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**FILED**  
BOARD OF PHYSICAL THERAPY  
  
NOV 20 2014

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF PHYSICAL THERAPY EXAMINERS

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IN THE MATTER OF THE APPLICATION :  
OF :

MONIKA E. VAYNBERG, P.T.,

Applicant

TO PRACTICE PHYSICAL THERAPY :  
IN THE STATE OF NEW JERSEY :

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Administrative Action

FINAL ORDER

This matter was opened to the New Jersey State Board of Physical Therapy Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact are made;

FINDINGS OF FACT

1. Applicant, Monika E. Vaynberg, P.T., D.P.T., applied for a license to practice physical therapy in the State of New Jersey.

2. On or about February 5, 2012, Applicant signed, and certified as true to the best of her knowledge and belief, her response to question # 6 on the *Certification and Authorization Form for a Criminal History Background Check*. Applicant checked "No" on the form when asked:

6. Have you ever been arrested and/or convicted of a crime or offense?  
(Minor traffic offenses such as parking or speeding violations need not be listed.)

Every such conviction on record must be disclosed. A true copy of every police report, judgment of conviction, sentencing order and termination of probation order, if applicable, **must** be submitted with this form.

\* \* \*  
Failure to follow these instructions may result in the denial of an initial application. (emphasis in the original).

3. On or about February 19, 2013, Applicant executed an affidavit before a Notary Public, swearing or affirming that all information provided in connection with her application was true to the best of her knowledge and belief. Applicant checked "No" to both question #8 and question #9 on her application, which read as follows:

8. Have you ever been summoned; arrested; taken into custody; indicted; tried; charged with; admitted into pre-trial intervention (P.T.I.); or pled guilty to any violation of law, ordinance, felony, misdemeanor, or disorderly persons offense, in New Jersey, any other state, the District of Columbia or any other jurisdiction? (Parking or speeding violations need not be disclosed, but motor vehicle violations such as driving while impaired or intoxicated must be.)

9. Have you ever been convicted of any crime or offense under any circumstances? This includes, but is not limited to, a plea of guilty, non vult, nolo contendere, no contest, or a finding of guilt by a judge or jury.

4. By letter dated March 14, 2013, Applicant was requested to provide the Board with the disposition of, and a detailed explanation of the arrest that was disclosed by her criminal history background check to have been made on February 7, 2009 by the Springfield Township Police Department for Shoplifting and Hindering Her Own Apprehension, which she had failed to disclose on her application for license and criminal history form.

5. By letter dated March 21, 2013, Applicant responded to the Board's request. She wrote that her failure to disclose her arrest for shoplifting and for hindering her own apprehension was due to having "missed it on the application."

6. Based on the foregoing facts, a Provisional Order was issued on April 23, 2013, provisionally denying Respondent's application for licensure. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law, by submitting a written request for modification or dismissal, 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 Respondent's request for consideration and reasons therefor.

7. On or about May 21, 2013, the Board received a letter from Respondent contesting the provisional findings of fact and asserting that she was unaware that the events of February 7, 2009, which she recounted at length, constituted her arrest. Respondent also denied the charges of shoplifting and hindering her own apprehension. She acknowledged that she had subsequently agreed in municipal court to a charge of "making noise in a public place."

8. By letter dated June 8, 2013, Respondent requested a hearing before the Board to further contest the provisional denial of her application. The hearing was granted and took place on September 23, 2014, with the following documents received in evidence without objection:

- S-1 Respondent's application for licensure dated February 5, 2013;
- S-2 A Criminal History Summary dated March 14, 2013;
- S-3 Letter to Respondent dated March 14, 2013, requesting information;
- S-4 Letter to the Board from Respondent dated March 21, 2013;
- S-5 Police Report w/ supporting documents of the Springfield Police Department;
- S-6 Certified Disposition dated July 18, 2014: Municipal Court of Springfield;
- S-7 Letter response of Respondent to Provisional Order dated March 21, 2013;
- S-8 Letter of Respondent requesting hearing dated June 8, 2013;

R-1 Written statement of store employee dated February 7, 2009; and

R-2 Certified Disposition dated March 21, 2013: Municipal Court of Springfield.

### DISCUSSION

The documents in evidence in this matter make abundantly clear that Respondent was arrested and charged with offenses in Springfield, New Jersey on February 7, 2009, which she failed to disclose on her application for licensure. Respondent admitted her failure repeatedly in both her written communications with the Board and in her testimony. It is also clear, as confirmed by S-2, S-6, and R-2, that the charge against her of shoplifting was dismissed by the court; and the charge of hindering her own apprehension was amended to a violation of a municipal noise ordinance, resulting in a fine of \$200 plus costs.

While the associated police report (S-5) and the written statement of the store employee (R-1) are cause for significant concern, the Board is cognizant of the fact that the Municipal Court saw fit to dismiss and amend the serious charges against Respondent. Left then, with only a noise ordinance violation and Respondent's insistence that she did not realize she had been arrested; the Board, with some reservation, has determined that Respondent may be licensed without danger to the health, safety and welfare of the public.

### CONCLUSION OF LAW

The above findings of fact provide grounds for the denial of Applicant's application for a license to practice physical therapy in New Jersey pursuant to N.J.S.A 45:1-21(a) and (b). However, the record presented satisfies the Board that, being otherwise qualified, her nondisclosure in this case was not egregious enough to preclude her licensure; and that her plea of guilty to violating a noise ordinance did not constitute an offense involving moral turpitude or relating adversely to the practice of physical therapy.

ACCORDINGLY, IT IS on this 20<sup>th</sup> day of November, 2014,

ORDERED that:

1. Applicant's application for a license to practice physical therapy in the State of New Jersey be, and hereby is granted.

NEW JERSEY STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

By: Karen Wilk PT DPT 400A00560100  
Karen Wilk, P.T., D.P.T.  
Board President