

**FILED**

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**Division of Consumer Affairs**

*N.J. Bd. of Massage & Bodywork Therapy*

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE	:	Administrative Action
LICENSE OF	:	
	:	
DAVID PERNAS	:	CONSENT ORDER
	:	GRANTING LICENSURE
	:	
TO PRACTICE MASSAGE AND	:	
BODYWORK THERAPY	:	

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This matter was opened to the Massage, Bodywork and Somatic Therapy Committee ("the Committee") upon receipt of the application of David Pernas for certification as a massage, bodywork and somatic therapist. Upon a review of the application and the criminal history background check it was ascertained that although the applicant had checked "no" in response to the

question as to whether he had ever been arrested for or convicted of any violation of law, the applicant had been arrested on June 12, 1985 on charges of shoplifting, and was convicted of those charges on the same date in Paramus Municipal Court, and sentenced to fifteen (15) days suspended confinement and payment of \$175.00 in fine and assessments. The applicant claimed that he did not disclose the offense because he did not believe that it constituted a "crime," and also because it happened long ago, and because at the time he believed the incident to have stemmed from a misunderstanding, but entered a guilty plea for the sake of convenience.

The Board of Massage and Bodywork Therapy, which has superseded the Committee as of September 4, 2012 pursuant to P.L. 2007, c. 377, the "Massage and Bodywork Therapist Licensing Act," finds that the applicant knew or should have known that checking "no" in response to questions as to whether he had ever been arrested for or convicted of a crime or offense, he was providing inaccurate information to the State. Accordingly, the Board finds that the applicant engaged in misrepresentation on his application in violation of N.J.S.A. 45:1-21(b) with respect to his criminal history.

The Board having reviewed this matter, and having determined that the within Order is sufficiently protective of the public, in lieu of further proceedings, and for other good cause shown;

IT IS on this 15<sup>th</sup> day of November, 2012

HEREBY ORDERED AND AGREED that:

1. A civil penalty in the amount of \$100.00 is hereby imposed for the applicant's violation of N.J.S.A. 45:1-21(b). Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be forwarded simultaneously with this signed Order.

2. The applicant's application for certification is now considered an application for licensure, and is hereby granted upon payment of the above penalty and any required fees and documents, if not already submitted.

NEW JERSEY STATE MASSAGE, BODYWORK  
AND SOMATIC THERAPY EXAMINING COMMITTEE

By: Deborah Overholt  
Deborah Overholt  
Chairperson

I have read and understand  
the above Order and agree  
to be bound by its terms.

David Pernas  
David Pernas