



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE DENIAL OF
LICENSE APPLICATION

Administrative Action

ABAYOMI M. OTITI

FINAL ORDER
OF DENIAL

TO PRACTICE PHYSICAL THERAPY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Physical Therapy Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Abayomi Otit, (hereinafter, Respondent) residing at 37 Cross Street, Lakewood, New Jersey, on October 31, 2002 filed an application for licensure to practice physical therapy in the State of New Jersey and affirmed in that application that the statements made therein are truthful.

2. The respondent stated in the application that he has never been licensed in New Jersey or any other state or jurisdiction nor has he taken the National Boards Physical Therapy Examination.

3. Mr. Otit also affirmed in the application that he has never been charged with a conviction nor has ever had a license to practice as a physical therapist suspended, revoked or limited in any state or foreign country.

4. Upon review of the application, the Board has received information from the State of Georgia that Mr. Otit was licensed in Georgia on July 1, 1988 upon successful completion of the Georgia Licensure examination. Mr. Otit submitted an application to the State of Georgia on

March 7, 1988. The transcript submitted with the State of Georgia application was from the office of the Registrar of Howard University for Otit, date of birth 08-23-53 who graduated in June 1979. Also included with the application was a photo of Mr. Otit. The social security number listed on the Georgia application is the same number provided on the New Jersey application. The date of birth, and the photo and the transcripts noted on the Georgia application are identical to the information provided on the New Jersey application.

5. The State of Georgia has also advised the Board that by submission of a Final Decision entered on July 18, 1995 in the State of Georgia, that Mr. Otit's license to practice as a physical therapist was revoked based on the entry of a guilty plea on or about August 18, 1994 wherein the respondent plead guilty to 45 counts consisting of 26 counts of Mail Fraud, 6 counts of Wire Fraud, 1 count of Conspiracy, 11 counts of False Claims and 1 count of money laundering and was sentenced to 60 months on each of Counts 1-45, to run concurrently with each other. Upon release from imprisonment, the respondent was to be on supervised release for a term of 3 years on each of the counts 1-45 to run concurrently with each other.

6. The Board also received written notification from the National Licensure Database for Physical Therapists and Therapist Assistants in a quarterly report for the period from April - June 1998 that Abayomi M. Otit successfully completed the national exam on May 15, 1998 and the results were sent to the State of Georgia.

7. The Board invited the respondent to appear before the preliminary investigative committee on July 8, 2003 to discuss the discrepancies in his licensure application but the respondent failed to appear. (Copy of State of Georgia application and attachments and the Quarterly report from the National Database for Physical Therapists and Therapist Assistants annexed hereto and made a part hereof.)

CONCLUSIONS OF LAW

1. The above facts provide grounds for the withdrawal of Mr. Otití's authority to sit for the physical therapy licensure examination and to deny his license to practice physical therapy in New Jersey pursuant to N.J.S.A. 45:1-21(a) in that it is based on findings that would give rise to discipline in this State as the respondent has misrepresented and committed a fraud upon the Board by relating information in the application which is not truthful. In addition to deceiving the Board about having been convicted of a crime that is adversely related to the profession, the respondent has been inaccurate in his statements that he was never licensed in another state and never sat for the national physical therapy examination.

Based on the foregoing findings and conclusions, a Provisional Order of Denial was filed on September 23, 2003, provisionally withdrawing respondent's ability to sit for the licensure examination and denying respondent's application for a license to practice in the State of New Jersey. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent submitted a written response to the Board requesting to withdraw his application. Respondent apologized for lying on his application and claims he only did so because he was not in the right frame of mind at the time. Respondent did not dispute the allegations and apologized for failing to disclose material facts of his circumstances.

Respondent's submission was reviewed by the Board, and it determined that further proceedings were unnecessary and that no material discrepancies had been raised. The Board declines to grant respondent's request to withdraw the application since the Board and its staff has expended the time to process, review and consider this matter further. Additionally, the Respondent's misdeeds should be matter of public record. The conduct in which respondent was

found to have engaged would amount to a clear violation of N.J.S.A. 45:1-21(a) in that it is based on findings that would give rise to discipline in this State as respondent has misrepresented and committed a fraud upon the Board by relating information in the application which is not truthful. Although respondent apologized and stated that he was not in the right frame of mind because of the loss of his family friend and his grandfather, his explanation of his actions is a poor excuse for having engaged in such conduct. It cannot be ignored that his failure to disclose information on his application is a sufficient predicate for the Board to withdraw his ability to sit for the licensing examination and to deny his application for licensure, at this time. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law set forth in the Provisional Order.

ACCORDINGLY, IT IS on this 9th day of September, 2004,

ORDERED that

1. Respondent's ability to sit for the licensure examination is withdrawn and respondent's license to practice in the State of New Jersey be and hereby is denied .
2. Prior to reapplying for a license to practice in New Jersey and before being authorized to sit for the national examination, respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to practice and to explain the circumstances of his conviction and the information in his application. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be issued.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By: D. K. Q P.T., Ph.D.
Nancy Kirsch, P.T. QAC091
Board Chairperson