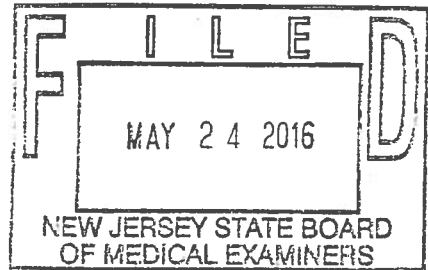


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ALEX SARKODIE, M.D.
License No. 25MA07074800

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

VERIFIED COMPLAINT

Robert Lougy, Acting Attorney General of New Jersey, by Bindi Merchant, Deputy Attorney General, with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, by way of Verified Complaint, says:

GENERAL ALLEGATIONS

1. Complainant, Robert Lougy, Acting Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey, pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons licensed by the New Jersey State Board of Medical Examiners (the "Board") pursuant to N.J.S.A. 45:1-14 et seq.

CERTIFIED TRUE COPY

2. The Board is charged with the duty and responsibility of regulating the practice of medicine and surgery, in the State of New Jersey pursuant to N.J.S.A. 45:1-1 et seq.

3. Pursuant to N.J.S.A. 45:1-22, the Board may enter an order of temporary suspension pending a plenary hearing on an Administrative Complaint upon a palpable showing by the Acting Attorney General of a clear and imminent danger to the public health, safety and welfare.

4. Alex Sarkodie, M.D. (hereinafter "Respondent") is licensed to practice medicine and surgery in the State of New Jersey and holds license number 25MA07074800. Respondent is board certified in Internal Medicine and Pediatrics and maintains a solo practice at 641 Broadway, Paterson, New Jersey, 07514. His license to practice medicine is currently "active."

5. Pursuant to Board policy, patient and employee initials are being used throughout this Complaint to preserve confidentiality. The identities of the patients are known to Respondent.

COUNT I

6. Complainant repeats and realleges the General Allegations above as if fully set forth herein.

7. P.D. is a twenty-nine (29) year old registered nurse who went to Respondent on June 20, 2013 and June 24, 2015. (Patient Record of P.D., attached as Exhibit A to the Certification of Deputy Attorney General Bindi Merchant ("Merchant Cert."), dated May 24, 2016, filed herewith).

8. On June 24, 2015, P.D. complained of insomnia, depression and anxiety during

her consultation and underwent a general physical examination. She was not taking any medications for these complaints. (P.D. Board of Medical Examiners' Complaint, attached as Exhibit B to Merchant Cert.).

9. During the consultation, Respondent took photographs of P.D. when she was explaining her symptoms. (P.D.'s Investigative Inquiry Transcript, 10:1-14, dated May 12, 2016, attached as Exhibit C to Merchant Cert.). Finding this inappropriate, P.D. asked Respondent not to take pictures of her. Respondent stated he was just going to keep them in his camera. Ibid. Respondent asked P.D. to move into an examination room. Ibid. P.D. was not provided with a gown. No chaperone was offered to P.D. for the examination, nor was a sign present to request one. (Merchant Cert., Exhibit C, 10:17-25; 11:1-7).

10. Respondent conducted a physical examination of P.D. (Merchant Cert., Exhibit B). Respondent did not mention that he was going to conduct a breast examination. (Merchant Cert., Exhibit C, 18:12-14). As part of the physical examination, Respondent auscultated P.D.'s lungs. Ibid. After he auscultated P.D.'s lungs, he reached under P.D.'s dress and bra with his ungloved hand grabbed her breast and began to grope it. Ibid. P.D. asked Respondent to stop and told him that she would go to her gynecologist for a breast examination. Ibid.

11. After listening to P.D.'s bowel sounds and palpating her abdomen, Respondent went back to P.D.'s breast area and began auscultating her lungs once again. (Merchant Cert., Exhibit B). While auscultating, Respondent had the bell of his stethoscope on P.D.'s chest when he reached down, grabbed P.D.'s breast, removed it from her clothes and licked it. Ibid.

12. P.D., shocked by this incident, left the examination room. (Merchant Cert., Exhibit C, 14:22-25). She went back to the consultation room for her prescriptions for Ambien

10mg and Alprazolam 0.5mg. (Merchant Cert., Exhibit A; Merchant Cert., Exhibit C, 17:16-20; 19:1-25; 20:1-7).

13. After P.D. left Respondent's office, P.D. immediately called her mother to tell her the details of what had just happened in the office. (Merchant Cert., Exhibit C, 20:17-21). Her mother encouraged her to file a complaint. (Merchant Cert., Exhibit C, 20:21-24). She also told her younger sister, who had been in Respondent's waiting area, about the incident in general terms. (Merchant Cert., Exhibit B). On the same day, June 24, 2015, P.D. filed a complaint with the Board regarding Respondent's conduct earlier that day. Ibid.

14. The actions of Respondent described herein constitute gross or repeated acts of malpractice in violation of N.J.S.A. 45:1-21(c); and/or repeated acts of negligence in violation of N.J.S.A. 45:1-21(d); and/or professional misconduct in violation of N.J.S.A. 45:1-21(e); the engagement in acts constituting moral turpitude or conduct relating adversely to activity regulated by the Board in violation of N.J.S.A. 45:1-21(f); a violation or failure to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h) (specifically, engaging in sexual contact and/or sexual harassment in violation of N.J.A.C. 13:35-6.3(c),(d),(f),(h),(i) and failure to provide notice to a patient of the right to have a chaperone present in violation of N.J.A.C. 13:35-6.23); and/or demonstrates the failure to be of good moral character as required for licensing as a physician pursuant to N.J.S.A. 45:9-6.

15. Respondent's conduct as alleged herein palpably demonstrates that his continued practice of medicine in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

COUNT II

16. Complainant repeats and realleges the General Allegations and those of Count I above as if fully set forth herein.

17. S.W. was an employee of Respondent from on or around May 2013 to February 2014. (Statement of S.W., attached as Exhibit D to the Merchant Cert.). She first began as an intern and then became a medical assistant. Ibid. Prior to her employment, S.W. and her children were patients of Respondent. (S.W.'s Investigative Inquiry Transcript, 6:11-24, dated May 12, 2016, attached as Exhibit E to Merchant Cert.).

18. Respondent on multiple occasions during S.W.'s employment made lewd and inappropriate comments regarding S.W.'s breasts and buttocks stating "how big they were." Merchant Cert., Exhibit D. (See also Merchant Cert., Exhibit E, 16:16-18; 17:4-14). Respondent also asked S.W. "to have a baby with him." Ibid. In February 2014, Respondent gave S.W. a general physical examination. Ibid. (See also Merchant Cert., Exhibit E, 17:20-22). Prior to the physical examination, S.W. was not provided with a gown and was not offered a chaperone. (Merchant Cert., Exhibit E, 18:10-11.) Respondent did not mention that he was going to conduct a breast examination. (Merchant Cert., Exhibit E, 18:12-14).

19. During the physical examination, Respondent placed his ungloved fingers under S.W.'s bra and twirled his finger on her nipple while commenting that the nipple was large. (Merchant Cert., Exhibit D; Merchant Cert., Exhibit E, 19:3-11). S.W. pushed Respondent's hand away, jumped up and pulled down her shirt. (Merchant Cert., Exhibit E, 19:11-12; 18:18-22). Respondent was laughing during this time. (Merchant Cert., Exhibit E, 19:11-12).

S.W. became uncomfortable during this encounter and left after she was provided a physical examination note. (Merchant Cert., Exhibit D).

20. She stopped working for Respondent shortly after this incident. Ibid.

21. The actions of Respondent described herein constitute gross or repeated acts of malpractice in violation of N.J.S.A. 45:1-21(c); and/or repeated acts of negligence in violation of N.J.S.A. 45:1-21(d); and/or professional misconduct in violation of N.J.S.A. 45:1-21(e); the engagement in acts constituting moral turpitude or conduct relating adversely to activity regulated by the Board in violation of N.J.S.A. 45:1-21(f); a violation or failure to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h) (specifically, engaging in sexual contact and/or sexual harassment in violation of N.J.A.C. 13:35-6.3(c),(d),(f),(h),(i) and failure to provide notice to a patient of the right to have a chaperone present in violation of N.J.A.C. 13:35-6.23); and/or demonstrates the failure to be of good moral character as required for licensing as a physician pursuant to N.J.S.A. 45:9-6.

22. Respondent's conduct as alleged herein palpably demonstrates that his continued practice of medicine in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

COUNT III

23. Complainant repeats and realleges the General Allegations and those of the counts above as if fully set forth herein.

24. On multiple occasions Respondent made lewd and inappropriate comments to

various female staff members. (Statement of D.G., attached as Exhibit F to the Merchant Cert.). By way of example, on or about February 23, 2016, while D.G., a receptionist, was counting money at the end of her shift, Respondent exclaimed, “you got some big breast,” and after finishing a patient visit, he asked D.G. “when are you going to let me suck your titties?” Ibid.

25. D.G. witnessed Respondent inappropriately hugging or touching interns on several occasions during her employment. Ibid. He would also make lewd and inappropriate comments to the interns, such as asking them to be his wife when he was already married. Ibid.

26. D.G. witnessed Respondent flirt with his female patients and make lewd and inappropriate comments to them as well. Ibid.

27. D.G. quit working for Respondent after eight months because she felt uncomfortable around him. Ibid.

28. Another former receptionist, J.M., also witnessed Respondent hug several of his female patients and make lewd and inappropriate comments to the patients and female staff. (Statement of J.M., attached as Exhibit G to the Merchant Cert.).

29. J.M. witnessed Respondent make lewd and inappropriate comments to D.G., such as asking her to be his girlfriend or asking to see her breasts. Ibid.

30. Another former receptionist/medical assistant, S.M. was made uncomfortable and ultimately quit after Respondent on numerous occasions would touch her back and neck. (Statement of S.M., attached as Exhibit H to the Merchant Cert.).

31. K.D., the current receptionist/medical assistant since March 24, 2016, has also

been made uncomfortable by Respondent's lewd and inappropriate comments. (Statement of K.D., attached as Exhibit I to the Merchant Cert.). For example, Respondent has asked K.D. if he could touch her "belly button" and "what places are on [her] body is most sensitive." Ibid. He frequently calls K.D. his girlfriend and asking to "pick her up." Ibid. He also comments on "the size of her boobs and how big they are." Ibid.

32. Respondent regularly squeezes K.D.'s shoulders and attempts to touch her neck when K.D. provides medical charts to him. Ibid. Respondent has also "smacked" K.D.'s buttocks when she has exited his office. Ibid.

33. K.D. has witnessed Respondent look at his patients' photographs prior to taking a telephone call from the patient. Ibid. If he does not find the patient to be attractive, he will not answer the telephone call. Ibid.

34. The actions of Respondent described herein constitute gross or repeated acts of malpractice in violation of N.J.S.A. 45:1-21(c); and/or repeated acts of negligence in violation of N.J.S.A. 45:1-21(d); professional misconduct in violation of N.J.S.A. 45:1-21(e); the engagement in acts constituting moral turpitude or conduct relating adversely to activity regulated by the Board in violation of N.J.S.A. 45:1-21(f); a violation or failure to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h) (specifically, engaging in unwanted physical advances and/or verbal conduct of a sexual nature and/or sexual harassment in violation of N.J.A.C. 13:35-6.3(h)); and/or demonstrates the failure to be of good moral character as required for licensing as a physician pursuant to N.J.S.A. 45:9-6.

35. Respondent's conduct as alleged herein palpably demonstrates that his continued

practice of medicine in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

WHEREFORE, Complainant respectfully demands the entry of an order against Respondent Alex Sarkodie, M.D. as follows:

1. Temporarily suspending Respondent's license to practice medicine in the State of New Jersey pending the disposition of a plenary hearing on this Verified Administrative Complaint;
2. Suspending or revoking the Respondent's license to practice medicine in the State of New Jersey following a plenary hearing;
3. Assessing civil penalties against Respondent for each and every separate unlawful act as set forth in the individual counts above, pursuant to N.J.S.A. 45:1-25;
4. Requiring Respondent to pay costs, including investigative costs, attorney's fees and costs, expert and fact witness fees and costs, costs of trial, and transcript costs, pursuant to N.J.S.A. 45:1-25; and
5. Ordering such other and further relief as the Board of Medical Examiners shall deem just and appropriate under the circumstances.

ROBERT LOUGY
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: Birdi Merchant

Bindi Merchant
Deputy Attorney General

Dated: May 18, 2016