CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 45004
Newark, NJ 07101
(973) 504-6395

January 15, 2016

By Certified and Regular Mail

FILED
JUN 23 2016
NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

Kevin Toss, D.C.
1135 Clifton Avenue
Clifton, NJ 07013

Re: Uniform Penalty Letter (UPL) In Lieu of Formal Disciplinary Complaint
In the matter of Kevin Toss, D.C.

Dear Dr. Toss:

This letter is to advise you that the New Jersey State Board of Chiropractic Examiners (Board) has reviewed records concerning the continuing education (CE) credits that you were required to obtain in satisfaction of the renewal application for the 2015 to 2017 renewal period as required by N.J.S.A. 45:9-41.28 and N.J.A.C. 13:44E-1A.5(b).

Pursuant to N.J.S.A. 45:9-41.28 all licensed chiropractors must complete thirty (30) continuing education credits for the renewal of the license to be obtained in the period preceding the biennial renewal of the license. Therefore, you should have obtained thirty(30) continuing education credits including a minimum of two (2) credits in nutrition education, and a minimum of two (2) in New Jersey law, ethics and/or record keeping/documentation between September 1, 2013 and August 31, 2015.

Thus, the Board has preliminarily concluded that you have violated N.J.S.A. 45:9-41.28 in that you failed to complete your continuing education requirements for the period ending August 31, 2015 pursuant to your response in your renewal application.

The Board has determined that it will first offer you an opportunity to settle this matter and thereby avoid the initiation of formal disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the acknowledgment below and agree to the following:

1. Cease and desist from violating N.J.S.A. 45:9-41.28 and N.J.A.C. 13:44E-1A.5(b).

2. Pay a civil penalty in the amount of $500.00 by certified check, money order, wire transfer or credit card, payable to "State of New Jersey" and delivered or mailed to Lisa Tadeo, Executive Director, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101. Payment shall be made contemporaneously upon the signing of the UPL.

3. Submit proof of satisfactory completion of thirty (30) continuing education credits, which shall include a minimum of two (2) credits in nutrition education and a minimum of two (2) credits in New Jersey law, ethics and/or record keeping/documentation within sixty (60) days upon your signing of the acknowledgment at the bottom of this letter. These credits completed will not qualify to fulfill the mandatory continuing education requirement for the next renewal period.

Alternatively, you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. Any disposition by way of a settlement will be a public record, and will have the same effect as an order of the Board. Any failure to comply with the terms to which you agree will be deemed a violation.

If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing, you will have an opportunity, either personally or with the assistance of an attorney, to respond to the charges and submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay additional costs incurred in the matter, including the costs of the hearing.

Should you have any questions concerning this letter or the settlement offer herein, you may contact Deputy Attorney General Virginia Class-Matthews, who may be reached at (973) 648-3696.

The enclosed certification should be completed and returned to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and **you will be deemed in default**. The allegations against you will be deemed uncontested. The Board will then proceed to schedule the matter for final review and will enter an appropriate order. Once an order has been entered, your failure to pay any penalties or to fully comply with the order may result in further action to suspend or revoke your license.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: Lisa Tadeo
Lisa Tadeo
Executive Director

c: Virginia Class Matthews, Deputy Attorney General.

CERTIFICATION

I, Kevin Toss, D.C., hereby acknowledge that I have read and reviewed the Board's letter dated January ~~4~~ 15, 2016, regarding allegations of violations of the Board's enabling act and/or regulations.

FEB 18 2016

Please check one:

✓ I acknowledge the conduct which has been charged and **agree** to:

1. Cease and desist from violating N.J.S.A. 45:9-41.28 and N.J.A.C. 13:44E-1A.5(b).

2. Pay a civil penalty in the amount of $500.00 by certified check, money order, wire transfer or credit card, payable to "State of New Jersey" and delivered or mailed to Lisa Tadeo, Executive Director, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101. Payment shall be made contemporaneously upon the signing of the UPL.

3. Submit proof of satisfactory completion of thirty (30) continuing education credits, which shall include a minimum of two (2) credits in nutrition education and a minimum of two (2) credits in New Jersey law, ethics and/or record keeping/documentation within sixty (60) days upon your signing of the acknowledgment at the bottom of this letter. These credits completed will not qualify to fulfill the mandatory continuing education requirement for the next renewal period.

I am also aware that the action taken against me by the Board is a matter of public record, and that the Board's UPL and this certification are public documents.

_____ I hereby waive any rights I may have to a hearing in this matter in order to defend myself against any charges, but ask the Board to **consider my explanation** before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so, I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's UPL and this certification are public documents. Failure to comply may subject me to further disciplinary action and any failure to make a required payment will result in the filing of a certificate of debt.

_____ I **request a formal administrative hearing** to contest the charges specified in this UPL. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered in its UPL and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's UPL and this certification are public documents.

_____
Kevin Toss, D.C.
38MC00627900

Dated: