

**FILED**

**JUL 10 2014**

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

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  
APPLICATION OF

FRANK J. DIAMORE

FINAL ORDER OF  
DENIAL OF LICENSURE

TO PRACTICE MASSAGE AND  
BODYWORK THERAPY IN THE  
STATE OF NEW JERSEY

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This matter was opened to the Board of Massage and Bodywork Therapy ("the Board") upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Frank J. DiAmore submitted an application for licensure by the Board.
2. On Mr. DiAmore's application, he indicated that he had never been charged with or convicted of any crime or offense.
3. A criminal history background check revealed that Mr. DiAmore had been arrested six times between 1983 and 1993; he had been charged with assault in 1993 and found not guilty; was found guilty of assault in 1984; charged with robbery and weapons possession in 1987, and claims the charges were dismissed; was found guilty in 1989 of simple assault and of

making terroristic threats; was charged with marijuana possession in 1992, and was admitted into a diversionary program, resulting in the charges being dismissed; and was found guilty of assault in 1993.

4. Mr. DiAmore claimed that he indicated "no" in response to the questions about arrests and convictions because he had been told that the Board "only goes back 10 years" in the background check.

#### CONCLUSIONS OF LAW

Mr. DiAmore's failure to disclose the arrests and convictions on his application constitutes misrepresentation in violation of N.J.S.A. 45:11-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on April 23, 2014. Copies were served upon Mr. DiAmore via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Mr. DiAmore requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting the applicant's request for consideration and reasons therefor.

Mr. DiAmore timely responded to the Provisional Order of Denial of Licensure by providing a letter which asked the Board to reconsider their decision and to allow him to obtain his license because he was a single father raising four children. Mr. DiAmore maintains that ultimately he did provide information about his complete arrest history after the Board received the results of his criminal history background check and asked him to explain. However, the Board finds that Mr. DiAmore was requested to provide his complete criminal history as part of his initial application and he clearly failed to do so. Instead, he swore that he had never been arrested and had never been convicted of anything. It was only after Mr. DiAmore was found to have provided false answers on his application that he finally disclosed the information about his substantial criminal history.

The Board reviewed Mr. DiAmore's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Mr. DiAmore did not dispute the findings of fact or conclusions of law. The Board determined that denial of the application, with an opportunity to re-apply after one year, along with a one hundred dollar (\$100) civil penalty was warranted.

ACCORDINGLY, IT IS on this 10<sup>th</sup> DAY of July, 2014,

ORDERED that:

1. Mr. DiAmore's application for licensure as a massage and bodywork therapist in the State of New Jersey is hereby denied. No subsequent application for licensure will be entertained for a period of one year, dating from the filing of this Final Order in this matter.

2. A civil penalty in the amount of one hundred dollars (\$100) is hereby imposed for the 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 sent to the attention of Laura Anderson, Executive Director, Board of Massage and Bodywork Therapy, P.O. Box 45048, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101 within 21 days of the filing of this Final Order.

NEW JERSEY STATE BOARD OF  
MASSAGE AND BODYWORK THERAPY

By: Cynthia Sinicropi-Philibosian  
Cynthia Sinicropi-Philibosian  
Chairperson