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NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
Board of Chiropractic Examiners

\_\_\_\_\_  
IN THE MATTER OF SUSPENSION  
OR REVOCATION OF THE LICENSE OF

MARCO J. ESPOSITO, D.C.  
LICENSE NO. 38MC00619300

TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY  
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: Administrative Action

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: AMENDED CONSENT ORDER  
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This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following facts and conclusions of law.

FINDINGS OF FACT

1. Respondent, Marco J. Esposito, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On November 28, 2012, in the Superior Court of New Jersey, Morris County, Respondent pled guilty to and was convicted of one count of theft by deception in violation of N.J.S.A. 2C:20-4, a Third Degree offense. He admitted that he opened a practice called Hamilton Rehabilitation in which Charles Nisivoccia and Craig Klein, who were suspended chiropractors, loaned him money and thereby gained an interest through an entity called Dolphin leasing. The monies created a disguised ownership interest in Hamilton Rehabilitation for individuals who were not licensed to practice chiropractic. He also admitted that these individuals provided Hamilton Rehabilitation with patients through the use of runners. He then billed various insurance companies for services performed on these patients who were provided. He received payments from these insurance companies and then paid a substantial portion back to Mr. Nisivoccia and Mr. Klein through payments to Dolphin Leasing.

He admitted that he knew that the insurance carriers would not have paid Hamilton Rehabilitation for these claims were they advised of the illegal interest of Mr. Nisivoccia and Mr. Klein.

3. On September 16, 2013 Respondent was sentenced to probation for a term of 5 years. His license to practice chiropractic was suspended by the criminal court for a period of 5 years. He was ordered to pay restitution in the amount of \$25,000.

#### CONCLUSION OF LAW

1. The aforesaid findings of fact provide grounds for the suspension or revocation of Respondent's license to practice

Chiropractic in New Jersey pursuant to N.J.S.A. 45:1-21 (b), (e) and (f) in that Respondent engaged in professional misconduct as determined by the Board, and has been convicted of a crime involving moral turpitude or relating adversely to the practice of chiropractic.

2. The parties being desirous of resolving this matter without the necessity of formal proceedings, and it appearing that Respondent, Marco Esposito, D.C., acknowledges that his conviction as previously set forth constitutes grounds for disciplinary action pursuant to N.J.S.A. 45:1-21 (b), (e) and (f), and it further appearing that Respondent has read the terms of this Order and understands their meaning, consents to be bound by same, and it further appearing that the Board finds that the within Order is adequately protective of the public interest and it further appearing that good cause exists for entry of the within Order.

IT IS Therefore, on this 25<sup>th</sup> DAY OF September, 2014

ORDERED AND AGREED THAT:

1. Respondent's license to practice chiropractic in the State of New Jersey be and hereby is suspended for a period of five (5) years, except that the first two (2) years shall be an active suspension commencing on the date of the filing of this order and the final three (3) years of said suspension shall be stayed and become a period of probation. Such stayed period of suspension shall be activated

upon a showing of Respondent's non-compliance with any of the terms and conditions set forth herein.

2. During the period of suspension, Respondent shall not practice chiropractic and shall fully attend and successfully complete and unconditionally pass the PROBE (Professional Problem Based Ethics) course offered by the Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903 or any other course of similar rigor pre-approved by the Board. Documentation of the full and successful completion of the course shall be provided to the Board within thirty (30) days of its completion.

3. A civil penalty in the amount of ten thousand dollars (\$10,000) shall be assessed against Respondent for his violation of N.J.S.A. 45:1-21(b), (e) and (f). Payment shall be made by certified check, money order, wire transfer or credit card, payable to "State of New Jersey", delivered or mailed to Lisa Tadeo, Executive Director, State Board of Chiropractic Examiners, 124 Halsey Street, P.O. Box 45004, Newark, New Jersey 07101. Payment shall be made as follows: \$2000 shall be paid upon signing of this Consent Order. The balance shall be paid in monthly installments of \$600 which shall be due on the first day of each month until paid in full. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed

in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law including activation of the stayed suspension.

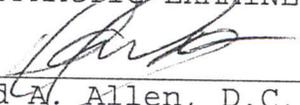
4. Respondent shall return his original New Jersey license and current biennial registration to: Lisa Tadeo, Executive Director, Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101, upon his receipt of a filed copy of this order

5. Prior to resuming active practice in New Jersey Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to resume practice. Respondent shall not be reinstated to or be eligible for active licensure status during any period of incarceration or any period of non-compliance with terms and conditions of his sentence such as probation, supervised release or a restitution payment plan. Any practice in this State prior to formal reinstatement of licensure by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should his license be reinstated.

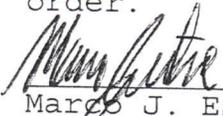
6. The Directives of the Board applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto.

7. Failure to comply with the provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

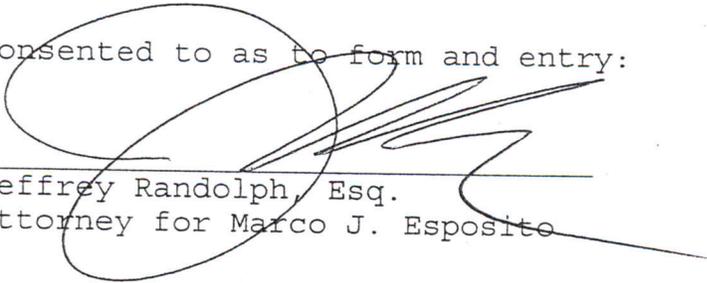
By:   
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David A. Allen, D.C.  
Board President

I have read and I understand the terms of this Consent Order and agree to be bound by it. Consent is hereby given to the Board to enter this order.

  
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Marco J. Esposito, D.C.

9-18-2014  
\_\_\_\_\_  
Date

Consented to as to form and entry:

  
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Jeffrey Randolph, Esq.  
Attorney for Marco J. Esposito