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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF	Administrative Action
STEPHEN J. MARKUS, D.M.D.	
License No. 22DI01051400	CONSENT ORDER
LICENSE TO PRACTICE DENTISTRY IN THE STATE OF NEW JERSEY	

The New Jersey State Board of Dentistry ("Board") received information that Stephen J. Markus, D.M.D. ("Respondent") had engaged in misleading advertising through his advertisement of his dental practice in "Girlfriendz Magazine," and on the website for his dental practice, regarding the toxicity of dental amalgam fillings and the necessity of their removal.

On October 18, 2011, the Board issued a Uniform Penalty Letter to Respondent advising that the advertisement consisted of

a violation of N.J.A.C. 13:30-6.2, the Board regulation relevant to advertising. Thereafter, Respondent exercised his option to request a hearing.

Having reviewed the entire record, including written submissions on behalf of Respondent, it appears to the Board that Respondent's advertisements establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h). However, it further appearing that Respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 23rd DAY OF April, 2014,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall cease and desist from advertising, in any media, that dental amalgam is unsafe or ineffective.

2. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22(b), in the amount of $2,500 and in addition Respondent is assessed costs in the amount of $5,000, for a total of $7,500.

3. Payment of the $7,500 in civil penalties and costs shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. Respondent shall pay a first installment of $2,500 no later than fifteen days from the entry of this Consent Order. The balance of $5,000 shall be paid in five monthly

installments of $1,000 per payment. The first monthly payment of $1,500 shall be due on the first of the next month but no sooner than forty-five days after entry of this Consent Order. Subsequent payments shall continue to be due by the first of the next month until all five payments are completed. In the event that Respondent does not make a timely payment, the full balance will immediately become due. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt and such other proceedings as authorized by law.

5. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Birenz RDH
Shirley Birenz, R.D.H.
Acting - President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Stephen J. Markus, D.M.D.

Date: 4/22/2014

I consent to the form and entry of this order.

Date: 4/22/14

Dennis L. Riley, Esq.
Riley and Shovlin, P.A.
Attorney for Stephen J. Markus, D.M.D.