

In the Matter of:

JOHN V. PIEDMONTE, D.C.,  
Respondent.

**FINAL AGENCY DECISION**

THIS MATTER coming on to be heard before the Board of Chiropractic Examiners at its regular meeting held on January 26, 2008 in Greensboro, North Carolina; and at the call of the case, the respondent was present and appeared *pro se*. After due consideration of the evidence and the arguments advanced by the respondent and the agency staff, the Board makes the following:

Findings of Fact

1. This case was heard by a majority of the Board, Dr. Terry L. Bradley, presiding.
2. The respondent, Dr. John V. Piedmonte, is formerly a licensed chiropractic physician in North Carolina and maintained a chiropractic office in Davidson. Dr. Piedmonte voluntarily allowed his license to lapse effective December 31, 2005 and has not practiced since that time.
3. This matter comes before the Board upon the respondent's request for license reinstatement. There is a pending unresolved disciplinary complaint against the respondent filed on September 4, 2007 by Dr. Dennis L. Hall, Secretary of the Board. The complaint alleges that Dr. Piedmonte was convicted of two felonies on August 21, 2006.
4. Dr. Piedmonte waives his right to a probable cause hearing and admits that he is guilty of having been convicted of two felonies as charged in the disciplinary complaint.
5. On August 21, 2006, pursuant to a plea transcript in Case No. 3:05 CR 98-Mu, Dr. Piedmonte appeared in the U.S. District Court for the Western District of North Carolina and was duly convicted of the felony of Bank Fraud and the felony of Health Care Fraud. He received a sentence of three years' probation on the condition that he make restitution in the amount of \$1,556,082.99.
6. The Bank Fraud conviction was predicated on Dr. Piedmonte's having overstated his net worth on a Small Business Administration loan application in November 2003.
7. The Health Care Fraud conviction was predicated on Dr. Piedmonte's refusal to disclose that in April 2000, the multi-disciplinary clinic in which he was a part-owner submitted insurance claims which falsely represented that a medical doctor was present on the premises when in fact he was not always present.
8. Pursuant to the terms of his probation, Dr. Piedmonte made restitution over a period of fifteen months of approximately \$800,000. By order dated December 12, 2007, the U.S. District Court terminated his probation twenty-one months early.

BASED ON the foregoing Findings of Fact, the Board makes the following:

Conclusions of Law

1. The Board of Chiropractic Examiners is duly constituted and has jurisdiction of subject matter and of the person of the respondent. The complaint filed September 4, 2007 is properly before the Board for adjudication on the merits. The burden of proof is borne by the staff of the Board, and the standard of proof is the greater weight of the evidence.

2. N.C.G.S. 90-154(b)(2) states that conviction of a felony or a crime involving moral turpitude is grounds for disciplinary action by the Board.

3. Under the Chiropractic Disciplinary Guidelines currently used by the Board, conviction of a felony falls within the "Most Serious" category of disciplinary violations. The presumptive sanctions for this category, when neither aggravating nor mitigating factors predominate, range from 90-day license suspension to permanent license revocation. Probation may also be imposed.

4. Part III of the Chiropractic Disciplinary Guidelines sets forth numerous mitigating and aggravating factors commonly considered by the Board in selecting sanctions. Pursuant to Part III, the Board finds as follows:

A. The mitigating factors present in Dr. Piedmonte's case are:

- (1) Dr. Piedmonte poses little or no danger to the public;
- (2) Dr. Piedmonte has no prior history of disciplinary violations;
- (3) Dr. Piedmonte's misconduct was isolated and not repetitious;
- (4) Dr. Piedmonte's misconduct has been addressed by the criminal justice system.

B. There are no aggravating factors present in Dr. Piedmonte's case.

5. In the judgment of the Board the mitigating factors predominate. Therefore, in conformity with the Chiropractic Disciplinary Guidelines, sanctions shall fall within the lower end of the presumptive range for a "Most Serious" violation.

WHEREFORE, upon his plea of guilty, The North Carolina Board of Chiropractic Examiners hereby finds the respondent, John V. Piedmonte, guilty of having been convicted of two felonies. It is ordered, adjudged and decreed that Dr. Piedmonte be sanctioned as follows:

1. Dr. Piedmonte's license to practice chiropractic in North Carolina shall be suspended for eighteen months. He shall be given credit for the period of license lapse, January 1, 2006 through January 26, 2008. Since this credit exceeds the term of suspension, Dr. Piedmonte's license is hereby reinstated.
2. Dr. Piedmonte shall be placed on probation for a period of twenty-four months, during which time he shall practice in conformity with all statutes and regulations administered by the Board.

This Decision is effective immediately. This Decision is a public document and shall be reported to national data banks and to the licentiate body by summary in the Board's next newsletter.

THIS the 14<sup>th</sup> day of February, 2008 *nunc pro tunc* to January 26, 2008.

NORTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS

By: Terry L. Bradley, D.C.  
Terry L. Bradley, D.C., President