

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
SOMERSET ROOM
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, JUNE 26, 2008**

A meeting of the New Jersey Board of Chiropractic Examiners was held June 26, 2008 at the State Office Building, 124 Halsey Street, 6th floor, Newark New Jersey. The meeting was convened in accordance with the provision of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by Albert Stabile Jr., D.C., President of the Board, at 9:30 AM.

ATTENDANCE

PRESENT: Drs.' Stabile Jr., Calio, Rada, O'Connor, Krouse, Spadafino, Senatore, Kostinas and Mr. Traier

EXCUSED: Dr. Murphy

ALSO PRESENT: DAG John Hugelmeyer, Executive Director Jonathan Eisenmenger, & Recording Secretary Sonya Liverpool

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF MAY 22, 2008

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE THE PUBLIC SESSION MINUTES OF THE MAY 22, 2008 MEETING AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. EXECUTIVE DIRECTOR'S REPORT

Executive Director Eisenmenger introduced Board members to the new Director of Consumer Affairs, David Szuchman. He also spoke about new committee assignments and calendar dates for the Board's upcoming 2009 year.

III. FEDERATION OF CHIROPRACTIC LICENSING BOARDS

The Board reviewed a letter submitted by the FCLB.

This was accepted as informational.

IV. NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

A letter was sent to the Board from NJDEP regarding their regulations.

This was accepted as informational.

V. INQUIRIES

A. KATHRYN J. McDOWELL C/O SPINAL IMAGING, INC.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. CALIO, TO FORWARD MS.

McDOWELL'S INQUIRY TO THE FCLB FOR ITS INPUT ON THE MATTER AND TO ALSO REFER THIS INQUIRY TO THE DEPARTMENT OF BANKING AND INSURANCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. LEE S. BEFELER, ESQ.

Mr. Befeler sent a letter of inquiry to the Board regarding MUA's & Board of Medical Examiners' regulations.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. SENATORE, TO HAVE DAG HUGELMEYER DRAFT A LETTER IN RESPONSE TO MR. BEFELER'S INQUIRY STATING 1) THE BOARD DOESN'T OFFER LEGAL OPINIONS IN MATTERS NOT BROUGHT BEFORE THE BOARD 2) MUA'S ARE IN THE SCOPE OF PRACTICE IF THE CHIROPRACTOR IS PROPERLY TRAINED 3) REFER MR BEFELER TO N.J.S.A. 13:44E-14.5 REGARDING OWNERSHIP PRACTICE STRUCTURES. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. APPLICATIONS FOR LICENSURE

A. STEVE V. COLACURCIO, D.C. (INITIAL)

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. RADA, TO SCHEDULE DR. COLACURCIO'S APPEARANCE BEFORE THE FULL BOARD. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. MARY H. CLARK, D.C. (REINSTATEMENT)

A MOTION WAS MADE BY DR. SENATORE, WHICH WAS SECONDED BY DR. KROUSE, TO APPROVE DR. CLARK'S APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. JOSEPH J. CARPINO JR., D.C. (ELECTRO-DIAGNOSTIC)

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. CALIO, TO APPROVE DR. CARPINO'S ELECTRO-DIAGNOSTIC APPLICATION FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. EDWARD M. ROBL, D.C. (HAND-OUT)

A MOTION WAS MADE BY DR. O'CONNOR, WHICH WAS SECONDED BY DR. RADA, TO HAVE DR. ROBL TAKE THE ONLINE JURISPRUDENCE EXAMINATION IN ORDER TO OBTAIN A NJ CHIROPRACTIC LICENSE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. PENDING DISCIPLINARY MATTERS

A. BRYAN BAJAKIAN, D.C. (HEARING /SETTLEMENT)

Kevin Jespersen appeared on behalf of the Attorney General's Office Miles Feinstein, Esq. appeared with his client Bryan Bajakian, D.C.

The Board reviewed an Order to Show Cause, Notice of Hearing, Notice to File Answer & Verified Complaint with Exhibits which was filed June 16, 2008. DAG Jespersen & Miles Feinstein, Esq. appeared & informed the Board that they agreed on a settlement position to propose to the Board, that the licensee will be temporarily suspended pending a plenary hearing and/or further Board Order. The case will also be transferred to the Office of Administrative Law but will be held pending disposition of the criminal matter. Dr. Bajakian will remove all advertising for the practice during temporary suspension.

A MOTION WAS MADE BY DR. SPADAFINO, WHICH WAS SECONDED BY DR. SENATORE, TO GO INTO EXECUTIVE SESSION TO DISCUSS THE TERMS OF SETTLEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY MR. TRAIER, TO GO INTO PUBLIC SESSION TO CONCLUDE THE HEARING OF SETTLEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY MR. TRAIER, TO GET WRITTEN DOCUMENTATION OF STATEMENT & ACCEPTANCE BY DR. BAJAKIAN TO VERIFY THE SETTLEMENT, A SECOND INTERIM CONSENT ORDER WILL BE ENTERED WITH THE TERMS APPROVED AT THIS HEARING. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. SHARON AYERS, D.C.

A MOTION WAS MADE BY DR. CALIO, WHICH WAS SECONDED BY DR. SENATORE, TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE ON THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. KOSTINAS, TO GO BACK INTO PUBLIC SESSION. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY DR. RADA, WHICH WAS SECONDED BY DR. CALIO, TO ISSUE DR. AYERS A FINAL ORDER OF DISCIPLINE WITH VIOLATIONS AND PENALTIES INCLUDED STATING THAT THE BOARD DISCUSSED THE ISSUES AT HAND INVOLVING DR. AYERS. THE BOARD HAS CONCLUDED THAT DR. AYERS SHOWED EVIDENCE OF USING AN UNLICENSED ASSISTANT (MR. CHEN) - VIOLATION: \$2,500, CHARGING \$20 REFERRAL FEE - VIOLATION: \$1,500, DISPENSING DISC GUARD - VIOLATION: \$2,000, "COMPLIMENTARY CONSULTATION"- VIOLATION: \$500. TO REVOKE OR SUSPEND DR. AYERS LICENSE 2 YEAR STAYED AND SERVED AS A PERIOD OF PROBATION; COSTS WILL AMOUNT TO \$16,471 AND PENALTIES IN THE AMOUNT OF \$6,500. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY DR. SPADAFINO , WHICH WAS SECONDED BY DR. KOSTINAS, TO GO INTO EXECUTIVE SESSION TO CONSIDER SEVEN PENDING CONSUMER COMPLAINTS, NINE REFERRALS FROM OTHER AGENCIES AND THREE PIC SUMMARIES. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

Respectfully Submitted,

Jonathan Eisenmenger
Executive Director