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

_____	:	
IN THE MATTER OF	:	
	:	<b>Administrative Action</b>
	:	
<b>CARLOS A. QUISPE</b>	:	<b>FINAL CONSENT ORDER</b>
	:	
Respondent,	:	
	:	
ENGAGING IN THE UNLICENSED	:	
PRACTICE OF DENTISTRY IN THE	:	
STATE OF NEW JERSEY	:	
_____	:	

This matter was opened to the New Jersey State Board of Dentistry (the "Board") upon receipt of information that Carlos A. Quispe ("Respondent") was engaging in the unlicensed practice of dentistry at the Kearny Family Health Center, Inc. (the "Corporation"), 65 Kearny Avenue, Kearny, New Jersey. Specifically, Respondent, individually and through the Corporation, engaged in acts requiring a license to practice dentistry in this State, including treating patients, owning and operating a dental practice, employing licensed dentists to perform dental procedures,

billing for dental services rendered, and advertising the provision of dental services.

By way of background, Respondent agreed to cease and desist from engaging in the unlicensed practice of dentistry in a consent order filed by the Board on September 13, 1993 ("1993 Consent Order").

Notwithstanding this agreement, Respondent was arrested on December 12, 2007 and charged with engaging in the unlicensed practice of dentistry, in violation of N.J.S.A. 2C:21-30, following an undercover investigation. Respondent subsequently entered a conditional plea of guilty based upon his acceptance into the Pre-Trial Intervention Program.

On April 30, 2008, Respondent appeared with then-counsel, Marc Agnifilo, Esq., at an investigative inquiry into the matter before a Committee of the Board. On that same date, dentists employed by the practice also appeared before the Committee and testified as to the activities of Respondent and the Corporation.

During his testimony, Respondent acknowledged that he had been the sole owner of the Corporation since it was incorporated on May 11, 2000. He also acknowledged that the Corporation had been providing dental services since its inception even though it was not organized as a professional services corporation or owned by a licensed dentist, see N.J.A.C. 13:30-8.13. Although he invoked his Fifth Amendment privilege when asked questions concerning his 2008

arrest, Respondent admitted that he had violated the 1993 Consent Order.

In an Interim Consent Order filed June 6, 2008 ("2008 ICO"), Respondent and the Corporation agreed not to participate in any aspect of the practice of dentistry or in any dental decisions. Respondent further agreed not to be present at the dental practice located at 65 Kearny Avenue, Kearny, New Jersey or any other dental practice in this State, except as may be necessary to receive dental treatment for himself by a licensed dentist. Respondent further agreed to cooperate with the Board in identifying a receiver for the Corporation and otherwise to assist in the orderly transfer of the Corporation. The Corporation subsequently was dissolved.

In the 2008 ICO, the Board also expressly reserved its right to seek additional relief at a later time based on Respondent's conduct, including its right to seek penalties and costs.

Respondent, through his counsel, Norberto H. Yacono, Esq., having expressed his desire to avoid the costs associated with a contested disciplinary proceeding and having given his voluntary consent to the within Order, the Board having reviewed all information presented and finding that the within disposition is adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS on this 6<sup>th</sup> day of April, 2011

ORDERED AND AGREED THAT:

1. Respondent, Carlos A. Quispe, shall pay the costs of the Board's investigation of this matter, as authorized by N.J.S.A. 45:1-25(d), in the amount of \$7,764.37. Payment shall be paid contemporaneous with the signing of this Order by certified check or money order (or a check from your attorney's trust account) made payable to the State of New Jersey and shall be sent to the attention of Mr. Jonathan Eisenmenger, Executive Director of the Board, at 124 Halsey Street, Sixth Floor, P.O. Box 45005, Newark, New Jersey 07101.
2. Respondent, Carlos A. Quispe, shall pay a civil penalty in the amount of \$50,000.00, as authorized by N.J.S.A. 45:1-18.2, for engaging in the unlicensed practice of dentistry, violating the 1993 Consent Order, and operating an impermissibly structured business practice, see N.J.S.A. 45:6-13, 6-19; N.J.A.C. 13:30-8.13. \$40,000.00 of this penalty shall be stayed. Interest shall begin to accrue monthly on the balance of the civil penalty outstanding at the time this Order is entered at the Court Rule rate of interest. \$5,000.00 of this civil penalty, plus interest, shall be paid no later than March 31, 2012. The remaining \$5,000.00 of this civil penalty, plus interest, shall be paid in full no later than March

31, 2013. All payments shall be submitted by certified check or money order (or a check from your attorney's trust account) made payable to the State of New Jersey and shall be sent to the attention of Mr. Jonathan Eisenmenger, Executive Director of the Board, at 124 Halsey Street, Sixth Floor, P.O. Box 45005, Newark, New Jersey 07101. The Board reserves the right to file a certificate of debt for the full amount of penalties outstanding if either \$5,000.00 installment payment is received by the Board more than five (5) days past its due date. Failure to make timely payments shall be considered a violation of this Order and shall result in acceleration of the balance of debt, including the \$40,000.00 stayed penalty and any outstanding balance of the civil penalty.

3. Respondent, Carlos A. Quispe, individually or through any agent, employee, or representative, shall not own, manage, operate, or conduct a place where dental operations are performed and shall not participate in any aspect of the practice of dentistry or in any dental decisions in this State, including, but not limited to, consultation, treatment planning, treatment, or supervision of dental auxiliaries. See N.J.S.A. 45:6-19.

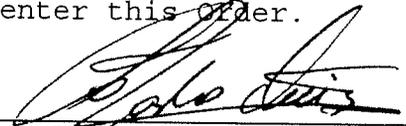
4. Respondent, Carlos A. Quispe, shall not be present at any dental practice in this State, except as may be necessary to receive dental treatment for himself by a licensed dentist or to carry out duties of employment that do not violate the terms of this Order. In the event Respondent's employment requires him to be present at a dental practice in this State, he shall notify the Board in writing in advance, providing: (a) an explanation of the nature of his employment, such as the identity of his employer, if any, or that he is an independent contractor; and (b) an explanation of his duties and the services he intends to offer. If Respondent intends to provide any administrative support services in a dental practice, including, but not limited to, assisting in submitting insurance claims or scheduling, he must notify the Board, in writing and in advance of assuming these duties, of the scope of the duties he will be performing and the identity and contact information for each dental practice where he will be assuming these functions. Respondent may ask the Board to relieve him of this notification requirement no sooner than two (2) years from entry of this Order.
5. Failure to comply with any of the terms of this Order will result in the Board seeking enforcement of this Order and other relief in Superior Court. Upon a finding

by the Board that Respondent has violated any provision of the 1993 Consent Order, 2008 ICO, or this Order, or any statute or regulation governing the practice of dentistry in this State, the stayed portion of the civil penalty (\$40,000.00) and any remaining balance owed under this Order, shall immediately be activated and due.

NEW JERSEY STATE BOARD OF DENTISTRY

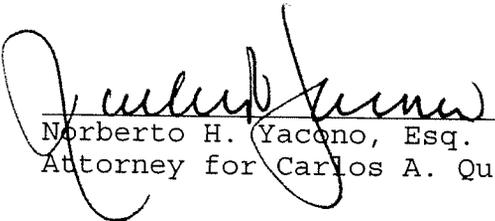
BY:   
Herbert Dolinsky, DDS  
Acting President

I have read and understood the foregoing Order and agree to be bound by its terms and conditions. I hereby give consent to the Board to enter this Order.

  
Carlos A. Quispe

3/23/2011  
Date

I hereby consent to the form and entry of this Order.

  
Norberto H. Yacono, Esq.  
Attorney for Carlos A. Quispe

3-23-2011  
Date