent shall comply with the portion of the standard "Directives" of the Board pertaining to licensees who have been disciplined, a copy of which is attached hereto and made a part of the within Order.

STATE BOARD OF
CHIROPRACTIC EXAMINERS

By:



Joseph Louro, D.C.
President

I have read the Order. I understand and agree to be bound by it.

A handwritten signature in black ink, appearing to read "Richard", written over a horizontal line.

Richard J. Nardone, D.C.

Consent is hereby given as to the form and entry of this Order.

A handwritten signature in black ink, appearing to read "Lawrence S. Lustberg", written over a horizontal line.

Lawrence S. Lustberg, Esq.
Attorney for Respondent