

ORIGINAL



ION S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



ANNE MILGRAM
Attorney General

By Certified and Regular Mail

December 26, 2008

FILED

JAN 06 2009

Kevin Shaw, D.C.
Newton Health & Wellness Holistic Alternatives
94 High Street
Newton, NJ 07860-1721

DAVID M. SZUCHMAN
Director

Mailing Address:
P.O. Box 45004
Newark, NJ 07101
(973) 504-6395

**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

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

Dear Dr. Shaw:

This letter is to advise you that the New Jersey State Board of Chiropractic Examiners (the "Board") has had an opportunity to review information, including your testimony before the Preliminary Investigation Committee of the Board, concerning services advertised by you and services being offered to the public at your practice, including but not limited to: nutritional counseling, the sale and dispensing of supplements, "naturopathic medicine," and cold laser therapy.

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(c)3 by advertising naturopathic and other nutritional services incidental to your chiropractic practice that you should know are beyond your ability to perform within the permissible scope of your license; that you violated N.J.A.C. 13:44E-2.1(c)1 by an advertisement suggesting that you were able to treat "bone spurs" and other painful conditions using cold laser therapy; and that you violated N.J.A.C. 13:44E-1.1(d) by actually dispensing nutritional supplements from your practice.

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:

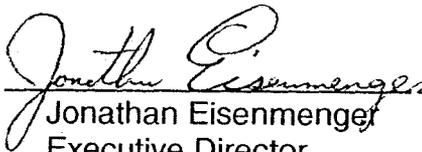
1. cease and desist from advertising, promoting and/or providing the aforesaid services at your chiropractic practice;
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$1,000.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter by certified check or money order made payable to the State of New Jersey); and
4. pay costs incurred by the Board in the amount of \$324.50;

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 together with any required payment at the address set forth above. 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: 
Jonathan Eisenmenger
Executive Director

cc: John D. Hugelmeyer, Deputy Attorney General
Vincent N. Buttaci, Esq.

ACKNOWLEDGMENT: I, Kevin Shaw, 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 \$1,000.00, plus costs in the amount of \$324.50 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.



Kevin Shaw, D.C.



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