

ORIGINAL

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ATTORNEY GENERAL OF NEW JERSEY
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FILED
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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

CHRISTIAN LEVANDUSKI, D.C.
License No. 38MC00458000

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

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Administrative Action

INTERIM CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts and conclusions of law.

FINDINGS OF FACT

1. Respondent, Christian Levanduski, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On February 17, 2000, in the Township of Robbinsville, New Jersey (formerly Washington Township), Respondent was arrested and charged with the offenses of driving while intoxicated, driving while intoxicated in a school zone, refusing to take a breathalyzer test, and careless driving. On April 18, 2000, Respondent was convicted of the offense of driving while intoxicated within a school zone. (Record of conviction attached hereto as "Exhibit A").

3. On September 10, 2001, Respondent answered "No" to the questions: "1. Have you been convicted of a crime?" and: "2. Are there any criminal charges against you now pending? (Parking or speeding violations do not require you to answer 'Yes,' but all other motor vehicle offenses must be disclosed.)," on his application for renewal of his license to practice chiropractic. Respondent signed the application and certified his negative response to be true and complete. (True copy of application attached hereto as "Exhibit B").

4. Again on July 7, 2003, Respondent answered "No" to the question on the form to renew his license to practice chiropractic which asked: "Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but Motor Vehicle offenses such as driving while impaired or intoxicated must be disclosed.)" Respondent again signed and certified his negative response to be true and complete. (True copy of application attached hereto as "Exhibit C").

5. On December 9, 2004, Respondent was arrested and charged in Florence Township, New Jersey, with the offenses of forgery and possession of controlled dangerous substance obtained by fraud. The charges were associated with an alleged

attempt on that date to fill a forged prescription for Percocet at a pharmacy within that jurisdiction. On March 9, 2006, the charges were dismissed by the municipal court.

6. On or about August 30, 2005, Respondent failed to disclose his December 2004 arrest on drug-related charges which were still pending on that date, and his April 2000 DWI conviction, when he certified as true and complete his negative response to the question: "Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but Motor Vehicle offenses such as driving while impaired or intoxicated must be disclosed.)" on his on-line application for renewal of his license to practice chiropractic. (True copy of application attached hereto as "Exhibit D").

7. In August 2007, Respondent failed to disclose his DWI conviction for the third time, and his December 2004 arrest for the second time, when he certified as true and complete his negative response to the following question on his on-line application for renewal of his license to practice chiropractic in New Jersey: "Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but Motor Vehicle offenses such as driving while impaired or intoxicated must be disclosed.)" (True copy of application attached hereto as "Exhibit E").

8. On November 8, 2007, Respondent was arrested on a warrant charging that in Bordentown Township, New Jersey, he committed forgery and attempted to obtain a controlled dangerous substance by fraud. The charges were associated with an attempt to fill an allegedly forged prescription for Endocet on a stolen prescription form at a pharmacy within that jurisdiction on November 5, 2007. These charges remain pending.

9. The Board finds that Respondent's repeated failures to disclose his history of arrests when applying for renewals of his license rendered his applications for the renewal of his license to practice chiropractic in 2001, 2003, 2005, and 2007 fraudulent.

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(a), in that he repeatedly obtained a registration through fraud, deception, or misrepresentation.

ACCORDINGLY, IT IS on this 19th day of February, 2009

ORDERED AND AGREED that:

1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is, suspended immediately; and shall remain suspended pending an assessment of Respondent's use of chemical substances and/or his chemical dependency, which may render him unable to practice chiropractic with reasonable skill and safety, by the Professional Assistance Program of New Jersey ("PAPNJ") and Louis E. Baxter, Sr., M. D., and pending a further order of the Board following that assessment.

2. Respondent agrees to abide by the recommendations of the PAPNJ which shall be set forth in a report of its assessment. Respondent agrees to the release of said report to the Board, and waives his right of confidentiality therein for that purpose. In the event that the PAPNJ recommends therapy or a practice limitation, Respondent agrees to

enter into a further consent order with the Board, embodying said recommendations as a condition(s) of his continued licensure. Respondent shall be solely responsible for the payment of all costs associated with the aforesaid assessment performed by PAPNJ.

3. Respondent is hereby reprimanded for his violations of N.J.S.A 45:1-21(a).

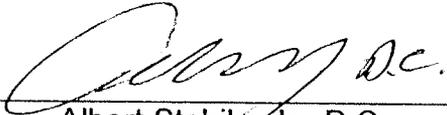
4. Respondent shall pay costs of investigation in the total amount of \$4,518.00, which shall be paid as follows: an initial payment of \$376.50 shall be paid no later than ten (10) days from the entry of this Consent Order. The balance shall be paid in eleven equal monthly installments of \$376.50, which shall become due and payable on the first business day of each month following the aforesaid initial payment. Payment shall be by certified check or money order made payable to the State of New Jersey and sent to Mr. Jonathan Eisenmenger, Executive Director, Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101. Failure to make any payment within ten (10) days of its becoming due shall result in the entire balance becoming due and owing with interest to accrue as provided in N.J. Court Rule 4:42-11.

5. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so; and any practice in this State prior to said appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions upon Respondent's practice should his license be reinstated to active status.

6. 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.

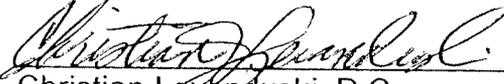
7. Failure to comply with the provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

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

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Consent is hereby given as to the form and entry of this Order.


Christian Levanduski, D.C.


Kevin P. Nerwinski, Esq.
Attorney for Respondent

EXHIBIT A

State of New Jersey
V.
Christian J Levanduski



Robbinsville Township
Municipal Court
1117 Route 130
Robbinsville, NJ 08691
609 259 - 3522

Defendant:
(Specify Complete Name)

Date of Violation(s)
February 17, 2000

Date of Disposition
April 18, 2000

Certification of Disposition

Judge
Marvin A. VanHise, Jr. JMC

1. Complaint Number
N 2361

Original Offense

Amended Offense

Statute Description
39:4-50(G)(1) DWI within school limits

Statute Description

Disposition

Finding Fines Cost Misc. Total Fines and Costs \$755.00
Guilty

2. Complaint Number

Original Offense

Amended Offense

Statute Description

Statute Description

Disposition

Finding Fines Cost Misc. Sentence

3. Complaint Number

Original Offense

Amended Offense

Statute Description

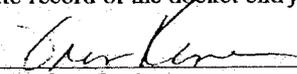
Statute Description

Disposition

Finding Fines Cost Misc. Sentence

Certification of Disposition

As an employee of the Municipal Court of Robbinsville Township, County of Mercer, State of New Jersey, I hereby certify this to be a true and accurate record of the docket entry of the Robbinsville Township Municipal Court regarding the above-captioned matter.

Fran Kane 
Signature of Certifying Court Employee

July 11, 2008

Date Signed

Affix Seal of the Court

EXHIBIT B

Questions:
"X" Appropriate
Box

Please answer all questions, sign, detach as indicated
and return in the enclosed envelope with your check.

- | | YES | NO |
|---|-----|-------------------------------------|
| 1. Have you been convicted of a crime? | | <input checked="" type="checkbox"/> |
| 2. Are there any criminal charges against you now pending? (Parking or speeding violations do not require you to answer "Yes," but all other motor vehicle offenses must be disclosed.) | | <input checked="" type="checkbox"/> |
| 3. Has your professional license been revoked or suspended (whether active or stayed) by any licensing board? | | <input checked="" type="checkbox"/> |
| 4. Is any action now pending against your professional license or have you been permitted to surrender or otherwise relinquish your license to avoid inquiry, investigation or action by any state licensing board? | | <input checked="" type="checkbox"/> |
| 5. Is the mailing address printed on this form correct? (If no, you must provide your current address of record to the board immediately.) | | <input checked="" type="checkbox"/> |

Christian Levanduski 09/10/01
Date

"I certify that the information entered on this form is true and complete to the best of my knowledge, and further acknowledge that if the information supplied on this form is willfully false, I am subject to punishment and/or disciplinary sanction including suspension/revocation or the imposition of civil penalties as may be provided by law."

- | | YES | NO |
|--|-----|-------------------------------------|
| 6. Do you wish to place your license in inactive/retired status? Please see instructions above before answering this question. | | <input checked="" type="checkbox"/> |
| 7. Has any HMO, insurance company, hospital or other licensed facility taken or begun action affecting your employment or privileges, or have you voluntarily resigned to avoid the imposition of such action since your last renewal? | | <input checked="" type="checkbox"/> |
| 8. Has any malpractice settlement, and/or award of judgment been made against you, or are any malpractice cases pending against you, or has malpractice insurance been denied or canceled, or has your malpractice insurer required practice limitations or office monitoring? | | <input checked="" type="checkbox"/> |

PO BOX 150
TRENTON, NJ 08625-0150

PAY THIS AMOUNT BY 2001/08/31
\$350.00
CHRISTIAN LEVANDUSKI
38MC004540

LPY001001704832001082438MC0045800008350000350000000400002

EXHIBIT C

Are you currently engaged in the illegal use of controlled dangerous substances? "Currently" is defined as within the last two years. NOTE: Individuals answering "yes" to this question will receive follow-up correspondence directly from the Board office. If you are asserting the Fifth Amendment privilege, check this box.

YES NO

1.

X

Do you have a medical condition or do you engage in the use of chemical substances which in any way impairs or limits your ability to practice your profession? (See definition of medical conditions on the enclosed insert.) NOTE: Individuals answering "yes" to this question will receive follow-up correspondence directly from the Board office. If you are asserting the Fifth Amendment privilege, check this box.

2.

X

Has any H.M.O., insurance company, hospital or other licensed facility taken or began action affecting your employment or privileges, or have you voluntarily resigned to avoid the imposition of such action since your last renewal?

3.

X

Has any malpractice settlement and/or award of judgment been made against you, or are there any malpractice cases pending against you, or has malpractice insurance been denied or canceled, or has your malpractice insurer required practice limitations or office monitoring?

4.

X

State Board of Chiropractic Examiners
P.O. BOX 639
TRENTON, NJ 08646-0639

PAY THIS AMOUNT BY 07/31/2003

\$ 350.00

38MC0045000

CHRISTIAN LEVANDUSKI

LPY001004966712003060338MC004580000835000035000000400001

Questions:
Completely fill in the appropriate box for each question.

Please answer all questions on both sides of this renewal application, sign, detach as indicated and return in the enclosed envelope with the required payment. Do not send any additional information with the renewal application. Follow the instructions for address and name changes.

003313 123 071003 42 04 DCALR 45-700139361

YES NO

5. Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but Motor Vehicle offenses such as driving while impaired or intoxicated must be disclosed.)
6. Since your last renewal has any action been taken or is any action now pending against your professional license or have you been permitted to surrender or otherwise relinquish your license to avoid inquiry, investigation or action by any other licensing authority that you have not already reported to your board/committee?
7. Do you want to change your license status to inactive? (An inactive status licensee cannot practice their profession in the State of New Jersey.) See instructions on other side before answering this question.
8. This question left intentionally blank.
9. This question left intentionally blank.

5.

X

6.

X

7.

X

8.

X

9.

X

Christian Levanduski

7/7/03

"I certify that the information entered on this form is true and complete to the best of my knowledge, and further acknowledge that if the information is willfully false, I am subject to punishment and/or disciplinary sanction including license suspension/revocation or the imposition of civil penalties as may be provided by law."

003313 124 071003 42 04 DCALR 45-700139361

NEGOTIABLE ONLY IN THE U.S. AND POSSESSORS

WARNING-CASHIER REQUIRE POSITIVE IDENTIFICATION HOLD TO LIGHT AND CHECK FOR BENJAMIN FRANKLIN WATERMARK AND SECURITY FEATURES

ENDORSEMENT SIGNATURE

MAXIMUM VALUE ONE THOUSAND DOLLARS

EXHIBIT D

Renewal Questions for License Number 38MC00458000

Question	Answer	Type	Date
<u>Instructions for Questions 1 & 2</u>			
1) Are you currently engaged in the illegal use of controlled dangerous substances? "Currently" is defined as "within the last two years." Note: Individuals answering "yes" to this question will receive follow up correspondence directly from the Board.	N	Questionnaire	8/30/2005
2) Do you have a medical condition or do you engage in the use of chemical substances which in any way impairs or limits your ability to practice your profession? (See the definition of medical conditions below) Note: Individuals answering "yes" to this question will receive follow-up correspondence directly from the Board.	N	Questionnaire	8/30/2005
3) If you answered yes to questions 1 & 2, do you wish to assert your Fifth Amendment privilege? If you answered NO to questions 1 & 2, please choose NO for this question.	N	Questionnaire	8/30/2005
4) Since your last renewal has any H.M.O., insurance company, hospital or other licensed facility initiated any action that affects or will affect your employment or privileges, or have you voluntarily resigned to avoid the imposition of such action?	N	Questionnaire	8/30/2005
5) Since your last renewal has any malpractice settlement, award or judgment been made against you or are there any malpractice cases pending against you, or has malpractice insurance been denied or canceled, or has your malpractice insurer required practice limitations or office monitoring?	N	Questionnaire	8/30/2005
6) Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but Motor Vehicle offenses such as driving while impaired or intoxicated must be disclosed.)	N	Questionnaire	8/30/2005
7) Since your last renewal has any action been taken or is any action now pending against your professional license or have you been permitted to surrender or otherwise relinquish your license to avoid inquiry, investigation or action by any other licensing authority that you have not already reported to your board/committee?	N	Questionnaire	8/30/2005

Submittal for [illegible]

EXHIBIT E

Renewal Questions for License Number 38mc00458000

Question	Answer	Type	Date
<u>Instructions for Questions 1 & 2</u>			
1) Are you currently engaged in the illegal use of controlled dangerous substances? "Currently" is defined as "within the last two years." Note: Individuals answering "yes" to this question will receive follow up correspondence directly from the Board.	N	Questionnaire	8/31/2007
2) Do you have a medical condition or do you engage in the use of chemical substances which in any way impairs or limits your ability to practice your profession? (See the definition of medical conditions below) Note: Individuals answering "yes" to this question will receive follow-up correspondence directly from the Board.	N	Questionnaire	8/31/2007
3) If you answered yes to questions 1 & 2, do you wish to assert your Fifth Amendment privilege? If you answered NO to questions 1 & 2, please choose NO for this question.	N	Questionnaire	8/31/2007
4) Since your last renewal has any H.M.O., insurance company, hospital or other licensed facility initiated any action that affects or will affect your employment or privileges, or have you voluntarily resigned to avoid the imposition of such action?	N	Questionnaire	8/31/2007
5) Since your last renewal has any malpractice settlement, award or judgment been made against you or are there any malpractice cases pending against you, or has malpractice insurance been denied or canceled, or has your malpractice insurer required practice limitations or office monitoring?	N	Questionnaire	8/31/2007
6) Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but Motor Vehicle offenses such as driving while impaired or intoxicated must be disclosed.)	N	Questionnaire	8/31/2007
7) Since your last renewal has any action been taken or is any action now pending against your professional license or have you been permitted to surrender or otherwise relinquish your license to avoid inquiry, investigation or action by any licensing authority that you have not already reported to your board/committee?	N	Questionnaire	8/31/2007