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FILED

JUN 05 2013

**New Jersey State Board of
Massage and Bodywork
Therapy Examiners**

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

IN THE MATTER OF THE	:	Administrative Action
LICENSURE OF	:	
	:	CONSENT ORDER
MICHAEL P. DUNPHY	:	GRANTING LICENSURE
	:	
AS A MASSAGE AND BODYWORK	:	
THERAPIST	:	

This matter was opened to the Board of Massage and Bodywork Therapy ("the Board") upon review of the application of Michael P. Dunphy for licensure. Upon consideration of the application and the criminal history background check, it was ascertained by the Board that although the applicant had indicated "no" in response to the application questions as to arrests or convictions, he had been arrested on five occasions on drug-related charges, the latest in 2004. In 1982 he was charged with

possession of marijuana, and granted a conditional discharge after admission into a diversionary program; in 1988 he was arrested for cultivating marijuana; the charges were dismissed. In 1993 he was arrested for drug possession, and found guilty on November 18, 1993 of improper behavior, in violation of N.J.S.A. 2C:33-2A(1), and assessed a total of \$575.00 in fines/costs. On November 13, 2002, Mr. Dunphy was found guilty of loitering to obtain/sell a controlled dangerous substance in public in violation of N.J.S.A. 2C:33-2.1B and assessed \$355.00 in fines/costs. On March 17, 2004, he was found guilty of loitering to obtain/sell a controlled dangerous substance in public in violation of the same statute and assessed \$405.00 in fine/costs. Mr. Dunphy claimed that he indicated "no" on his application because he thought the questions referred to the present, not the past.

The Board finds that the applicant knew or should have known that he had been arrested and convicted, and that the questions could only have referred to past conduct, and thus he engaged in misrepresentation on his application in connection with his arrest and conviction history in violation of N.J.S.A. 45:1-21(b).

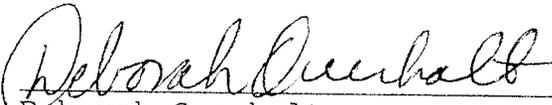
The Board finding that granting the applicant's request for licensure is appropriate under the circumstances, and for other good cause shown;

IT IS ON THIS 5th DAY OF June , 2013

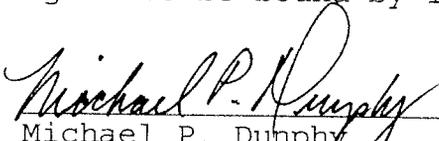
HEREBY ORDERED AND AGREED THAT:

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, deemed to constitute an application for licensure, shall be granted upon payment of the above penalty, and upon his demonstration that he has satisfied other licensure requirements, if he has not already done so.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By: 
Deborah Overholt
Chairperson

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


Michael P. Dunphy