

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
 :
DAVID A. MILLER, RN : ADMINISTRATIVE ACTION
License No. 26NO10073400 :
 :
 : FINAL ORDER OF
 : DISCIPLINE
TO PRACTICE NURSING IN THE STATE :
OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. David A. Miller, RN ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On December 2, 2013, the Board received a flagging notice indicating that Respondent was arrested on November 29, 2013, by the Seaside Park Police Department, for N.J.S.A. 2C:29-2B (Attempt to Elude Police).

3. The Board subsequently learned that Respondent was also arrested on September 1, 2012, and March 11, 2014, by the Seaside Park Police Department, for N.J.S.A. 2C:29-2B (Attempt to Elude Police).

4. On May 7, 2014, the Board received a flagging notice indicating that Respondent was arrested on May 7, 2014, by the Seaside Park Police Department for N.J.S.A. 2C:29-9A (Contempt of Judicial Order). This charge was dismissed on January 8, 2015.

5. On February 10, 2015, the Board received a flagging notice indicating that Respondent was found guilty of N.J.S.A. 2C:29-2B (Attempt to Elude Police) on July 10, 2014, by the Ocean County Superior Court. The Board also learned that Respondent was sentenced on January 8, 2015, by the Ocean County Superior Court, to ninety (90) days confinement, seven (7) days jail time credit, three (3) years' probation, twenty-four (24) months suspended drivers license, and assessed \$625.00.

CONCLUSIONS OF LAW

Respondent's conduct warrants disciplinary action, pursuant to N.J.S.A. 45:1-22(a), for having been convicted of, or engaged in acts constituting, any crime or offense relating adversely to the activity regulated by the Board, as prescribed in N.J.S.A. 45:1-21(f).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a reprimand was entered on October 7, 2015. Copies were served upon Respondent 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 Respondent 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 respondent's request for consideration and reasons therefor.

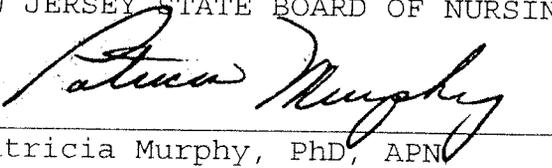
Respondent timely responded to the Provisional Order of Discipline and argued, in essence, that his criminal history was the result of perjury by police officers and prosecutors, as well as judicial corruption at the municipal, state, and federal levels. Respondent wrote that he had "almost as much contempt for the Board of Nursing as [he] does for the demonstrably corrupt state and federal judiciary that is within New Jersey." Respondent's reply to the Board indicates that Respondent had filed a pro se federal lawsuit based upon his above mentioned arguments which was dismissed. Respondent appealed the dismissal of his lawsuit and submitted his Appellant's Brief, Appendix, and Reply for the Board's review. Despite the federal appeal, Respondent's state court conviction has remained undisturbed and has not been overturned. The Board does not now need to retry the underlying criminal case to take action. The Board relies on the finding that Respondent was guilty.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded by Respondent's arguments that the courts' and government's corruption is the basis of his conviction and was not persuaded that the submitted materials merited further consideration.

ACCORDINGLY, IT IS on this 19th day of April, 2016,
ORDERED that:

1. A reprimand is imposed on Respondent for having been convicted of, or engaged in acts constituting, any crime or offense relating adversely to the activity regulated by the Board.

NEW JERSEY STATE BOARD OF NURSING

By: 

Patricia Murphy, PhD, APN
President