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WITH THE
N.J. BOARD OF DENTISTRY
ON 10-6-01 ET

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

DONALD T. DIFRANCESCO
Acting Governor

JOHN J. FARMER, JR.
Attorney General
MARK S. HERR
Director

Mailing Address:
P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

October 6, 2001

By Certified and Regular Mail

Dr. Paul A. Galante
Dr. Andrew G. Viglianti
Dr. Guy W. Henry
Monmouth Dental Group
288 Highway 35 South
Eatontown, New Jersey 07724

Re: Uniform Penalty Letter In Lieu of Formal Disciplinary Complaint
Ad Log # 00-061

Dear Doctors:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to review information concerning the enclosed advertisement.

Upon review of all available information, the Board has preliminarily found that you have violated N.J.A.C. 13: 30 - 6.2 (m), in that it appears that you offered a free service without indicating the value for the service. A copy of the aforementioned regulations are enclosed for your review.

The Board also expressed caution on the use of the term "Strictest Sterilization Techniques," which imply that your practice ulitizates techniques which exceed OSHA and CDC quidelines required of all practicing dentists in the State of New Jersey. Unless you can support such a claim, the Board recommends that you discontinue claims which could be misleading to the public.

The Board has determined that it will first offer you an opportunity to settle this matter and thereby avoid the initiation of formal disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the acknowledgment below and agree to the following:

1. Pay a civil penalty in the amount of $250.00 to be paid immediately upon your signing of the acknowledgment at the bottom of this letter), and
2. Cease and desist in violations of Board regulations concerning advertisements.

Alternatively you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. Any disposition by way of a settlement will be a public record, and will have the same effect as an order of the Board. Any failure to comply with the terms to which you agree will be deemed a violation.

If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing you either personally or with the assistance of an attorney will have an opportunity to respond to the charges and submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay costs incurred in the matter.

Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact this office.

The enclosed certification should be completed and returned to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and you will be deemed in default. The allegations against you will be deemed uncontested. The Board will then proceed to schedule the matter for final review and will enter an appropriate order. Once an order has been entered, your failure to pay any penalties may result in further action to suspend or revoke your license.

NEW JERSEY STATE
BOARD OF DENTISTRY

By: _____
Kevin B. Earle
Executive Director

cc: Nancy Costello Miller , Deputy Attorney General