

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 4-22-16 DA

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

IN THE MATTER OF _____ : Administrative Action
:
Lev Natovich : **FINAL DECISION AND**
Unlicensed : **DEFAULT ORDER ON**
: **UNIFORM PENALTY LETTER**
:
_____ :

This matter was opened before the State Board of Dentistry (the "Board") upon the issuance of a Uniform Penalty Letter ("UPL") to Lev Natovich ("Respondent") for a conviction regarding a non-practitioner committing health care fraud in New Jersey in violation of N.J.S.A. 2C:21-4.3C, on October 07, 2005 and for a conviction for practicing dentistry without a license on November 29, 2010, in violation of N.J.S.A. 2C:21-30A, in Bergen County, New Jersey. (Judgments of Conviction (Exhibit A) and Certification of the Executive Director of the Board indicating Respondent was never licensed to practice dentistry attached as Exhibit A) Respondent was assessed a civil penalty of \$15,000.00 for the above referenced violations. (UPL, Certificate of Service and USPS tracking information, attached as Exhibit A).

On January 5, 2015, the UPL was served by regular and certified mail with Return Receipt Requested at Respondent's

mailing address identified in the criminal records at 966 Pine Terrace, Franklin Lakes, New Jersey. According to the United States Postal Service website tracking for certified mail with RRR #7010-1670-0001-3613-3258, the certified mail was delivered and the regular mail was not returned. Additionally, the UPL was personally served on January 23, 2015, at 35-37 Wallington Avenue, Wallington, New Jersey 07057 to a person identifying himself as Respondent by Investigator Eugene Manchione, an investigator of the Division of Consumer Affairs, Enforcement Bureau. (See Exhibit B)

On January 23, 2015, The Board received a handwritten response from Respondent in which he, citing financial hardship, requested a hearing so he could seek a payment plan. The Board sent a revised UPL dated February 16, 2015 with a payment plan including payment of \$3,000 upon signing the UPL, followed by twelve (12) monthly payments of \$1,000 until the entire amount of civil penalty has been paid. The revised UPL was served by regular and certified mail with Return Receipt Requested to Respondent at 966 Pine Terrace, Franklin Lakes, New Jersey. According to the United States Postal Service website tracking for certified mail with RRR #7010-1670-0001-3613-3388 was returned unclaimed, but the regular mail was not returned. (Copy of Respondent's response, the revised UPL, and USPS tracking

information, attached as Exhibit C). Respondent was accorded 15 days in which to respond to the revised UPL. No response to the February letter has been received from the Respondent. (See Exhibit A)

On December 28, 2015, the Board served a Notice of Intent to File Default Order ("Notice") regarding the outstanding UPL by personal service to a person identifying himself as Respondent at 35-37 Wallington Avenue, Wallington, New Jersey 07057 by Investigator Eugene Manchione. (Copy of Notice and proof of service, attached as Exhibit D). To date, no response to the Notice of Intent to File Default order has been received from the Respondent.

Respondent was expressly advised that a response should be filed with the Board no later than January 12, 2016 and if no response was received by that date, Respondent would be considered in default, the allegations would be deemed admitted or uncontested, the matter would be finalized by the Board and a Default Order would be entered. (See Exhibit D, Page 2)

The Board on April 20, 2016 considered the UPLs, including exhibits, the request for hearing, the Notice of Intent to File Default Order, and the Certification of Executive Director, Jonathan Eisenmenger of the Board. The Board determined that the UPL, the amended UPL and the Notice were properly served upon Respondent consistent with R. 4:4-4 and N.J.A.C. 1:1-7.1.

Because the Board deemed service efforts to have been adequate, the Board found Respondent to be in default and proceeded to consider the merits of the charges.

In the absence of any explanation or refutation, the Board deems the information upon which the allegations were based, uncontested. The Judgments of Conviction (Exhibit A) provide documentation beyond a preponderance of evidence and accordingly, the Board finds Respondent committed insurance fraud in connection with the unlicensed practice of dentistry in 2002 and engaged in the unlicensed practice of dentistry in New Jersey in 2009 in violation of N.J.S.A. 45:6-13 and failed to conform with statutory and regulatory obligations as set forth in the UPL and thus it concludes that the violations occurred.

ACCORDINGLY, IT IS on the 22nd day of April, 2016
ORDERED as follows:

1. Respondent has violated N.J.S.A. 45:6-13 in that he was convicted for committing insurance fraud in connection with the unlicensed practice of dentistry in the State of New Jersey in violation of N.J.S.A. 2C:21-4.3C, on October 07, 2005 and for the unlicensed practice of dentistry on November 29, 2010 in violation of N.J.S.A. 2C:21-30A, in Bergen County, New Jersey.

2. Respondent shall cease and desist from practicing dentistry in the State of New Jersey unless and until he obtains a valid, active license to do so.

3. Respondent shall be assessed a total civil penalty of \$15,000.00 pursuant to N.J.S.A. 45:1-22 and N.J.S.A. 45:1-25 for violation of N.J.S.A. 45:6-13.

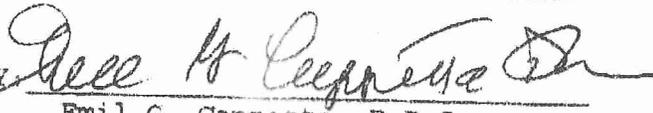
4. Payment for the civil penalty shall be made by certified check or money order payable to the State of New Jersey and sent to the attention of Jonathan Eisenmenger, Executive Director, Board of Dentistry, 124 Halsey Street, 6th Floor, P.O. Box 45005, Newark, New Jersey 07101. The full payment of \$15,000.00 shall be made within thirty (30) days after the date of the entry of this Order. In the event Respondent fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-25 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF DENTISTRY

DATE:

4/22/16

BY:



Emil G. Cappetta, D.D.S.
President