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Examiners, Alcohol and Drug Counselor Committee

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FILED
30 March, 2015
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
ALCOHOL AND DRUG COUNSELOR COMMITTEE
Kilgus Miller

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MARRIAGE AND FAMILY THERAPY
EXAMINERS, ALCOHOL AND DRUG
COUNSELOR COMMITTEE

IN THE MATTER OF THE SUSPENSION OF
THE CERTIFICATION OF

MARK G. CERIO
License No.: 37CA00030600

TO PRACTICE ALCOHOL & DRUG
COUNSELING IN THE STATE OF
NEW JERSEY

ADMINISTRATIVE ACTION
PROVISIONAL ORDER
OF DISCIPLINE

The New Jersey State Board of Marriage and Family Therapy Examiners, Alcohol and Drug Counselor Committee ("Committee"), has reviewed information and makes the following preliminary findings of fact and conclusions of law:

FINDINGS OF FACT

1. Mark G. Cerio ("Mr. Cerio" or "respondent") License No. 37CA00030600, was initially certified to practice alcohol and drug counseling in this

State on September 2, 2005. (Certification of Milagros Collazo, Executive Director, State Board of Marriage and Family Therapy, Alcohol and Drug Counselor Committee ("Collazo Cert.") para. 2, attached as Exhibit A).

2. Respondent last renewed his license on June 15, 2010. That license expired on July 31, 2012. Respondent did not renew his license to practice clinical alcohol and drug counseling prior to its expiration on July 31, 2012, or in the 30 days following its expiration. On November 20, 2012, however, respondent requested that his certification be placed in inactive status. Mr. Cerio's certification has remained inactive since November 26, 2012. (Collazo Cert., para. 3)

3. The Committee reviewed a report dated April 4, 2014, from the Criminal History Review Unit. That report stated that respondent was arrested on September 27, 2013 by Little Falls Township Police Department for one count of violating N.J.S.A. 2C:20-3 (Theft). That report further stated that on December 5, 2013, respondent was found Guilty N.J.S.A. 2C:20-3A (Theft of Movable Property) and, on February 28, 2014, he was sentenced to 1 day in jail, 4 years probation, and was assessed \$4,355.00. Collazo Cert., attachment 1.

4. The Committee received a report dated May 28, 2014, from the Criminal History Review Unit. That report stated that respondent was arrested on May 27, 2014, by the Little Falls Township Police Department and charged with violating N.J.S.A. 2C:21-1A(2) (Forgery) and N.J.S.A. 2C:20-3A (Theft of Movable Property). Collazo Cert., attachment 2.

5. The Committee received a report dated March 28, 2014, from the Criminal History Review Unit. That report stated that respondent was arrested on December 3, 2013, by the Franklin Lakes Borough Police Department and was charged with violating N.J.S.A. 2C:21-1A(3) (Forged Writing), N.J.S.A. 2C:21-6C(1) (Credit Card Theft), and N.J.S.A. 2C:21-6H (Fraud Use Credit Card). On March 27, 2014, respondent was found guilty of one count 2C:21-5B(1) (Bad Checks), and was sentenced to 2 years probation and assessed \$655.00. Collazo Cert., attachment 3.

6. The Committee received a report dated January 21, 2014, stating respondent was arrested on January 20, 2014, by the Franklin Lakes Borough Police Department for violating N.J.S.A. 2C:21-1A(3) (Forged Writing) and N.J.S.A. 2C:20-4A (Theft by Deception). Collazo Cert., attachment 4.

7. By letters dated December 23, 2013 and May 28, 2014, sent to respondent's address of record at 66 Donato Drive, Little Falls, New Jersey, 07424, the Committee requested that respondent provide information and documents related to the arrests and convictions. Those letters advised Mr. Cerio that failure to respond would result in disciplinary action. Collazo Cert., attachments 5 and 6.

8. To date, Mr. Cerio has not responded to the Committee's requests. Collazo Cert., para 6.

CONCLUSIONS OF LAW

By failing to respond to the Committee's letters of December 23, 2013, and May 28, 2014, Mr. Cerio has failed to cooperate with the Committee's inquiry into his conduct as required by N.J.A.C. 13:45C-1.3 and constitutes a violation of N.J.S.A. 45:1-21(e)

(professional misconduct) and 45:1-21(h) (failure to comply with regulation administered by the Committee).

ACCORDINGLY, IT IS on this 30 day of March, 2015,

ORDERED that:

1. Mark G. Cerio's certification to practice as an alcohol and drug counselor, currently on inactive status, is provisionally suspended and shall remain suspended until such time as respondent fully cooperates with the Committee's investigation by providing the information requested in its December 23, 2013, and May 28, 2014, letters.

2. Respondent shall refrain from practicing alcohol and drug counseling and shall not represent himself as an alcohol and drug counselor until such time as his certification is reinstated. Any practice of alcohol and drug counseling during the period in which he does not hold a valid and active certification shall be deemed the unlicensed practice of alcohol and drug counseling and shall subject him to disciplinary action. For the purposes of this Order, practice as an alcohol and drug counselor includes, but is not limited to the following: engaging in any volunteer, compensated or uncompensated alcohol or drug counseling or any other mental health counseling or life coaching.

3. If the Committee enters a Final Order in this matter suspending respondent's certification, respondent shall surrender his biennial renewal certification and his original wall certificate to: Executive Director Milagros Collazo, Board of Marriage and Family Therapy Examiners, P.O. Box 45007, Newark, New Jersey 07101, no later than five (5) days after the Final Order is filed.

4. The Committee reserves the right to take disciplinary action based on the February 2014 and March 2014 convictions and on any other action, criminal, civil or administrative, that becomes known to the Committee.

5. Prior to any reinstatement, respondent shall:

(a) Appear before the committee thereof to discuss his readiness to reenter practice as a certified alcohol and drug counselor.

(b) Affirmatively establish his fitness, competence and capacity to actively practice.

(c) Provide the Committee with a full account of his conduct during the intervening period of time from August 1, 2012, through and including the date of his appearance pursuant to the Final Order.

(d) Provide documentation of successful completion of all application requirements including a Criminal History Background check and payment of all reinstatement fees.

(e) If respondent's certification to practice as an alcohol and drug counselor is reinstated, the Committee, in its discretion, may impose any conditions or restrictions it deems necessary to protect the public health, safety, and welfare.

6. This Provisional Order shall be subject to finalization by the Committee at 5:00 p.m. on the 30th day following its entry unless respondent requests a modification or dismissal of the preliminary findings of fact or conclusions of law by:

a) Submitting a written request for modification or dismissal to Executive Director Milagros Collazo, Board of Marriage and Family Therapy Examiners, P.O. Box 45007, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why the preliminary findings of fact and conclusions of law should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons offered in mitigation of sanction.

d) Statements in support of modification or dismissal must be certified to be true. All documents submitted in support must be original or be certified to be true copies and contain all four margins of the document.

7. Any submissions will be reviewed by the Committee and the Committee will determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Committee is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

8. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, respondent will be notified. If an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law in this Provisional Order will serve as notice of the factual and legal allegations in such proceeding. Respondent shall be required to file an answer within 10 days of the notice setting a hearing. The Committee, after a hearing and upon review of

the record, will not be limited to the findings, conclusions, and sanctions stated proposed in this Provisional Order.

ALCOHOL AND DRUG COUNSELOR COMMITTEE
OF THE NEW JERSEY STATE BOARD OF
MARRIAGE AND FAMILY THERAPY EXAMINERS

By: 

Edward Reading, Ph.D., LCADC
Committee Chair

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TO PRACTICE ALCOHOL & DRUG :
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ADMINISTRATIVE ACTION

**CERTIFICATION OF
MILAGROS COLLAZO**

I, Milagros Collazo, of full age, certify and say:

1. I am the Executive Director of the New Jersey State Board of Marriage and Family Therapy Examiners, Alcohol and Drug Counselor Committee. I have access to, and have reviewed the files of, the Committee to obtain information provided in this certification.

2. The Committee issued Mark G. Cerio ("Mr. Cerio" or "respondent") a certification to practice as an alcohol and drug counselor on September 2, 2005.

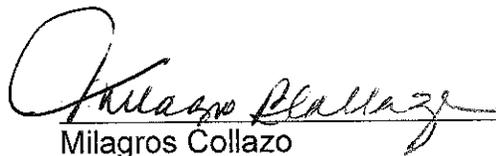
3. Respondent did not renew his certification for the 2012-2014 biennial renewal period prior to its expiration on July 31, 2012, but on or about November 20, 2012, he requested that his certification be placed in inactive status. Respondent's certification has been and continues to be in inactive status since November 26, 2012.

4. Attached to this certification are true copies of the Criminal History Review Unit reports dated April 4, 2014 (attachment 1); May 28, 2014 (attachment 2); March 28, 2014 (attachment 3); and January 21, 2014 (attachment 4). Those reports detail arrests and convictions related to Mr. Cerio.

5. The Committee sent two letters, dated December 23, 2013, and May 28, 2014, to 66 Donato Drive, Little Falls, New Jersey 07424, Mr. Cerio's address of record. The letters directed him to provide information related to the matters referred to in the Criminal History Review Unit reports (attachments 5 and 6). The letters advised that failure to submit the requested information would result in disciplinary action. The letters were sent by regular mail and were not returned.

6. To date, Mr. Cerio has not responded to the December 2013 and May 2014 requests for information.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


Milagros Collazo

Date: March ~~20~~ 2015