

**FILED**

OCT 11 2006

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

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

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

ROBERT A. KAPLAN, D.C.  
License No. MC 3811

TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent, Robert A. Kaplan, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On or about November 16, 2004, a Criminal Complaint, Docket No. CR-573-04, was filed in the Commonwealth of Pennsylvania, County of Dauphin, Magisterial District No. 12-1-01, charging Respondent with one felony count of criminal attempt to commit unlawful contact with a minor in violation of 18 Pa. C.S.A. §§901, 6318(a)(1) and one felony count of criminal use of a communication facility in violation of 18 Pa. C.S.A. §7512(a) in connection with an internet sex sting in which Respondent used the internet to engage in instant messaging and electronic mail communication with an undercover agent posing as a 13-year-old female for the purpose of engaging in deviate sexual intercourse. (A true copy of the Criminal Complaint is attached hereto and made a part hereof as Exhibit A).

3. On or about November 14, 2005, Respondent pleaded guilty to criminal attempt to commit unlawful contact with a minor in violation of 18 Pa. C.S.A. §§901, 6318(a)(1), a first degree felony, and criminal use of a communication facility in violation of 18 Pa. C.S.A. §7512(a), a third degree felony, in the above referenced criminal proceedings in the Dauphin County Court of Common Pleas. ( A true copy of the Guilty Plea by colloquy is attached hereto and made a part hereof as Exhibit B).

4. On or about February 22, 2006, in the above referenced criminal case, Respondent was sentenced to 6 to 23 ½ months in prison, two 10-year probation periods to run consecutively, a \$2,000 fine, 1,000 hours of community service, and several additional conditions, including individual and family counseling, and medical or psychiatric treatment if required. (A true copy of the Sentencing Sheet is attached hereto and made a part hereof as Exhibit C).

#### CONCLUSIONS OF LAW

1. The aforesaid conduct provides grounds for the suspension or revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(e) and (f), in that Respondent has engaged in professional misconduct as determined by the Board, and 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 of Discipline provisionally revoking Respondent's license to practice chiropractic in the State of New Jersey was issued on May 19, 2006, and a copy was forwarded to Respondent at Dauphin County Prison, Harrisburg, PA, by means of both regular and certified mail. 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, Respondent has made no response to the Provisional Order of Discipline, the certified delivery of which was received at the prison on or about May 30, 2006, and the regular mail delivery of which was not returned.

Accordingly the Board having considered the matter and determined that further proceedings are not necessary, it has determined that the Provisional Order should be made final.

THEREFORE, IT IS on this 21 day of September, 2006,

ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be revoked;
2. Prior to any application by Respondent for reinstatement of his license to practice chiropractic in this State, documentation of his full and complete satisfaction of his criminal sentence and of any sanctions or penalties imposed upon him by the State Board of Chiropractic of the Commonwealth of Pennsylvania, shall be provided to the Board; and
3. The Directives of the Board applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINER

By 

Lawrence O'Connor, D.C.  
Board President

Dated: 9-21-06

**EXHIBIT A**

COUNTY OF: Dauphin



POLICE CRIMINAL COMPLAINT

Magisterial District Number: 12-1-01	COMMONWEALTH OF PENNSYLVANIA VS: DEFENDANT: Dr. Robert Asher Kaplan 1640 Oakwood Drive W-311 Narberth, PA 19072
District Justice Name: HON. RAYMOND F. SHUGARS	
Address: 2125 Paxton Church Road Harrisburg, PA 17110	
Telephone: (717) 545-4143	

RECEIVED  
Clerk of Courts  
Dauphin County  
Court of Common Pleas

Docket No.: **CR-573-04**  
 Date Filed: **November 16, 2004**  
 OTN: **H 991498-4**

MAR - 7 2005  
# 765 CR 2005

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Native American <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Unknown	Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 11/20/1954	Defendant's Social Security # 159-40-2410	Defendant's SID#
Defendant's A.K.A.	Defendant's Vehicle Information: Plate Number: DRL-5009 State: PA	Registration Sticker (MM/YY)	Defendant's Driver's License Number: State:	
Complaint/Incident Number	Complaint/Incident Numbers if other Participants		UCR/NIBRS Code	

District Attorney's Office  Approved  Disapproved because: \_\_\_\_\_

(The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. Pa.R.Cr.P.107.)

DAG Eric R. Augustine  
(Name of Attorney for Commonwealth - Please Print or Type) \_\_\_\_\_  
(Signature of Attorney for Commonwealth) \_\_\_\_\_ (Date) \_\_\_\_\_

I, SSA Dennis Guzy, 39  
(Name of Affiant - Please Print or Type) \_\_\_\_\_  
(Officer Badge Number/I.D.) \_\_\_\_\_

Of PA Office of Attorney General, CSEU PA065015A  
(Identify Department or Agency Represented and Political Subdivision) \_\_\_\_\_  
(Policy Agency ORI Number) \_\_\_\_\_ (Originating Agency Case Number (OCA)) \_\_\_\_\_

do hereby state: (check the appropriate box)

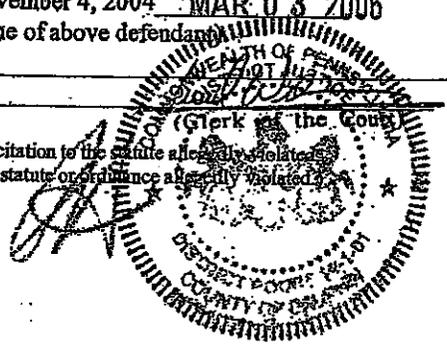
I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as \_\_\_\_\_

I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe  
with violating the penal laws of the Commonwealth of Pennsylvania at 150 Nationwide Drive, Harrisburg, PA  
(Place Political Subdivision)

in Dauphin County on or about October 15, 2004 through November 4, 2004  
Participants were: (if there were participants, place their names here, repeating the name of above defendant)

2. The acts committed by the accused were:  
(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

COMMONWEALTH EXHIBIT 1



Defendant's Name:  
 Dr. Robert Asher Kaplan  
 Docket Number:  
 CR-573-04



**POLICE  
 CRIMINAL COMPLAINT**

**18 Pa. C.S.A. 901/6318 (a:1) F-1 (1 count)  
 CRIMINAL ATTEMPT/UNLAWFUL CONTACT WITH A MINOR**

The defendant with the intent to commit the crime of Involuntary Deviate Sexual Intercourse committed such an act that constituted a substantial step towards the commission of the crime of unlawful contact with a minor. To wit: the defendant while utilizing the internet did engage in instant message and electronic mail communication with an undercover agent posing as a 13 year old child for the purpose of engaging in deviate sexual intercourse.

**18 Pa. C.S.A. 7512 (a) F-3 (1 count)  
 CRIMINAL USE OF A COMMUNICATION FACILITY**

The defendant did use a communication facility to commit, cause or facilitate the commission or the attempt thereof of a crime which constitutes a felony under this title.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

- |    |                              |                            |        |                                       |                      |
|----|------------------------------|----------------------------|--------|---------------------------------------|----------------------|
| 1. | <u>901/6318</u><br>(Section) | <u>A-1</u><br>(Subsection) | of the | <u>PA Crimes Code</u><br>(PA Statute) | <u>1</u><br>(counts) |
| 2. | <u>7512</u><br>(Section)     | <u>A</u><br>(Subsection)   | of the | <u>PA Crimes Code</u><br>(PA Statute) | <u>1</u><br>(counts) |
| 3. | _____                        | _____                      | of the | _____                                 | _____                |
| 4. | _____                        | _____                      | of the | _____                                 | _____                |

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)
4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA.C.S. § 4904) relating to unsworn falsification to authorities.

11-9-, 2004

Dennis Guy  
 (Signature of Affiant)

AND NOW, on this date November 16, 2004, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

12-1-01  
 (Magisterial District)

[Signature]  
 (Issuing Authority)  
 My Commission Expires January 2005



**EXHIBIT B**

11/24/05

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY  
PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

No./Nos.

vs.

765 CR 2005

[Handwritten Signature]

Charge/Charges and Grade/Grades: CR. ATTEMPT TO OBTAIN UNLAWFUL SECURITY  
CR. USE OF A COMM FACILITY (F.3)

Max. Punishment: 10 YRS 15,000  
7 YRS 15,000

Total Maximum Penalties:  
Years: 17 YRS  
Fines: \$ 40,000

GUILTY PLEA COLLOQUY

You are present before this Court because you or your lawyer have stated that you wish to plead guilty to some or all of the criminal offenses with which you have been charged. Please answer fully all of the questions on this document. If you do not understand any explanation given to you on this document, say so by putting the word "no" in the blank space provided after the question. If you do understand the question, you should write in the word "yes." None of the lines should be left blank.

Initial [Signature]

Certified: A True Copy

DA - 3-L-85

Page 1 of 6

COMMONWEALTH  
EXHIBIT  
**2**

MAR 03 2006

[Handwritten Signature]  
(Clerk of the Court)

After you have finished reading this form and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the judge who hears your case, so that they can explain it to you fully, to make sure that you understand all your rights.

Most of these questions are designed be answered "yes" or "no." Where general information is asked for, however, pleas answer fully.

1. Print your full name. Robert Asher Kaplan
2. Age. 50
3. How far did you go in school. Graduate School
4. Can you read, write and understand the English language? Yes
5. By pleading guilty you are giving up certain constitutional rights:

(a) The right to a jury trial. Twelve citizens of Dauphin County-whom you help select-listen to the facts, and based on the evidence, decide whether you are guilty or not guilty. Before you could be convicted, twelve jurors must agree that you are guilty beyond a reasonable doubt as to each and every element of the crimes charged.

Initial RA

(b) The right to a non-jury trial. This means that the judge would sit in place of the jury. You could not be convicted in this type of trial unless the judge was convinced of your guilt beyond a reasonable doubt.

Do you understand that you are giving up these rights? Yes

6. In either a jury or non-jury trial, you have the following rights:

- (a) You are presumed to be innocent.
- (b) The right to file pre-trial motions.
- (c) The right to cross-examine all the Commonwealth's witnesses.
- (d) The right to present evidence on your behalf.
- (e) The right to testify on your own behalf: however, you cannot be forced to testify. If you choose not to

testify, it cannot be used against you.

When you plead guilty, you give up all of the above listed rights because you admit the facts and admit your guilt. Do you understand? Yes

7. Do you realize that by pleading guilty, you are waiving any possible defense may be applicable in your case? Yes

8. When you plead guilty, the only issues you can raise on appeal are the voluntariness of your plea, the jurisdiction of this Court to hear the plea and the legality of whatever sentence is imposed. Do you understand? Yes

Initial AK

9. You have been charged with the crime or crimes outlined on Page 1 of this colloquy;

(a) Do you understand the nature of the charges against you? Yes

(b) Do you understand the maximum penalties? Yes

10. Have you discussed the case and the elements of the crimes charged with your attorney? Yes

11. Are you satisfied with his/her representation? Yes

12. Are you pleading guilty pursuant to a negotiated plea agreement? Yes

13. Do you understand that the court can impose sentences that are consecutive (meaning one sentence does not begin until the other ends) to each other or any other sentence? Yes

14. Do you understand that any aspect of the sentence not covered by any plea agreement is entirely within the judge's discretion? Yes

15. Do you understand that the judge is not bound by the terms of any plea agreement (if there is one) unless the judge accepts the agreement? Yes

Initial RL

16. If you receive a sentence of probation or intermediate punishment (if such a sentence is permissible) and you violate any of the conditions of your sentence, you would be subject to revocation of probation or intermediate punishment. In that event, the judge could resentence you to any lawful sentence within the maximums outlined on Page 1. Do you understand? Yes

17. Have any threats or promises been made to you to persuade you to enter a plea of guilty (other than any plea agreement that has been negotiated by yourself or your attorney)? No

18. Are you satisfied that your plea is voluntary and in your best interest? Yes

19. Do you admit to the charges? Yes

20. How do you wish to plead? Guilty

I affirm that I have read the above document in its entirety and I understand its full meaning, and I wish to enter a plea of guilty to the offense or offenses specified.

Initial RL

I also affirm that my answers are true and correct with the understanding that any false statements or answers herein are made subject to the penalties of §4904 of the Crimes Code (18 Pa.C.S. §4904) relating to unsworn falsification to authorities.

Date 11/14/05

Defendant *Michael Arden Kaplan*

*Robert J. Lach*, Esquire, Attorney for *Michael Arden Kaplan*, state that I have advised my client of the contents and meaning of the document and each of the elements of the crimes charged; that it is my belief that he/she comprehends and understands what is set forth above; and that the defendant understands what he/she is doing by pleading guilty.

*[Signature]*  
Attorney for Defendant

PLEASE SUBMIT A SIGNED ORIGINAL AND ONE COPY AT THE TIME OF THE GUILTY PLEA HEARING

Initial *[Signature]*

**EXHIBIT C**

DEFENDANT Robert A. Kaplan

DOCKET# 07650A-05 DATE 2/22/06

JUDGE Turgeon

DISTRICT ATTY Rock *advising General office*

CLERK T. Hargis

DEFENSE ATTY Jarvis  
Santacruz  
CHARGE

INFORMATION  YES  NO

OTN #: 14 991 498-4

PLEA

Claim att to commit unlaw  
Contact w. TR minor  
SUMMARY APPEAL

PLEA  GUILTY  COLLOQUY  WRITTEN

NOLLO  ORAL

COSTS / FINE (amount) 1000.00

DISTRICT JUSTICE DECISION UPHELD (same)

RESTITUTION \_\_\_\_\_

APPEAL SUCCESSFUL (favorable to defendant)

CONTINUANCE \_\_\_\_\_

APPEAL UNSUCCESSFUL (DJ decision amended)

RULE 600 WAIVED \_\_\_\_\_

FINE \_\_\_\_\_ OFF \_\_\_\_\_

CAPIAS TO ISSUE  FORFEIT BAIL

NOL PROS - COSTS TO:  COUNTY  DEFENDANT

PROBATION - COUNTY 120M STATE Phase 2

SENTENCE DEFERRED \_\_\_\_\_

REVOKE:  PROBATION  PAROLE Consecutive

PRE-SENT REPORT:  COUNTY  STATE  WAIVED

SERVE BALANCE \_\_\_\_\_ Phase 1

CONFISCATE  DESTROY

ACT 198 SUBSTANCE ABUSE FUND - WAIVED

DRUGS  PARA  MONEY  LICENSE

ACT 122 TREATMENT (drug / alcohol)

IGNITION INTERLOCK INSTALLATION ORDERED

COMMUNITY SERVICE \_\_\_\_\_ hrs. Phase 1

INTERMEDIATE PUNISHMENT \_\_\_\_\_ mos.

WORK RELEASE (RIP) \_\_\_\_\_ mos ...followed by

\_\_\_\_\_ mos  EL MT  IP TR  IT SP

OTHER FILE

FEB 22 2006

ENTERED BY \_\_\_\_\_

<input checked="" type="checkbox"/> DCP		<input type="checkbox"/> SCI			
not more than DAYS	not less than DAYS	not more than MOS.	not less than MOS.	not more than YEARS	not less than YEARS
		23 1/2	6		

COMPUTED FROM 2-22-06 CONCURRENT WITH \_\_\_\_\_ CONSECUTIVE WITH \_\_\_\_\_

*True Copy*  
Destroy evidence confiscated at time of arrest  
MAR 13 2006

Work release eligible  
Transfer supervision to Montgomery

[Signature]  
(Clerk of the Court)

JUDGE \_\_\_\_\_

COMMONWEALTH EXHIBIT 3

JUDGE Tucogean DATE 2-22-06  
 DEFENDANT Robert Kaplan CASE/DOCKET # 765 CR 05

Count	Charge	Cost	Fine	Sentence Probation	Concurrent with Consecutive with	Restitution
2	Criminal Use of a. Communication Facility	✓	1000	Sent. Prob. 120M	Concur. w. Consec. w. Phase 2 + Phase 1	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	
				Sent.	Concur. w.	
				Prob.	Consec. w.	

FILE  
 FEB 22 2006  
 ENTERED BY

INTERMEDIATE PUNISHMENT SENTENCE

DEFENDANT

Robert Kaplan

DATE

2/22/06

DOCKET #

765 CC05

THE DEFENDANT IS SENTENCED TO INTERMEDIATE PUNISHMENT FOR A PERIOD OF 23 1/2 MONTHS. (Flat sentence)

Ct 1 \_\_\_\_\_ Ct 2 \_\_\_\_\_ Ct 3 \_\_\_\_\_ Ct 4 \_\_\_\_\_ Ct 5 \_\_\_\_\_

Consecutive with \_\_\_\_\_ Concurrent to \_\_\_\_\_ Credit for Time Served \_\_\_\_\_  
Eligible for Immediate Release at this Docket \_\_\_\_\_

THE FIRST 23 1/2 MONTHS OF WHICH IS TO SERVED In Restrictive I.P.  
 WORK RELEASE (DCP) \_\_\_\_\_ FEMALE WORK RELEASE (Woodside)

followed by \_\_\_\_\_ months Restrictive Intermediate Punishment Sanctions as follows:

\_\_\_\_\_ Inpatient Treatment  
\_\_\_\_\_ House Arrest with Electronic Surveillance \_\_\_\_\_ Residential Rehabilitation

followed by 120 + 120 months Restorative Sanctions -- balance of the sentence:

1000 Fines \_\_\_\_\_  Standard Probation Rules  
1000 Court Costs \_\_\_\_\_  
\$ \_\_\_\_\_ Restitution to be paid before Fines & Costs

The Court also attaches the following conditions upon the defendant:

- \_\_\_\_\_ ACT 122 and ACT 24 (DUI)
- Maintain/ Obtain full-time employment
- \_\_\_\_\_ Participate in Program for Female Offenders
- \_\_\_\_\_ Maintain family responsibilities (i.e.: child support)
- Undergo individual or family counseling
- Undergo medical or psychiatric treatment when required
- \_\_\_\_\_ Attend educational or vocational training (GED, job skills training)
- \_\_\_\_\_ Participate in drug or alcohol screening and treatment programs(TASC evaluation)
- \_\_\_\_\_ AA/NA meetings \_\_\_\_\_ per week, Or as directed by Probation Officer
- \_\_\_\_\_ Obtain AA/NA Sponsor
- \_\_\_\_\_ Parenting Class
- STD class
- \_\_\_\_\_ Seminar for Separating Parents
- \_\_\_\_\_ Other (reasonably related to rehabilitation)
- \_\_\_\_\_ Drug Testing
- MH/MR
- 1000 Community Service
- Sex Offenders Treatment
- \_\_\_\_\_ 26 weeks batterers' program

Specify Pharmacologic

Confiscation & Destruction Order \_\_\_\_\_ Judge J. J.

White - Clerk of Courts  
Green - Prison  
Yellow - Fines & Cost / Adult Probation  
Pink - Defendant  
Gold - Judge

FILE

Judge - 8  
FEB 22 2006

ENTERED BY