

**FILED**

May 10, 2006

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**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

nunc pro tunc to April 19, 2006

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

FARID HAKIMI, D.P.M.

FINAL ORDER

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This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a recommended Initial Decision In the Matter of Farid Hakimi, D.P.M. from Administrative Law Judge Edith Klinger dated February 24, 2006. Within said Order, ALJ Klinger found Dr. Hakimi guilty of unnecessarily and inappropriately exposing and touching patient K.G. during the course of a podiatric "examination" conducted on August 14, 2001, and of having engaged in the unlicensed practice of podiatry from December 2001 through November 2003. Based on the findings made, ALJ Klinger recommended that the Board revoke Dr. Hakimi's license, order Dr. Hakimi to pay \$20,000 in penalties and \$65,934.66 in costs.

Following our receipt of the Order, exceptions to the opinion were filed by respondent. Upon review of said exceptions and consideration of the oral arguments of counsel made before the Board on April 19, 2006, we have concluded that cause exists to adopt in their entirety all findings of fact and conclusions of law made by ALJ Klinger. Based on our independent review of said

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findings of fact and conclusions of law and upon consideration of mitigation evidence presented, however, we herein modify the recommendation made by ALJ Klinger that Dr. Hakimi's license be revoked, and we instead order that his license be suspended for a period of five years, the first eighteen months of which are to be served as a period of active suspension and the remainder to be stayed as a period of probation, upon such conditions or limitations as the Board may then deem to be appropriate.<sup>1</sup> Set forth below is a summation of the procedural history of this matter, the basis for the determinations we have made both to adopt all findings of fact and conclusions of law made by the ALJ and to modify her recommendations as to penalty, and the specific terms of the penalty that we impose upon Dr. Hakimi.

#### *Procedural History*

The procedural history of this matter is recounted in the Initial Decision of ALJ Klinger (a copy of ALJ Klinger's Initial

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<sup>1</sup> We adopt ALJ Klinger's recommendations that respondent should be assessed civil penalties in the amount of \$20,000, and that he should be assessed costs of the proceeding, to include attorneys' fees, as authorized pursuant to N.J.S.A. 45:1-25. Given, however, that respondent has thus far not availed himself of an opportunity to raise any objections he may have to particular items within the Attorney General's application for costs (when asked to do so at the Office of Administrative Law, respondent submitted letters wherein he argued that it was inappropriate for the ALJ to consider an application for costs prior to the issuance of a decision, but declined to then submit any challenges to the reasonableness of the cost application), we reserve on the question of the amount of costs to be assessed, and will instead first afford respondent an opportunity to submit objections to said application to this Board for review.

Decision is appended hereto and all adopted portions, to include all findings of fact and conclusions of law, are incorporated by reference herein). As noted therein, a three count administrative complaint wherein the Attorney General sought the imposition of disciplinary sanctions against Dr. Hakimi was filed on October 4, 2004, and an answer was then filed on October 25, 2004. The Attorney General alleged in Count I of the administrative complaint that respondent unnecessarily and inappropriately exposed and touched the naked body of patient K.G. during the course of an "examination" of K.G. on August 14, 2001. In Count II, the Attorney General alleged that respondent engaged in repeated negligence and incompetence by deviating from the accepted standards of podiatric medicine in relation to the care he provided K.G. on her visit of August 14, 2001. Finally, it was alleged in Count III that Dr. Hakimi practiced podiatry, without possessing a valid license to do so, for a period of over twenty-two months commencing in December 2001.

The matter was transferred to the Office of Administrative Law for plenary hearing as a contested case on December 3, 2004. Hearings were held on October 24, 25, 26, 27 and 28, 2005, and the record then closed on December 15, 2005. ALJ Klinger issued her 28 page Initial Decision on February 28, 2006. ALJ Klinger sustained the allegations of Counts I and III of the complaint, and dismissed the allegations of negligence set forth in

Count II. ALJ Klinger recommended, based on the gravity of the violations found, that the Board revoke Dr. Hakimi's license to practice podiatry, and assess monetary penalties and costs.

Following the receipt of ALJ Klinger's opinion, written exceptions were received from Harry Hill, Esq., counsel for Dr. Hakimi. By way of letter dated March 9, 2006, Mr. Hill advised that he was adopting as his written exceptions the written summation and post trial memorandum of law which he had submitted at the Office of Administrative Law. Respondent thus did not file any new or specific exceptions to the Initial Decision, but instead relied upon his post trial brief, the Attorney General's cost application, and certain letters that he had written to and received from the ALJ.<sup>2</sup> The Attorney General then submitted a March 13, 2006 letter in which she urged that the Board adopt the

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<sup>2</sup> Specifically, in addition to his post trial brief, respondent asked that the Board consider as his "exceptions" a copy of the Attorney General's cost application and the certifications that were submitted in support thereof, and correspondence from Mr. Hill to ALJ Klinger and from ALJ Klinger to Mr. Hill regarding the cost application (specifically, a February 28, 2006 letter brief submitted by respondent in response to the Attorney General's cost application, a letter from ALJ Klinger to Mr. Hill dated March 1, 2006 and Mr. Hill's March 7, 2006 reply to said letter).

We point out that none of the documents that Mr. Hill has submitted as "exceptions" conform to the requirements of N.J.A.C. 1:1-18.4. We have nonetheless afforded considerable procedural latitude to respondent, and considered the arguments in his post trial brief to constitute his "exceptions" to the ALJ's decision (given that we did not herein make a determination upon the amount of costs to be assessed, we found it unnecessary to presently review the Attorney General's cost assessment, nor the letters regarding that cost application).

decision in its entirety "for all the reasons set forth in [ALJ Klinger's] well-reasoned opinion," and further urged that the Board similarly affirm the ALJ's recommendations regarding the imposition of costs and penalties.

This matter was set down for oral argument before the Board on April 19, 2006. On that date, Harry R. Hill, Jr., appeared for respondent Dr. Hakimi, and Deputy Attorney General Siobhan B. Krier appeared on behalf of the Attorney General. Both Mr. Hill and D.A.G. Krier were afforded an opportunity to present oral argument on the filed exceptions. Following the oral argument, we voted to adopt, in their entirety, the findings of fact and conclusions of law set forth in ALJ Klinger's opinion. Dr. Hakimi was then afforded a mitigation hearing, at which he testified. We then announced on the record our determination upon sanctions to be imposed upon respondent.

*Determination to Adopt  
Findings of Fact and Conclusions of Law*

Upon review of the record in this matter, we conclude that cause exists to adopt in their entirety and without modification the findings of fact and conclusions of law made by ALJ Klinger in her Initial Decision. Simply put, the findings of fact with regard to the allegations of sexual misconduct in Count I of the complaint are findings which are fundamentally underpinned by and dependent upon credibility determinations. As the testimony offered by K.G. and by Dr. Hakimi suggest entirely different

versions of the events that occurred on August 14, 2001, it cannot be the case that both are being truthful. Within her opinion, ALJ Klinger went to great lengths to address the credibility issues and explain why she ultimately found K.G. to be credible and Dr. Hakimi not to be credible. We find her explanation and reasoning to be persuasive, and reach the very same conclusions as did ALJ Klinger.

We point out that, in this case, we are not being asked to review a series of findings that would require us to exercise our collective expertise as physicians to review findings on a question related to the quality of practice of a physician or questions that relate intricately to the practice of podiatry. Rather, we are in essence being asked to consider whether ALJ Klinger's conclusion that K.G. was being truthful and Dr. Hakimi not truthful is one that is supported on this record. ALJ Klinger had the first hand opportunity to not only consider the testimony of both K.G. and Dr. Hakimi, but also to directly observe the manner in which that testimony was offered. ALJ Klinger found in her opinion that "[K.G.'s] testimony was straightforward and basically consistent with the version of events she has given throughout the investigation. Her demeanor still evidenced some of the embarrassment she felt in recalling the incident." It is thus clear that ALJ Klinger's conclusions upon credibility were, in part, based on her direct witnessing of the testimony offered, and

we would be loathe to disturb her conclusions absent a showing of compelling reason to do so.

Respondent argues in his brief that Dr. Hakimi should be found to be credible because he had an otherwise unblemished record and was not the subject of any other complaint. Respondent suggests that K.G.'s testimony, statements and interview comments were inconsistent and incredible, and alleges that K.G. has done little more than "invent stories."

We reject respondent's argument, and instead point out that we are convinced and satisfied, upon our independent review of the record, that K.G.'s testimony is in fact credible and Dr. Hakimi's testimony is not. We thus found the record to be replete with established facts that support the credibility determinations, and by extension the findings of fact, set forth in ALJ Klinger's Initial Decision.

K.G.'s testimony that she went to see Dr. Hakimi on August 14, 2001 for the limited purpose of having pain in her toe evaluated is consistent with and corroborated by the patient record that was prepared by Dr. Hakimi (P-2 in evidence). The chief complaint (indeed, the only complaint) listed on the "podiatric history" section of the record (completed by K.G. in advance of the visit) is "right toe swelling and pain." Dr. Hakimi's handwritten office record (completed by Dr. Hakimi at the time of the visit) focuses solely and myopically upon his examination of K.G.'s right

toe. The record thus documents that Dr. Hakimi examined K.G.'s foot and took x-rays, and that he diagnosed a fracture and bursitis of the toe, but contains absolutely nothing that would support Dr. Hakimi's claims that he did anything more than conduct an examination of the right toe.

Dr. Hakimi's patient record is entirely devoid of any documentation or notation that would as much as suggest that Dr. Hakimi performed either an evaluation of K.G. for scoliosis or a limb-length discrepancy examination. Clearly, had such examination(s) been performed (for legitimate purposes related to podiatric treatment), we would fully anticipate that Dr. Hakimi would have recorded both the fact that he performed the examinations and the findings that he made at the conclusion of the examination in his patient record. Had a limb-length examination been conducted, we would therefore expect to find measurements taken during the examination in the patient record.<sup>3</sup> The absence of any notation in the record to suggest that Dr. Hakimi conducted a scoliosis or limb-length discrepancy examination resoundingly supports the findings made that Dr. Hakimi in fact did not have

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<sup>3</sup> Dr. Hakimi testified that he in fact did record the results of his limb-length discrepancy examination, but did so on a form that he then sent to an orthotics manufacturer. We find Dr. Hakimi's testimony on this point to be incredible and unbelievable, given that there is no suggestion anywhere in the record that Dr. Hakimi in fact ordered orthotics for K.G., and there is thus no logical reason why Dr. Hakimi would not have retained the form on which he recorded measurements (if such form in fact existed) in K.G.'s patient record.

K.G. disrobe and thereafter lay naked on his examining table for any legitimate podiatric purpose, but instead used the pretext of conducting a "full body examination" to unnecessarily expose K.G. and thereafter touch her buttocks, thighs and pubic area.<sup>4</sup>

We also note that the fact that there was no chaperone present in the examining room also supports the credibility determinations made by ALJ Klinger. As ALJ Klinger pointed out, if Dr. Hakimi was truly surprised, when he returned to the examination room, to find that K.G. was disrobed, "he could easily have told her to put clothing back on or refused to perform the examination." Similarly, we note that he could have then just as easily left the room and asked a chaperone to enter the room and observe the remainder of K.G.'s visit. The fact that he did not do so lends support to the conclusion reached that no legitimate podiatric treatment or examination occurred after K.G. disrobed.

Dr. Hakimi's credibility is further diluted by the evidence in the record that demonstrates that, while employed at "Dr's Choice", Dr. Hakimi listed himself (on "Dr's Choice"

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<sup>4</sup> When testifying before the Board on April 19, 2006, in response to Board member questions, Dr. Hakimi described the manner in which he would conduct an examination for scoliosis and limb length discrepancy. His testimony was disturbing in that it suggested that he did not have requisite knowledge about how to properly conduct such examinations. We thus observe that Dr. Hakimi's testimony before this Board, while not part of the record before the ALJ, necessarily raises yet another reason to question his claim that his "examination" of a disrobed K.G. was for any legitimate purpose.

stationery) as a Board Certified Podiatric Surgeon, when in fact he held no such certification (P-7). Similarly, Dr. Hakimi's credibility is called into question based on his having made multiple misrepresentations as to his professional qualifications when he appeared before a Committee of the Board (prior to the filing of the Administrative Complaint).<sup>5</sup> Dr. Hakimi thus misrepresented his qualifications on stationery that he used in his practice, and misrepresented his credentials when testifying before the Board, and the fact that he would make those misrepresentations lends yet additional support for our conclusion that Dr. Hakimi's testimony in this case was not credible.

In contrast, we find numerous facts in the record that support and buttress the conclusion reached by A.L.J. Klinger that K.G.'s testimony was credible. We find particularly compelling the fact that, after returning to work on August 14, 2001, K.G. confided in her employer her concern that something untoward had happened in Dr. Hakimi's office. Her employer, Mr. Coleman, stated when interviewed by Enforcement Bureau Investigator Susan Sugalski that K.G. was "disturbed" when she returned to work that day, and

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<sup>5</sup> Dr. Hakimi appeared before a Committee of the Board for an investigative inquiry on September 17, 2003 (the transcript of said hearing is in evidence as J-1). At the time of that appearance, he submitted a curriculum vitae to the Board (P-14 in evidence) on which he listed himself as holding full privileges at Rahway Hospital and on which he listed himself as a member of the New Jersey Podiatric Medical Society. Neither statement was true.

that K.G. related to him that she thought she had been "fondled" by Dr. Hakimi. We also find it significant that K.G. related her concerns to Dr. Mark Zientek, the owner of "Dr's Choice" when she saw him in November 2001 to pick up her patient records (K.G. then told Dr. Zientek that Dr. Hakimi had performed an inappropriate examination and that she had felt uncomfortable about having to disrobe inappropriately). Finally, we point out that there is nothing in the record that would suggest that K.G. has any motivation to lie or "invent stories" about what occurred in Dr. Hakimi's office on August 14, 2001.

In sum, we find on our independent review of this record overwhelming basis to affirm the credibility determinations made by ALJ Klinger. As the findings of fact (with regard to Count I of the Complaint) made in the Initial Decision are dependent upon those credibility determinations, and as we are satisfied, on our independent review of the record, that there is overwhelming support for the findings made below, we sustain all findings of fact made by ALJ Klinger with regard to the allegations of Count I of the complaint.<sup>6</sup>

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<sup>6</sup> We note that we readily dismiss Dr. Hakimi's claim in his exceptions that K.G. should be found to be not credible based on inconsistencies between the statements she gave to Investigator Sugalski, her PEC testimony and her testimony at the Administrative Hearing. While it is the case that respondent has pointed to minor inconsistencies in that testimony, we find any purported inconsistencies to be *de minimus* and instead find K.G.'s testimony regarding the events that occurred to be markedly consistent on crucial and salient points. The consistency in K.G.'s testimony is

We need not review the determinations made by ALJ Klinger to dismiss the charges of Count II of the Complaint, as the Attorney General has not taken any exception to the dismissal of the charges in that Count.<sup>7</sup> Finally, with regard to the allegation of practicing without a license for an extended period of time, we note that there is no reasonable dispute of the underlying facts that Dr. Hakimi's license expired and was not renewed in December 2001, and that the license was not thereafter renewed until October 2003.

Respondent thus does not challenge (in any meaningful manner) in his exceptions that Dr. Hakimi in fact engaged in unlicensed practice for a prolonged period of time, but instead argues that the Board should be estopped from taking an action based on the unlicensed practice because Dr. Hakimi's license was ultimately renewed in October 2003, and that Dr. Hakimi's unlicensed practice should somehow be excused or condoned based on actions of the Board itself. We readily dismiss Dr. Hakimi's

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in marked contrast to that of Dr. Hakimi, whose testimony we find on our independent review of the record to be riddled with inconsistency.

<sup>7</sup> We note that portions of the brief relied on as "exceptions" by respondent addressed questions regarding the admissibility of certain x-rays taken by Dr. Hakimi of K.G., and attacked the testimony of the State's expert witness, Dr. Steven Maffei (who was offered primarily to provide testimony upon the allegations made that Dr. Hakimi engaged in repeated acts of negligence in this case). Given the dismissal of Count II of the Complaint, we conclude that any need to consider those "exceptions" is moot.

claims, as we find them to be clearly without merit. As a licensee of this Board, we find any attempt by Dr. Hakimi to shift the blame for his failure to renew his license to others or to the Board itself to be self-serving; clearly, the onus of responsibility to ensure that one's license is renewed and valid is on the practitioner and the practitioner alone, and Dr. Hakimi's dereliction of his responsibility to renew his license is clear and indeed, beyond dispute, on this record.

We also are satisfied that the findings of fact made and adopted herein fully support the conclusions of law made by ALJ Klinger (namely, with regard to Count I, that Dr. Hakimi's conduct constituted sexual misconduct and sexual harassment in violation of N.J.A.C. 13:35-6.3 and therefore in violation of N.J.S.A. 45:1-21(h), and constitutes grounds for imposition of penalties pursuant to N.J.S.A. 45:1-21; and, with regard to Count III, that Dr. Hakimi engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e), that he failed to comply with the requirements of N.J.S.A. 45:1-7.1 and N.J.S.A. 45:9-6.1, and that the conduct constitutes grounds for the imposition of penalties pursuant to N.J.S.A. 45:1-21). We therefore adopt in their entirety the findings of fact and conclusions of law set forth in ALJ Klinger's Initial Decision.

#### *Penalty*

After having adopted the findings of fact and conclusions of law in this case, we afforded Dr. Hakimi an opportunity to

present testimony and evidence in mitigation of penalty.<sup>8</sup> At the mitigation hearing, Dr. Hakimi addressed the Board. He then stated that his life had been upended because of the complaint that had been made by K.G. Dr. Hakimi testified that he had worked hard to obtain his podiatry degree and stated that he was the sole means of support for his wife and his five year old daughter. Dr. Hakimi also pointed out that his practice is presently limited to nursing home work. At the conclusion of his presentation, Dr. Hakimi asserted that he was innocent of the charges that were made against him.<sup>9</sup>

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<sup>8</sup> Mr. Hill initially claimed that he had inadequate notice that the Board would hold a mitigation hearing at which it would entertain testimony of character and other mitigation witnesses. Mr. Hill requested an adjournment of the penalty phase of the hearing. Although we were satisfied that adequate notice of the mitigation hearing had been provided to Mr. Hill, we determined that we would grant his request for an adjournment. Given, however, the gravity of the recommendation that had been made by the ALJ (i.e., that Dr. Hakimi's license should be revoked), we concluded that we would only grant the request for an adjournment of the mitigation proceeding, and thereby further delay making a final determination as to penalty in this matter, upon the condition that Dr. Hakimi publicly agree to cease and desist from engaging in the practice of podiatry until the rescheduled date for any mitigation hearing (we stated that we would allow Dr. Hakimi to continue to practice from April 19, 2006 through the close of business on Friday, April 21, 2006, but that he would need to agree to refrain from practice thereafter until the conclusion of the proceeding, which would have been scheduled for May 10, 2006). Dr. Hakimi declined to agree to the conditional adjournment, and the mitigation hearing thereafter proceeded as scheduled.

<sup>9</sup> While the only witness who testified at the mitigation hearing on April 19, 2006 was Dr. Hakimi, we also have considered as mitigation evidence the testimony offered before the Office of Administrative Law by Mrs. Tulin Hakimi (respondent's wife), Dr. Yeon Shim (a medical school classmate of Dr. Hakimi's) and Nancy

Initially, we note that we find Dr. Hakimi's continued refusal to accept any responsibility for his actions or to be in any way apologetic for the events which occurred to be disturbing. No suggestion was made, by Dr. Hakimi or his counsel, that Dr. Hakimi is at all remorseful for any of the misconduct which has been found in this case. We find Dr. Hakimi's testimony that he continues to conduct examinations of female patients without any chaperone presence also to be of concern. We would have fully expected that, in light of the charges that had been brought against him, Dr. Hakimi would have been fastidious in making changes to the manner in which he practices to eliminate any possibility that allegations similar to those made by K.G. could ever be made against him again.<sup>10</sup>

We conclude that the presentation made in mitigation by Dr. Hakimi in no way dissuades us from the fundamental proposition that Dr. Hakimi's misconduct warrants a severe penalty. Dr. Hakimi

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Wilhelm (the Office manager of Drs Choice) (see discussion of testimony of character witnesses, ALJ Klinger's Initial Decision, pgs. 13-14).

<sup>10</sup> Dr. Hakimi suggested in his mitigation testimony that the reason he does not have a chaperone accompany him during examinations of female patients (or even offer female patients the option of having a chaperone present, as would be required pursuant to N.J.A.C. 13:35-6.23 of practitioners whose scope of practice includes an examination of intimate body areas) is because he presently works only with senior citizens. We readily dismiss Dr. Hakimi's explanation, because it is clearly the case that senior citizens can be the targets of abuse and thus should be afforded the very same protections that younger patients receive.

clearly shattered the trust reposed in him as a licensee of this Board. He took advantage of that trust to convince K.G. to disrobe, and then engaged in egregious sexual misconduct when he exposed her naked body unnecessarily and sought to push his hand between her legs and into her genital area, all under the guise and pretext of rendering medical services. He also sexually harassed K.G. by engaging in clearly inappropriate conversation, repeatedly offering to come to her home to give her a surgical boot and to give her a massage, and asking if she lived alone, if she had a boyfriend and if she liked massage oil. Clearly, neither the conduct nor the questions posed had anything to do with any legitimate podiatric practice, and all constitute brazen violations of the Board's sexual misconduct rule.

Dr. Hakimi also eschewed the authority of this Board, and necessarily placed the public at risk, by practicing for almost two years without a podiatric license. We have in the past, and again today, concluded that prolonged unlicensed practice is an offense that warrants the imposition of a penalty of licensure suspension.

On balance, however, after weighing the misconduct proven and factoring in the testimony offered by character witnesses on Dr. Hakimi's behalf, we have determined that cause exists to amend ALJ Klinger's recommendation that Dr. Hakimi's license should be revoked. While we find the sexual misconduct proven in this case to be clearly deserving of stern and significant disciplinary

sanction --- and while we recognize the effects such conduct can have upon a patient -- we must weigh all of the circumstances in meting out punishment. In this case, we have determined that cause exists to afford Dr. Hakimi one final opportunity to reclaim his career after he serves a period of suspension, if and only if he fully complies with all conditions of this Order. We conclude that a penalty of a five year suspension, eighteen months of which are to be served actively and the remainder to be stayed as a period of probation, with the reservation of the right to impose necessary protections (to include without limitation chaperoning requirements) upon any resumed practice by respondent, is appropriate.

On the issue of monetary penalties, we find ALJ Klinger's recommendation that Dr. Hakimi be assessed a monetary penalty of \$20,000 to be reasonable, and affirm that recommendation. Finally, with regard to the costs, we presently table any determination upon whether to impose all costs sought by the Attorney General in this case so as to first afford Dr. Hakimi an opportunity to address the reasonableness of the cost application and to raise any objections he may have to the cost application that has been submitted (see footnote 1).

WHEREFORE, it is on this 10<sup>th</sup> day of May, 2006

ORDERED, nunc pro tunc to April 19, 2006:

1. The license of respondent Farid Hakimi, D.P.M., to practice podiatry in the State of New Jersey shall be suspended for a period of five years. The suspension of respondent's license shall commence on May 3, 2006. Prior to May 3, 2006, respondent is to have made appropriate arrangements for the transfer of care of his patients to another licensed podiatrist and for the transfer of those patients' records. The first eighteen months of the period of suspension, from May 3, 2006 through November 2, 2007, shall be served as a period of active suspension. The remainder of the period of suspension, from November 3, 2007 through May 2, 2011, may be stayed and served as a period of probation, provided that respondent complies with all conditions of the Board imposed herein and provided further that, before resuming any practice of podiatry during the period of probation, respondent shall be required to appear before a Committee of the Board and then demonstrate that he has complied with the conditions of this order and that he is fit to resume the practice of podiatry. The Board expressly reserves the right to impose any conditions or limitations upon respondent's practice of podiatry during the period of probation or thereafter, to include, without limitation, a requirement that his practice be chaperoned.

2. Respondent is hereby assessed a civil penalty in the amount of \$20,000.

3. A determination of the amount of costs, to include attorneys' fees, is presently tabled, and costs will instead be assessed by way of a supplemental Order. Respondent shall have until May 9, 2006, to submit in writing any objections to the cost application that has been submitted by the Attorney General. The Attorney General shall then have until May 19, 2006 to respond in writing to any objections that may be raised by respondent. The Board will thereafter consider the written submissions of the parties and determine the amount of costs to be assessed, and will then enter a supplemental order affixing the amount of costs to be assessed. In the event respondent does not submit any written objections to the cost application that has been submitted by the Attorney General, then the Board shall adopt the recommendation made by ALJ Klinger that a total of \$65,934.66 in costs be assessed.

4. During the period of active suspension, respondent shall be required to successfully complete courses pre-approved by and acceptable to the Board in professional ethics and boundary issues. Respondent shall also, before appearing before a Committee of the Board to seek leave to resume the practice of podiatry during the period of probation, submit to a psychosexual evaluation, to be conducted by an individual or entity acceptable to the Board, with a report detailing the results of that evaluation to be submitted to the Board, and the recommendations

and findings within said report to be considered by the Board prior to allowing respondent to resume any practice of podiatry during the period of probation or thereafter.

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: *Sindy Paul, MD*  
Sindy Paul, M.D.  
Board President