

**ORIGINAL**

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

By: John D. Hugelmeyer  
Deputy Attorney General  
Tel. (973) 693-5056

**FILED**

AUG 26 2009

**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

JOHN J. DUERKES JR., D.C. :  
License No. 38MC00232400 :

CONSENT ORDER

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 the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts and conclusion of law:

FINDINGS OF FACT

1. Respondent, John J. Duerkes, Jr., 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 October 3, 2008, Respondent was convicted of the offense of Harrassment, contrary to N.J.S.A. 2C:33-4, and was sentenced to thirty days in the Monmouth County Correctional Institution and fines/penalties in the total amount of \$1,000.00. (Copy of the Judgment of Conviction attached hereto as "Exhibit A"). The court also found Respondent guilty of offering alcohol to minors, contrary to N.J.S.A. 2C:33-17(a).

#### CONCLUSIONS OF LAW

1. The above convictions provide grounds for the suspension 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 engaged in professional misconduct as determined by the Board and was convicted of offenses relating adversely to the practice of chiropractic.

ACCORDINGLY, IT IS on this *21<sup>st</sup>* day of *August*, 2009

ORDERED AND AGREED that:

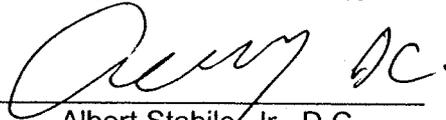
1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is suspended for a period of one (1) year; however, such period of suspension shall be stayed, and become a period of probation. The stayed period of suspension shall be activated upon a showing of Respondent's non-compliance with any of the terms and conditions set forth herein.

2. Respondent shall successfully complete and unconditionally pass at his own expense the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or complete the Day Treatment Program offered by the Professional Renewal Center, Free State Office Park, 1201 Wakarusa Street, Bldg E, 2<sup>nd</sup> Fl., Lawrence, KS., within six (6) months of the issuance of this Order. Documentation of the full and successful completion of the course or program shall be provided to the Board.

3. Respondent shall be required to appear before the Board (or a committee thereof) upon the expiration of the aforesaid period of probation to demonstrate his fitness to practice chiropractic. The Board reserves the right to continue the period of probation or otherwise restrict Respondent's practice.

4. 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

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.

  
John J. Duerkes, D.C.

Dated: 8/18/09

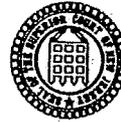
NEW JERSEY  
LED

State of New Jersey

OCT 24 2008

v.

CRIMINAL DIVISION  
MONMOUTH VICINAGE



New Jersey Superior Court  
Law Division - Criminal  
Monmouth County

Defendant:  
(Specify Complete Name)

John Duerkes, Jr.

- JUDGMENT OF CONVICTION
- CHANGE OF JUDGMENT
- ORDER FOR COMMITMENT
- INDICTMENT / ACCUSATION DISMISSED
- JUDGMENT OF ACQUITTAL

DATE OF BIRTH 9/29/56	SBI NUMBER 998006B
DATE OF ARREST 11/19/06	DATE INDICTMENT/ ACCUSATION FILED 3/14/07
DATE OF ORIGINAL PLEA 4/9/07	ORIGINAL PLEA <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

ADJUDICATION BY

GUILTY PLEA      DATE: 7/15/08 (on Indict. 07-03-627)       NON-JURY TRIAL      DATE:

JURY TRIAL      DATE: 3/11,12,13/08 (on S2006-1038-1319)       DISMISSED / ACQUITTED      DATE:

IND / ACC NO.	COUNT	DESCRIPTION	DEGREE	STATUTE
07-03-627	1	Attempted Sexual Assault	2 <sup>nd</sup>	2C:5-1/2C:14-2C(1)
	2	Sexual Assault	2 <sup>nd</sup>	2C:14-2c(1)
	3	Criminal Sexual Assault	4 <sup>th</sup>	2C:14-3b
S2006-1038-1319		Offer/Serve Alcohol to Minors	DP	2C:33-17a

COUNT	DESCRIPTION	DEGREE	STATUTE
3	AMENDED TO: Harrassment	PPD	2C:33-4

It is, therefore, on October 3, 2008 ORDERED and ADJUDGED that the defendant is sentenced as follows:

Count 3: Thirty (30) days in the Monmouth County Correctional Institution (MCCI). Defendant to pay fines/penalties in the total amount of \$1,000.00 within Sixty (60) days of release from MCCI. Defendant to have no victim contact.

S2006-1038-1319: Defendant to pay fines/penalties in the total amount of \$1,000.00 within Sixty (60) days of release from MCCI. Defendant to have no victim contact.

Counts 1 and 2 were previously dismissed by way of Motion signed on June 7, 2007.

**TRUE COPY**

- The defendant is hereby sentenced to community supervision for life.
- The defendant is hereby ordered to serve a \_\_\_\_\_ year term of parole supervision which term shall begin as soon as defendant completes the sentence of incarceration.
- The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.
- The court finds that the defendant is amenable to sex offender treatment.
- The court finds that the defendant is willing to participate in sex offender treatment.
- The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided.

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

<input type="checkbox"/> Defendant is to receive credit for time spent in custody (R. 3:21-8).	TOTAL NUMBER OF DAYS 0	DATE: (From/To)
<input type="checkbox"/> Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).	TOTAL NUMBER OF DAYS 0	DATE: (From/To)
		DATE: (From/To)

Total Custodial Term 30 days Institution MCCI Total Probation Term \_\_\_\_\_

<p><b>Total Fine \$750.00</b></p> <p><b>Total RESTITUTION \$ _____</b></p> <p>If the offense occurred on or after December 23, 1991, an assessment of \$50 is imposed on each count on which the defendant was convicted unless the box below indicates a higher assessment pursuant to N.J.S.A. 2C:43-3.1. (Assessment is \$30 if offense is on or after January 9, 1986 but before December 23, 1991, unless a higher penalty is noted. Assessment is \$25 if offense is before January 9, 1986.)</p> <p><input checked="" type="checkbox"/> Assessment imposed on count(s) <u>3, S2006-1038-1319</u> is \$<u>50</u> each.</p> <p><b>Total VCCA Assessment \$100.00</b></p> <p>Installment payments are due at the rate of <u>\$1,000.00</u> within <u>60 days</u> beginning <u>upon release from MCCJ</u> (Date)</p>	<p>If any of the offenses occurred on or after July 9, 1987, and is for a violation of Chapter 35 or 36 of Title 2C,</p> <p>1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for each count. (Write in # times for each.)</p> <p style="text-align: center;"> <input type="checkbox"/> 1<sup>st</sup> Degree @ \$3000      <input type="checkbox"/> 4<sup>th</sup> Degree @ \$750  <input type="checkbox"/> 2<sup>nd</sup> Degree @ \$2000      <input type="checkbox"/> Disorderly Persons or Petty Disorderly Persons @ \$500  <input type="checkbox"/> 3<sup>rd</sup> Degree @ \$1000 </p> <p style="text-align: right;"><b>Total D.E.D.R. Penalty \$ _____</b></p> <p><input type="checkbox"/> Court further Orders that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.</p> <p>2) A forensic laboratory fee of \$50 per offense is ORDERED. _____ Offenses @ \$50.</p> <p style="text-align: right;"><b>Total Lab Fee \$ _____</b></p> <p>3) Name of Drugs involved _____</p> <p>4) A mandatory driver's license suspension of _____ months is ORDERED. The suspension shall begin today, _____ and end _____.</p> <p>Driver's License Number _____</p> <p>(IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)</p> <p>Defendant's Address _____</p> <p>Eye Color _____ Sex _____ Date of Birth _____</p> <p><input type="checkbox"/> The defendant is the holder of an out-of-state driver's license from the following jurisdiction _____ Driver's License Number _____</p> <p><input type="checkbox"/> Defendant's non-resident driving privileges are hereby revoked for _____ months.</p>
---	---

If the offense occurred on or after February 1, 1993 but was before March 13, 1995 and the sentence is to probation or to a state correctional facility, a transaction fee of up to \$1.00 is ordered for each occasion when a payment or installment payment is made. (P.L. 1992, c. 169). If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, a transaction fee of up to \$2.00 is ordered for each occasion when a payment is made. (P.L. 1995, c. 9).

If the offense occurred on or after August 2, 1993, a \$75 Safe Neighborhood Services Fund assessment is ordered for each conviction. (P.L. 1993, c.220) 150.00

If the offense occurred on or after January 5, 1994 and the sentence is to probation, a fee of up to \$25 per month for the probationary term is ordered. (P.L. 1993, c. 275) Amount per month \$ \_\_\_\_\_.

If the crime occurred on or after January 9, 1997, a \$30 Law Enforcement Officers Training and Equipment Fund penalty is ordered.

If the crime occurred on or after May 4, 2001, and the defendant has been convicted of aggravated sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endanger the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a minor under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(4), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor, kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3) or (4), or an attempt to commit any of these crimes, a \$800 Statewide Sexual Assault Nurse Examiner Program Penalty is ordered for each of these offenses.

Name (Court Clerk or Person preparing this form) <b>MaryAnn McGevna, Crim. Div. Mgr. DLB</b>	Telephone Number <b>732-677-4560</b>	Name (Attorney for Defendant at Sentencing) <b>James Fagen, Esq.</b>
---	---	---

**STATEMENT OF REASONS – Include all applicable aggravating and mitigating factors**

**Aggravating Factors:**

2. The gravity and seriousness of harm inflicted on the victim including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power or resistance.

9. The need for deterring the defendant and others from violating the law.

**Mitigating Factors:**

7. The defendant has no history of prior delinquency or criminal activity or has led law-abiding life for a substantial period of time before the commission of the present offense.

8. The defendant's conduct was the result of circumstances unlikely to recur.

11. The imprisonment of the defendant would entail excessive hardships to himself or his dependents.

**Other Factors:**

There is a preponderance of Aggravating Factor.

This was a plea agreement between the Prosecutor and the defendant. The Court will impose the recommended sentence.



I, Marsi L. Perkins, Deputy Clerk of the Superior Court of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true copy of the Judgment of

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court of Freehold, December this 14<sup>th</sup> day of Two Thousand and eight

*Marsi L. Perkins*  
Marsi L. Perkins, Deputy Clerk  
*Mary Ann McGevna*  
Mary Ann McGevna, Criminal Division Manager