

ORIGINAL

**FILED**

JUN 26 2008

**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

Administrative Action

PHILLIP J. BRUNO, D.C.  
License No. 38MC004901

FINAL ORDER  
OF DISCIPLINE

TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY

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, Phillip J. Bruno, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On January 5, 2007, Respondent pleaded guilty to the crime of False Statements Relating to Health Care Matters, in violation of 18 U.S.C. §§ 1035, 24 & 2, before the Hon. John R. Tunheim, a United States District Judge in the District of Minnesota. (Copy of the Judgment in a Criminal Case is attached as "Exhibit A" hereto, and incorporated by reference herein.)
3. Respondent was sentenced on January 25, 2007 to be incarcerated for a total term of 15 months, commencing on March 12, 2007. Thereafter, Respondent shall be on supervised release for a term of 3 years. Also, Respondent was ordered to pay restitution to five insurance companies, jointly and severally with three co-defendants, in the aggregate amount of \$226,678.00.

## CONCLUSIONS OF LAW

1. The aforesaid conduct provides grounds for the revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(f) and (k), in that Respondent has been convicted of an offense involving moral turpitude and which relates adversely to the practice of chiropractic; and has violated an insurance fraud prevention law of another jurisdiction.

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 January 24, 2008, and a copy was forwarded to Respondent by means of both regular and certified mail to the federal prison in which he was incarcerated at the time. 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.

A handwritten letter dated January 29, 2008 was received by the Board from Respondent which acknowledged his receipt of the Provisional Order and requested "an opportunity to explain the circumstances of [his] case... when [he is] able to do (sic) in a normal environment." Respondent did not in any way dispute the Findings of Fact or Conclusions of Law set forth in the Provisional Order. In addition, the letter asked that all future correspondence be directed to his home address at 425 Williams Drive, #1337, Marietta, GA 30066.

On or about April 1, 2008, a letter was sent by the Board via regular and certified mail, return receipt requested, to the aforesaid address specified by Respondent. The letter reiterated the direction set forth in the Provisional Order that Respondent respond in writing with any and all reasons why his license to practice chiropractic in New Jersey should not be revoked as a consequence of his criminal conviction. Respondent was directed to submit his written response

on or before the thirtieth business day from his receipt of the Board's letter. The letter further advised that failure to submit a written response within the specified time could result in the finalization of the Provisional Order without further proceedings. Respondent was also instructed to contact the Board immediately upon his release from incarceration to arrange a date and time for his appearance before the Board subsequent to his submission of written reasons why his license should not be revoked.

The Board has received the certified mail return receipt from its letter, signed by the Respondent on or about April 4, 2008. To date, the Board has received no further communication from Respondent.

Accordingly, having considered the matter in light of Respondent's failure to request that a hearing be scheduled, and his failure to provide the Board with any substantive response to the provisional order; and the Board having determined that further proceedings are therefore not necessary; the Board has determined that the Provisional Order should be made final.

THEREFORE, IT IS on this 26<sup>th</sup> day of June, 2008,

ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey be and hereby is revoked.
2. 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 EXAMINERS

By   
Albert Stabile, Jr., D.C.  
Board President

Dated:

**EXHIBIT A**

United States District Court
District of Minnesota

UNITED STATES OF AMERICA
v.
Philip Bruno

JUDGMENT IN A CRIMINAL CASE
Case Number: 02-295-02(JRT/RLE)
USM Number: 10669-041
Social Security Number: 0902
Date of Birth: 1946

John C. Brink
Defendant's Attorney

THE DEFENDANT:

- [x] pleaded guilty to Count 15.
[] pleaded nolo contendere to counts(s) which was accepted by the court.
[] was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 18 U.S.C. §§ 1035, 24, & 2; False Statements Relating to Health Care Matters; July 2000; 15

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- [] The defendant has been found not guilty on counts(s).
[x] Counts 1-14 and 16-26 are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material change in economic circumstances.

January 5, 2007
Date of Imposition of Judgment
s/John R. Tunheim
Signature of Judge
JOHN R. TUNHEIM, United States District Judge
Name & Title of Judge
January 25, 2007
Date

A true printed copy in 7 sheet(s) of the electronic record filed on 1/26/07 in the United States District Court for the District of Minnesota.

CERTIFIED, 11-26, 2007.

RICHARD D. SLETTEN

BY: [Signature]
Deputy Clerk

AO 245B (Rev. 06/05) Sheet 2 - Imprisonment

DEFENDANT: PHILIP BRUNO  
CASE NUMBER: 02-295-02(JRT/RLE)

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 15 months.

The court makes the following recommendations to the Bureau of Prisons:  
**Defendant should be designated to serve his term of imprisonment at the federal facility in Duluth, MN.**

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.  
 at on .  
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
 on March 12 at 11:00 am .  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy United States Marshal

AO 245B (Rev. 06/05) Sheet 3 - Supervised Release

DEFENDANT: PHILIP BRUNO  
CASE NUMBER: 02-295-02(JRT/RLE)

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this Judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Sheet 3A - Supervised Release

DEFENDANT: PHILIP BRUNO  
CASE NUMBER: 02-295-02(JRT/RLE)

### SPECIAL CONDITIONS OF SUPERVISION

- a The defendant shall provide the probation officer access to any requested financial information, including credit reports, credit card bills, bank statements, and telephone bills.
- b The defendant shall comply with the District of Minnesota Offender Employment Policy which may include participation in training, counseling, and/or daily job searching as directed by the probation officer. If not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, the defendant may be required to perform up to 20 hours of community service per week until employed, as approved or directed by the probation officer.

AO 245B (Rev. 06/05) Sheet 5 - Criminal Monetary Penalties

DEFENDANT: PHILIP BRUNO  
CASE NUMBER: 02-295-02(JRT/RLE)

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$100	\$0	\$226,678

- The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. §3664(i), all nonfederal victims must be paid before the United States is paid.

Name and Address of Payee	**Total Loss	Restitution Ordered	Priority or Percentage
MSI Insurance Mr. Jim Richards Two Pine Tree Drive Arden Hills, MN 55112	\$43,571.71	\$43,571.71	First
Progressive Insurance Mr. Bruce Raines 5720 Smetana Road #200 Minnetonka, MN 55343	\$63,079.68	\$63,079.68	First
Allstate Insurance Mr. Brian Soli 965 Prairie Center Drive Eden Prairie, MN 55344	\$82,762.87	\$82,762.87	First
Met Life Property Casualty Insurance Mr. Larry Cholewin P.O. Box 7002 Libertyville, IL 60048	\$33,759.31	\$33,759.31	First
State Farm Insurance Ms. Sandra Drendel 8500 State Farm Way Woodbury, MN 56125	\$3,504.43	\$3,504.43	First
<b>TOTALS:</b>	<b>\$226,678.00</b>	<b>\$226,678.00</b>	
<b>Payments are to be made to the Clerk, U.S. District Court, for disbursement to the victim.</b>			

- Restitution amount ordered pursuant to plea agreement \$.

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the  fine  restitution.

the interest requirement for the:  fine  restitution is modified as follows:

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

AO 245B (Rev. 06/05) Sheet 6 - Schedule of Payments

DEFENDANT: PHILIP BRUNO  
CASE NUMBER: 02-295-02(JRT/RLE)

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ due immediately, balance due  
 not later than , or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Over the period of incarceration, the defendant shall make payments of either quarterly installments of a minimum of \$25.00 if working non-UNICOR or a minimum of 50 percent of monthly earnings if working UNICOR; or
- D  Payments of not less than \$50.00 per month are to be made over a period of 3 years commencing 30 days after release from confinement; or
- E  Payment during the term of supervised release will commence within (e.g. 30 or 60 days ) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
**It is recommended that the defendant participate in the Inmate Financial Responsibility Program while incarcerated.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the clerk of **court**.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several  
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:  
Howard Pindyck (02-295-01): Total Amount \$226,678; Joint and Several Amount \$226,678  
Michael Czichray (02-295-03): Total Amount \$226,678; Joint and Several Amount \$226,678  
Leonard Evangelist (02-295-04): Total Amount \$226,678; Joint and Several Amount \$226,678

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

**Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including costs of prosecution and court costs**