

**FILED**

**JUL 23 2015**

**NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS**

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

|                                 |   |                       |
|---------------------------------|---|-----------------------|
| IN THE MATTER OF THE SUSPENSION | : |                       |
| OR REVOCATION OF THE LICENSE OF | : |                       |
|                                 | : |                       |
| MARK RADOWITZ, D.C.             | : |                       |
| LICENSE NO. 38MC00368500        | : | Administrative Action |
|                                 | : |                       |
| TO PRACTICE CHIROPRACTIC IN THE | : |                       |
| STATE OF NEW JERSEY             | : | FINAL ORDER DENYING   |
|                                 | : | REINSTATEMENT         |
|                                 | : |                       |
|                                 | : |                       |

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of the application of Mark Radowitz, D.C. (hereinafter "Respondent") for the reinstatement of his license to practice chiropractic.

Respondent's license to practice Chiropractic in the State of New Jersey was surrendered on April 21, 2006 pursuant to a Consent Order in a criminal action in the Superior Court of New Jersey, Law Division, Monmouth County, Docket No. 05-07-0012-S. As a result of his plea, Respondent was convicted of second degree health care claims fraud, in violation of N.J.S.A. 2C:21-4.2. The Board took no additional action at that time since Respondent's license to practice chiropractic was revoked by the Court by consent.

Respondent previously submitted an application for reinstatement which was denied on November 16, 2011. Respondent was

ordered to take and successfully pass the Special Purposes Examination for Chiropractic Examiners (SPEC) and an ethics course. Pursuant to said Order, Respondent could not reapply for reinstatement for a period of two years from the date of the Order.

On March 18, 2014 Respondent renewed his application for reinstatement. He provided evidence that he had successfully completed the SPEC and the PRIME ethics course. In his submission to the Board, Respondent argued that he had turned his life around, rehabilitated himself and fulfilled all the Board's directives. Respondent attributed many of his problems with the law to marital problems with his former wife as well as an undiagnosed medical condition.

Respondent appeared before the Board on March 27, 2014. He asserted that since his release from jail he had remained in treatment, had religiously taken his medication, had been "incident free and in fact lived an exemplary life." He testified he had remarried in 2008 and was a doting stepfather to his stepdaughters ages 17 and 13. In his submission to the Board, he indicated that the last time he engaged in bad conduct was in 2001, more than a decade earlier and stated that since that time he had not even gotten a parking ticket. He also claimed that "since the termination of his first marriage and since receipt of appropriate and ongoing treatment, he had transformed his life. He learned how to handle stress without resort to unlawful conduct. Since receiving the proper

diagnosis and treatment, Respondent has been an active and caring stepfather."

Respondent explained to the Board that he was incident free since 2001 since taking his medication. He indicated that he went through a horrible period in his life. He attributed his problems to marital infidelity by his first wife. He walked away from his practice and failed to maintain patient records as required by law. He sought professional help to gain control of his life, has been taking medication since 2001 and has been incident free.

On April 24, 2014, subsequent to Respondent's appearance, the Board received a letter from Lisa Halpern, Esq. who was representing Andrea Radowitz, Respondent's current wife, in a divorce action. Attached to the letter was a copy of an amended restraining order filed against Respondent dated March 20, 2014. The restraining order describes allegations of verbal and emotional abuse toward Respondent's current wife and stepdaughter. It further described allegations of violent and inappropriate behavior.

Based on this new information the Board requested that Respondent appear before the Board to answer questions regarding Respondent's failure to disclose this Restraining Order at his appearance on March 27, 2014, just one week after the entry of the restraining order. Respondent appeared before the Board on December 18, 2014. When asked why he failed to disclose the restraining order at the time of his appearance on March 27, 2014, he explained that

in speaking with his attorneys, they felt that it was all erroneous and that the restraining order was ultimately dismissed.

When asked to explain his failure to disclose the restraining order he stated:

"Well, the situation is this, or was this, that brought all these allegations, which were dismissed: My wife's daughter 13, now 14, had been missing school for 36 days actually. The school had contacted DYFS and she was just afraid that - given my past, that she would have a problem with me in the house.

So as Andrea says, a knee-jerk reaction, this is what she did. All the -- all made up, all fabricated and dismissed. I have met with the actual people from DYFS; and, hey, I'm not going to lie to them. I told them, you know, hey, the young lady just didn't want to go to school. They got her into a program. She's now on medication. She's back to semi-normal. And my wife and I, we've been working things out."

When asked whether the statement she made that it was a knee-jerk reaction was made in the court proceedings, Respondent answered "Basically."

Respondent was asked to provide a copy of the hearing transcript regarding the restraining order, a dated medical report and a list of medications he was currently taking.

On March 9, 2015 the Board received a letter from Christina Scarpa, Esq. who had taken over representation on Respondent's application for reinstatement. She asserted that the allegations in the restraining order were not substantiated by the Court and should have no bearing on Respondent's license to practice chiropractic. She claimed that it would be a hardship on Respondent

to produce the transcript due to cost. She stated that since there was a protective order he could not produce the transcript.

Respondent's attorney claimed that the "court entered a Protective Order shielding the transcript of the proceeding and as a result Respondent cannot produce the transcript. Further, the matter was dismissed and the Restraining Order was vacated as the allegations were unfounded. As such, the transcripts should be irrelevant to the Board's determination regarding license reinstatement. And further Respondent would experience great unnecessary expense in attempting to have the transcript released to the Board." She indicated that Respondent's attorney had indicated that it would likely cost Respondent \$5000 to \$8000 in attorney's fees and costs to seek authorization to the release of the transcript.

Upon inquiry to the court, the Board discovered that Respondent's prior counsel had already obtained a copy of the transcript. The Board thereafter requested and received a copy of the transcript through the Court.

A review of the transcript reveals that although the court dismissed the complaint and the restraining order, it was based on Mrs. Radowitz' failure to meet the burden of proof as to the predicated act of harassment. However the court found problems with the credibility of both Mrs. Radowitz and Respondent. The Court stated:

"This is what the Court thinks in this case. Does it think there were previous acts of domestic violence? Yes, absolutely. Does it think even potentially, sir, you have an anger problem on some level? Yes, I do. The problem

becomes whether I get to that because the plaintiff is able to establish the predicate act in this case. And again on the revised Complaint or amended Complaint, again the predicate act is harassment."

Contrary to what Respondent told the Board, Mrs. Radowitz never indicated to the court that the reason she filed a restraining Order was because of problems with her daughter. She never told the court it was a "knee jerk reaction." She never told the court it was fabricated. To the contrary Mrs. Radowitz testified to numerous acts of rage and aggression on the part of Respondent including a history of violence and abuse throughout the whole marriage. She described Respondent's rage at her for "buying the wrong steak and throwing TV tables, threatening to kill her, kicking down the garage door, making threatening motions with a butcher knife, throwing a cherished bowl that belonged to her late mother, ripping up her diary, choking the family dog, tearing off her daughter's closet door, smacking her on her leg leaving a hand print, inappropriate sexual comments and conduct in front of the children."

Although Mrs. Radowitz testified that these acts took place throughout the marriage, the court found that they were not sufficiently close in time to the filing of the restraining order. The court also considered text messages between her and Respondent which did not suggest that she felt threatened at that time. Therefore the court found that it was not clear beyond a preponderance of the evidence that there was a purpose to harass. The court could not find that Mrs. Radowitz met the burden of proof on a predicate act

of harrassment. The Court specifically said that "this does not mean that none of the past things ever happened."

The above information provides grounds for the denial of reinstatement of Respondent's license to practice chiropractic in New Jersey at this time pursuant to N.J.S.A. 45:1-21(b) in that Respondent failed to disclose to the Board when he appeared that there was a restraining order issued by the court which was served upon him just prior to his appearance. Although the restraining order was eventually dismissed, the court expressed concerns regarding domestic violence in the home and that Respondent continued to have anger management issues. More importantly, Respondent in his testimony before the Board painted a rosy picture belied by events unfolding just a week earlier.

The Board considered Respondent's failure to disclose the most recent restraining order issued by the Court and his testimony that he was "incident free", had led an "exemplary life" and was a "doting step-father" at the time he was aware of allegations made in a domestic violence proceeding of continued issues regarding violence and abuse in his current marriage and home since 2008 and current anger management issues. Due to his misrepresentations and failure to disclose, the Board concludes that Respondent's license should remain revoked and not be reinstated at this time, and until such time as he can demonstrate rehabilitation. Before any reinstatement the Board must place trust that Respondent has been forthright and honest with the Board. Certainly Respondent has not done so at this juncture.

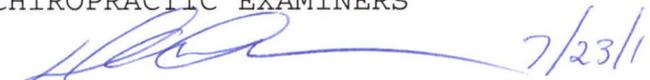
THEREFORE, IT IS on this 23<sup>rd</sup> day of July, 2015

ORDERED that:

1. Respondent's application for reinstatement of his license to practice chiropractic in the State of New Jersey be and hereby is denied.

2. No re-application for reinstatement of Respondent's license to practice chiropractic in the State of New Jersey will be entertained sooner than one year from the date of this Order.

NEW JERSEY STATE BOARD OF  
CHIROPRACTIC EXAMINERS

By:  7/23/15  
David Allen, D.C.  
Board President