

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
P.O. Box 45029  
124 Halsey Street, Fifth Floor  
Newark, NJ 07101

**FILED**  
SEP 30 2013  
**Division of Consumer Affairs**

By: David M. Puteska  
Deputy Attorney General



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

_____	:	
IN THE MATTER OF THE NEW JERSEY :	:	Administrative Action
CDS REGISTRATION ISSUED TO :	:	
:	:	
<b>CARNIG SHAKAJIAN, D.P.M.</b> :	:	<b>ORDER TO SHOW CAUSE</b>
<b>N.J. CDS REG. No. D05476300</b> :	:	<b>WHY CDS REGISTRATION</b>
_____	:	<b>SHOULD NOT BE REVOKED</b>
	:	13-085

This matter was opened to Eric T. Kanefsky, Director of the New Jersey Division of Consumer Affairs (the "Director") pursuant to his authority over the dispensing of Controlled Dangerous Substances ("CDS") as set forth in N.J.S.A. 24:21-1 et. seq. and is based upon his receipt and review of information on which the following preliminary findings of fact and conclusions of law are made.

Carnig Shakajian, D.P.M. ("Respondent") was a podiatrist licensed to practice podiatry in New Jersey by the New Jersey State Board of Medical Examiners (the "Board") until May 3, 2013 when he consented to the revocation of his podiatry license. A copy of the Board's order is attached hereto as Exhibit 1. Respondent was also registered to prescribe and/or dispense CDS issued by the New Jersey Division of Consumer Affairs (the "Division") pursuant to N.J.S.A. 24:21-10 under registration number D05476300. Respondent's CDS registration became inactive upon the revocation of his podiatry license.

On October 28, 2011, Respondent agreed to the temporary suspension of his podiatry license pending resolution of criminal charges for illegal prescribing of CDS. Respondent had been arrested and charged in Bergen County with multiple counts of illegal CDS prescribing. The criminal charges included upwards of fifty occasions where Respondent prescribed CDS to individuals, including undercover law enforcement agents, who had no legitimate medical need. Respondent was alleged to have accepted \$300 per prescription from individuals who would then re-sell the narcotics.

On January 25, 2013, Respondent pled guilty in New Jersey Superior Court to second degree conspiracy to distribute Oxycodone. (Exhibit 1, Pg. 1). As part of his guilty plea, Respondent admitted that between December 2010 and October 2011 he prescribed CDS to individuals who did not have a legitimate medical need. On April 26, 2013, Respondent was sentenced to five years in New Jersey State prison.

The Drug Enforcement Administration (“DEA”) has confirmed that the current status of Respondent’s DEA registration is “surrendered for cause.”

N.J.A.C. 13:45H-7.4(a) requires that all prescriptions for CDS be issued only for legitimate medical purposes by a practitioner acting in the usual course of his professional practice. Respondent’s guilty plea, as detailed above, reflects that he issued CDS prescriptions without legitimate medical purposes and outside the usual course of professional practice.

Respondent’s conviction of an indictable offense related to his indiscriminate prescribing of CDS constitutes grounds for the revocation of his New Jersey CDS registration pursuant to the Director’s authority under N.J.S.A. 24:21-12(a)(2). Respondent’s guilty plea and admission that he issued CDS prescriptions for non-legitimate medical purposes constitutes a violation of N.J.A.C. 13:45H-7.4(a) and thus provides grounds for the revocation of his New Jersey CDS

registration pursuant to N.J.S.A. 24:21-12(a)(3). Respondent's DEA status of "surrendered for cause" provides grounds for the revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a) (4).

Pursuant to the above information; the Director's authority under N.J.S.A. 24:21-12(c); and for good cause shown:

IT IS ON THIS 30th day of September, 2013 **ORDERED** that

1. The Respondent, Carnig Shakarjian, D.P.M., either in person or by attorney, shall show cause before the Director of the New Jersey Division of Consumer Affairs, on December 9, 2013 at 3:00 PM or as soon thereafter as the parties may be heard, at the New Jersey Division of Consumer Affairs, 124 Halsey Street, 7<sup>th</sup> Floor, Newark, New Jersey 07101, why an Order should not be entered (A) Revoking his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12 (a)(2) thru (a)(4); and (B) Requiring that any future application by Respondent to the Director for a CDS registration be issued only after he proves, to the Director's satisfaction, that such issuance is in the public interest as set forth in N.J.S.A. 24:21-11;

2. That a copy of this Order be served upon Respondent or his attorney forthwith;

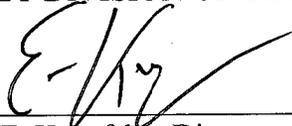
3. That Respondent shall file a response five (5) business days prior to the return date set forth above, stating in writing any and all reasons why the revocation of his CDS registration should not occur including any arguments in mitigation and all documents or other written evidence supporting Respondent's position; said response should be delivered to Eric Kanefsky, Director, New Jersey Division of Consumer Affairs, 124 Halsey Street, 7<sup>th</sup> Floor, P.O. Box 45029, with a copy delivered on that same date and time to David M. Puteska, Deputy

Attorney General, Division of Law, 124 Halsey Street, 5th Floor, P.O. Box 45029, Newark, New Jersey 07101; and

4. That failure to respond to this Order to Show Cause or failure to appear before the Director in person or through an attorney, as is herein required, may result in this matter being considered in Respondent's absence and an Order may be entered against Respondent revoking his New Jersey CDS Registration.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: \_\_\_\_\_

  
Eric T. Kanefsky, Director