



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Case Initiation and Tracking Unit
124 Halsey Street, 7th Floor, Newark NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

April 10, 2014

Mailing Address:
P.O. Box 45025
Newark, NJ 07101
(973) 504-6200

-Via Certified & Regular Mail-

Albert Wunsch, Esq.
400 Sylvan Avenue - Ste. 2
Englewood Cliffs, NJ 07632

In The Matter of the New Jersey CDS
Registration issued to
Carnig Shakarjian, D.P.M.
NJ CDS Registration No. D05476300
Docket #: 13-085

Dear Carnig Shakajian:

Enclosed please find a Final Order on Default in connection to the above captioned matter which was filed on **April 9, 2014**.

Respectfully,


James Rodriguez
Clerk

cc: Steve C. Lee, Acting Director
Maryann Sheehan, Deputy Director, Professional Boards
Matt Wetzal, Acting Head Drug Control Unit
David M. Puteska, Deputy Attorney General
Megan Cordoma, Deputy Attorney General
Carnig Shakajian, 83 Hawthorne Avenue, Park Ridge, NJ 07656
Caring Shakajian, 373 Sugar Mill Drive #1, Osprey, Florida 34229

FILED

APR 9 2014

Division of Consumer Affairs

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE NEW JERSEY :
CDS REGISTRATION ISSUED TO :
 :
Carnig Shakarjian, D.P.M :
 :
N.J. CDS REG. No. D05476300 :
 :
 :
 :

Administrative Action

**FINAL ORDER
ON DEFAULT**

13-085

This matter was opened to Eric T. Kanefsky, Director of the New Jersey Division of Consumer Affairs (the "Director") pursuant to his authority over the dispensing¹ of Controlled Dangerous Substances (CDS) as set forth in N.J.S.A. 24:21-1 et seq. upon his receipt and review of information and by way of an Order to Show Cause filed with the Division of Consumer Affairs (the "Division") by John Hoffman, Acting Attorney General of New Jersey, Deputy Attorney General David Puteska appearing, on September 30, 2013. The application asserts that Carnig Shakarjian D.P.M.'s ("Respondent") conviction for an indictable offense, and his indiscriminate dispensing of CDS prescriptions for non-legitimate medical purposes constitutes grounds for the revocation of his New Jersey CDS registration pursuant to the Director's authority under N.J.S.A. 24:21-12.

The Order to Show Cause alleges that, on January 25, 2013, Respondent pled guilty to second degree conspiracy to distribute oxycodone. As part of his guilty plea, Respondent admitted that between December 2010 and October 2011 he prescribed CDS to individuals who did not have a legitimate medical need. On April 26, 2013, Respondent was sentenced to five years in New Jersey State Prison for

¹ " 'Dispense' means to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery." N.J.S.A. 24:21-2.

violation of N.J.S.A. 24:21-11 et seq. Respondent was a podiatrist licensed to practice podiatry in New Jersey by the New Jersey State Board of Medical Examiners (“Board”) until May 3, 2013, when he consented to the revocation of his podiatry license. Respondent was also registered to prescribe and/or dispense CDS issued by the New Jersey Division of Consumer Affairs (the “Division”) pursuant to N.J.S.A. 24:21-10 under registration number D05476300. Respondent’s CDS registration became inactive upon the revocation of his Podiatry license.

Respondent did not submit an Answer or other written response to the Order to Show Cause sent to his Park Ridge, New Jersey address. Nor did he telephone or appear at the Division of Consumer Affairs office seeking an adjournment or otherwise responding to the Order to Show Cause.

A hearing was held before the Director on March 17, 2014. Deputy Attorney General David Puteska appeared on behalf of the Attorney General. After representing that neither Respondent nor counsel for Respondent had responded to the Order to Show Cause, the Attorney General asked to proceed with the hearing to revoke Respondent's registration, asserting that adequate service had been made. He supported his application with a copy of the Order to Show Cause together with the UPS Overnight Mail tracking information showing service on Carnig Shakarjian, D.P.M., at 83 Hawthorne Avenue, Park Ridge, New Jersey 07656 by overnight mail on or about February 12, 2014. These documents were entered into evidence as Exhibit P-1. The Park Ridge, New Jersey address was obtained by the Division's Enforcement Bureau following a motor vehicle search. DAG Puteska represented that Respondent had called him to discuss the Order to Show Cause and DAG Puteska confirmed the March 17, 2014 return date for the hearing with him at that time.

The Director determined that the State had met its burden of proof and demonstrated that service was made at Respondent’s current place of residence. The Director found efforts at service sufficient to place Respondent on notice pursuant to N.J.A.C. 1:1-7.1 and found the Respondent to be in default and

moved forward with the hearing in Respondent's absence.

SUMMARY OF EVIDENCE PRESENTED

In opening statements and in the Order to Show Cause submitted to the Director, the Attorney General argued that Respondent's guilty plea and criminal conviction of an indictable offense related to his indiscriminate prescribing of CDS constitute grounds for revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(2), (3) and (4). The Attorney General supported his application for revocation of Respondent's registration with the following documents introduced into evidence.

P-1 Proof of Service

P-2 Transcript of Guilty Plea dated January 25, 2013

P-3 Transcript of Sentencing dated April 26, 2013

P-4 Judgment of Conviction and Order for Commitment dated April 30, 2013

P-5 May 3, 2013 Consent Order Granting Surrender of License to be Deemed a Revocation

P-6 October 14, 2011 Voluntary Surrender of DEA Controlled Substances Privileges

On January 25, 2013, Dr. Shakarjian entered into a plea agreement at Bergen County Courthouse in Hackensack, New Jersey, P-2 in evidence. Dr. Shakarjian plead guilty to second degree conspiracy to distribute a controlled substance, specifically, oxycodone. Following entry of the plea, on April 26, 2013, Respondent was convicted of conspiracy, in violation of N.J.S.A. 2C:5-2, and possessing, manufacturing, or dispensing CDS, in violation of N.J.S.A. 2C: 35:5A(1), and sentenced to five years in New Jersey State Prison, P-3 and P-4 in evidence.

On May 3, 2013, Respondent entered into a consent order with the New Jersey Board of Medical

Examiners (the "Board"), P-5 in evidence. Dr. Shakarjian agreed and admitted pursuant to the consent order to having engaged in professional misconduct, being convicted of acts constituting crimes or offenses involving moral turpitude and/ or relating adversely to the practice of medicine; prescribing controlled dangerous substances indiscriminately or without good cause and failing to demonstrate on-going good moral character.

Dr. Shakarjian had previously voluntarily surrendered his DEA controlled substances privileges on October 14, 2011, P-6 in evidence.

FINDINGS

The evidence presented by the Attorney General in support of the Order to Show Cause for the revocation of respondent's license is compelling, and collectively establishes a basis to revoke Respondent's New Jersey CDS registration pursuant to N.J.A.C. 13:45H- 7.4 and N.J.S.A. 24:21-12(a)(2), (3) and (4), including but not limited to Respondent's admitted prescribing of CDS for purposes other than legitimate medical needs and outside the scope of his practice as a physician.

ACCORDINGLY, it is on this 9th day of April 2014

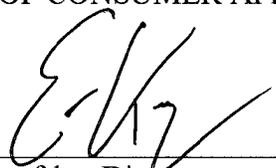
ORDERED, as announced orally on the record and effective March 17, 2014:

1. New Jersey CDS Registration D05476300, held by Respondent Carnig Shakarjian, D.P.M., is hereby revoked.

2. Should Respondent, at any future date, wish to prescribe CDS in New Jersey, in addition to obtaining the return of his medical license, he must independently file an application for a CDS Registration with the Director. Such registration will only be issued after Respondent proves, to the Director's satisfaction, that he has been rehabilitated, is able to comport himself

with integrity and reliability with respect to controlled dangerous substances, is able to maintain effective controls against diversion, and that such issuance is in the public interest as set forth in N.J.S.A. 24:21-11.

DIVISION OF CONSUMER AFFAIRS

BY: 

Eric Kanefsky, Director
New Jersey Division of Consumer Affairs