

4. On or about April 4, 2006, in the above referenced criminal case, Respondent was sentenced in New York Supreme Court to 5 years probation, and to pay \$200,000.00 restitution. (A true copy of the New York City Department of Probation report is attached hereto and made a part hereof as Exhibit A).

CONCLUSION OF LAW

1. The aforesaid conduct provides grounds for the denial of Respondent's application for a license by endorsement to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(f), in that Respondent has been convicted of an offense involving moral turpitude and which relates adversely to the practice of chiropractic.

Based on the foregoing findings and conclusions, a Provisional Order denying Respondent's application by endorsement to become licensed to practice chiropractic in the State of New Jersey was entered on June 27, 2006, and a copy served on Respondent by certified and regular mail, return receipt requested at the address of record provided on the application, to wit: 252-62 Brattle Ave., Little Neck, N.Y. 11362. On or about July 12, 2006, the return receipt bearing the signature of the recipient, and postmarked June 30, 2006, was stamped received at the Board office. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor. To date the Respondent has failed to submit any such request.

The Board determined that service of the Provisional Order was effective, and further proceedings were not necessary, as no material discrepancies had been raised by Respondent.

ACCORDINGLY, IT IS on this *16* day of *August*, 2006,

ORDERED that:

1. Respondent's application by endorsement to become licensed to practice chiropractic in the State of New Jersey be and hereby is denied.

NEW JERSEY STATE BOARD
OF CHIROPRACTIC EXAMINERS

Dated:

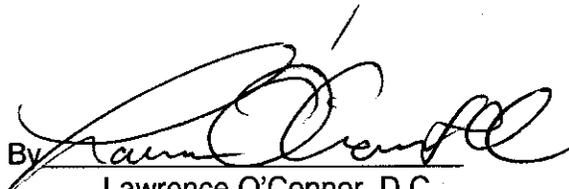
By 
Lawrence O'Connor, D.C.
Board President

Exhibit A

NEW YORK CITY DEPARTMENT OF PROBATION

LEGAL HISTORY

PREVIOUS COURT RECORD

JUVENILE

DATE	FINAL CHARGE	COURT DOCKET	DISPOSITION	DATE
		None known		

ADULT

The defendant has 1 criminal arrest(s) resulting in 1 conviction(s) 0 youthful offender adjudication(s) and 0 case(s) pending.

DATE	FINAL CHARGE	COURT DOCKET/IND. #	SENTENCE	DATE
		None		

PENDING CHARGES

DATE	CHARGE	COURT	ADJOURNED DATE OR DATE OF WARRANT
		None	

PRESENT OFFENSE

The following information was obtained from the court papers and the records of the District Attorney.

DESCRIPTION OF OFFENSE

From 10/29/02 through 10/27/03, defendants Dmitri Davydov, Nadeja Sposito, Jacques Bastien, Lokman Darmal, Chu Mei Lan Kwok, Munan Saif, Luz Ingrid Hernandez Rosado, Michelle Jaramillo, Booth Chiropractic & Acupuncture, along with other persons known and unknown, were members of the No Fault Insurance Fraud Operation based out of Booth Chiropractic and Acupuncture, P.L.L.C., located at 64-54 Booth Street in Queens County. This Operation constituted a criminal enterprise. Defendants Davydov and Sposito, who are the owner and office manager of Booth Chiropractic and Acupuncture, and their agents stole money from a number of insurance carriers, operating in the State of New York and the County of Queens, under the New York State No-Fault automobile insurance laws, using a medical clinic, to wit: Booth Chiropractic and Acupuncture, P.L.L.C. They had individuals recruit others to stage accidents or recruited others who had been in minor motor vehicle accidents to go to Booth Chiropractic and Acupuncture for protracted, unnecessary, and non-administered medical treatment. The defendants either paid individuals or promised them lucrative lawsuits to be patients for whom medical treatment services could be billed. The defendant was placed under arrest on 9/22/04 by Detective Candido Cubero of CR CONT.

STATUS OF CO-DEFENDANT

Nadeja Sposito (NYSID # 3245417H) pled guilty to Enterprise Corruption on 5/6/05 and is due to be sentenced on 4/4/06 in Queens Supreme Court Part K11.

Jacques Bastien (NYSID # 3245492H) pled guilty to Enterprise Corruption on 2/23/05 and is due to be sentenced on 4/10/06 in Queens Supreme Court Part K11.

Lokman Darmal (NYSID # 3245406N) pled guilty to Attempted Falsifying Business Records 2 and was sentenced to one year on 8/25/05 in Queens Supreme Court Part QTC.

Mei Kwokchiu (NYSID # 3245591M) pled guilty to Attempted Falsifying Business Records 2 and was sentenced to one year on 7/26/05 in Queens Supreme Court Part QTC.

Ingrid L. Hernandez (NYSID # 3081669J) pled guilty on 2/24/05 to Insurance Fraud 3 and is due to be sentenced on 4/4/06 in Queens Supreme Court Part K11.

Michelle Jaramillo (NYSID # 3245605K) pled guilty on 4/1/05 to Insurance Fraud 3 and is due to be sentenced on 4/10/06 in Queens Supreme Court Part K11.

Munan Saif (NYSID # 3245726Y) pled guilty to Enterprise Corruption, Conspiracy 5, Insurance Fraud 4 on 2/14/05 and is due to be sentenced on 4/10/06 in Queens Supreme Court Part K11.

Booth Chiropractic & Acupuncture pled guilty on 1/19/06 to Enterprise Corruption and is due to be sentenced on 4/4/06 in Queens Supreme Court Part K11.

SUMMARY OF OFFENDER'S STATEMENT

The defendant admits his guilt in the instant offense. He states that he was the president of a medical corporation and was billed for medical services, which were not provided, for monetary reasons. The defendant expresses remorse. He states that he feels guilty for committing the offense, and that committing the offense was very stupid.

OFFENDER'S ABILITY TO PAY RESTITUTION

According to ADA Resnick, the total restitution is \$200,000 plus 5% surcharge, which equals a total restitution amount of \$210,000, and the defendant will pay \$50,000 on the sentence date. The defendant states that he will pay \$50,000 in a lump sum on the sentence date, and the remainder of the restitution (\$160,000) he wants to pay in parts, as he receives varying amounts of income from medical litigation, as he cannot make monthly restitution payments.

ANALYSIS OF OFFENSE AND LEGAL HISTORY

The instant offense represents the defendant's first arrest and felony conviction. The offense involves the defendant, acting in concert with apprehended others, who were members of the No Fault Insurance Fraud Operation, which constituted a criminal enterprise, submitting falsified business records to insurance companies for monetary gain. The defendant admits that he was the president of a medical corporation and billed for medical services, which were not provided for monetary reasons.

SOCIAL HISTORY

The following information was obtained from an office interview with the defendant and a telephone interview with the defendant's wife.

Family and Environment

The defendant was born on 4/9/72 in Uzbekistan, USSR, which is verified by the defendant's United States Certificate of Naturalization, which was issued in 1996. The defendant entered the United States March 1990.

The defendant is the younger of two children born to Sofya Davydov and Alexander Davydov. The defendant's parents have been married for 47 years. His mother worked as an engineer and his father worked as a geologist during the defendant's childhood. The defendant was not a victim of domestic violence, sex abuse or neglect during his childhood. He left his parents' home at the age of 26. His family members have not been involved in criminal activity or drugs, and they have not had a serious physical or mental illness.

The defendant's parents reside at 105-40 62 Road, Forest Hills, NY. The defendant's mother, Sofya Davydov, age 66, is a retired engineer and receives Social Security benefits in the amount of \$500 per month. His father, Alexander Davydov, age 60, is a retired geologist and receives Social Security benefits in the amount of \$500 per month. The defendant's brother, Igor Davydov, age 46, resides in East Brunswick, NJ and is employed as a computer analyst.

The defendant states that he hangs out with his family, that he does not have a nickname or a street name, and that he is not a member of a gang, an association or a specific "set".

The defendant has been married to his wife, Victoria Davydoff, for eight years, which is verified by the defendant's certificate of marriage registration. She resides at the case address. The defendant states that they have a very stable and loving relationship. His wife works as a dietician at Elmhurst Hospital and earns \$37,000 per year. He has two children, Elizabeth and Michelle Davydoff, ages 5 and 2, who reside at the case address, and their mother is the defendant's wife. The defendant submitted to us his children's birth certificates.

We spoke to the defendant's wife on the telephone. She has been married to the defendant for eight years. He is in good physical health and does not use illicit drugs or alcohol. He currently is staying home with the children and looking for legal employment as a medical office manager. There are no issues about the defendant about which she is concerned. She does not know how he got involved in the instant offense. He has good family support and good family relationships, is a good husband and a good father, and they have a supportive relationship.

The defendant has resided at the case address since 8/01. He resides in a six-bedroom private house, which he and his wife own, with his wife and their two children. The mortgage payments are \$6,631 per month. The Address Verification Unit verified the defendant's address, when they made a visit to the case address on 2/21/06. The front door was locked, and the bells worked. The neighborhood is residential, and the condition of the neighborhood is good. According to the defendant's mother, Sofya Davydov, the defendant resides at the case address. She was watching the defendant's children, and the defendant and his wife were at work. She did not allow the Address Verification Unit into the house and was unsure why they were making a visit.

Education and Employment

The defendant is not currently enrolled in school or a vocational training program. The defendant states that he graduated Queens College studying Pre-Med in 1994. He graduated The University of Bridgeport College of

Chiropractic and received the degree of Doctor of Chiropractic in 1998, which is verified. He also submitted his license to practice chiropractic in the State of New York issued by the University of the State of New York Education Department in 1999.

The defendant is currently unemployed. He states that he receives income from medical litigation, and the income varies. He is also supported by his wife, Victoria Davydoff, who works as a dietician at Elmhurst Hospital and earns \$37,000 per year. He is currently unemployed. He was self-employed as a chiropractor from 10/03 until 9/04 at Bay Care Health Group, 214-41 42 Avenue, Bayside, NY 11361 and did not earn any income at Bay Care Health Group. He left this job, since he was not emotionally ready to work and plans to return to work. He was previously self-employed as a chiropractor at Booth Chiropractic & Acupuncture, 64-54 Booth Street, Rego Park, NY 11374, and he left this job as he moved from Rego Park, NY. The defendant submitted to us his 2004 Income Tax Return, which verifies the defendant's employment and income. The defendant currently stays at home taking care of the children and has applied for legal employment as a medical office manager.

The defendant has no military history.

Physical and Mental Health

The defendant is in good physical health, and he denies a history of mental illness or social agency involvement. He denies the use of illicit drugs and alcohol, and he has never been enrolled in a substance abuse treatment program. The defendant has medical insurance under his wife's medical insurance plans, GHI (ID # 931464605) and Medco 1199 SEIU (ID # 091809713).

EVALUATIVE SUMMARY

The defendant is a 33 year-old White male who stands 5'7" and weighs 158 pounds. The defendant was born in Uzbekistan, USSR, and he is a United States naturalized citizen. He was cooperative during our interview.

The defendant is before the court on an Enterprise Corruption conviction. The instant offense represents the defendant's first arrest and felony conviction. The offense involves the defendant, acting in concert with apprehended others, who were members of the No Fault Insurance Fraud Operation, which constituted a criminal enterprise, submitting falsified business records to insurance companies for monetary gain. The defendant admits that he was the president of a medical corporation and billed for medical services, which were not provided for monetary reasons. The defendant is willing and able to pay the restitution.

The defendant admits his guilt in the instant offense and expresses remorse. He is a college graduate and received the degree of Doctor of Chiropractic in 1998 and received his license to practice chiropractic in 1999. He is currently unemployed and plans to return to work. He has applied for legal employment as a medical office manager. He currently receives income from medical litigations and is also supported by his wife, who works as a hospital dietician. He denies the use of illicit drugs and alcohol.

ATTESTED BY:

Beatrice Misch
Beatrice Misch
Probation Officer

REVIEWED BY:

Stanley Wettan
Stanley Wettan
Supervising Probation Officer

SUBMITTED BY:

Debbie Leon
Debbie Leon
Branch Chief

VERIFICATION GRID**VERIFICATIONS**

VERIFICATION GRID						
	YES	NO	N/A	METHODS / SOURCES	BY WHOM	DATE(s) (if applicable)
01. Legal History	X			E JUSTICE	P.O.	1/23/06
02. Present Offense	X			COURT PAPERS AND THE RECORDS OF THE DISTRICT ATTORNEY	P.O.	1/25/06
03. Victim Impact Statement			X			
04. Date of Birth	X			U.S. CERTIFICATE OF NATURALIZATION	P.O.	1/23/006
05. Current Address	X			ADDRESS VERIFICATION UNIT AND BANK STATEMENT	P.O.	2/21/06 & 1/23/06
06. Current or Most Recent School or Training Program	X			COLLEGE DEGREE	P.O.	1/27/06
07. Current or Most Recent Employment	X			2004 INCOME TAX RETURN	P.O.	1/27/06
08. Source of Current Income (if different from #7)		X				
09. Military Service			X			
10. Current or Most Recent Treatment for Physical Illness/Disability			X			
11. Current or Most Recent Treatment – Psychiatric/ Psychological			X			
12. Current or Most Recent Treatment for Alcohol/Drug Abuse			X			