



matter by acknowledging the violations and paying an aggregate civil penalty in the amount of \$500.00 for the failure to include the name and license number of at least one licensee responsible for the optometric practice at the individual location in violation of N.J.A.C. 13:38-1.4(d) and N.J.A.C. 13:38-1.2(l).

Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving respondent's right to a hearing.

Waiving his right to a hearing, Respondent elected to submit a written explanation in which he maintained that he is aware that as an Independent Doctor of Optometry he must include his name as well as his license and certification number in all advertisements. Respondent claims that he believed that advertisements specifically including eye examinations mandated the inclusion of his name as well as his license and certification number and that his omission in the advertisement was not intentional.

At its meeting on December 19, 2001, the Board considered the advertisement and respondent's explanation. With respect to charges of N.J.A.C. 13:38-1.4(d) and N.J.A.C. 13:38-1.2(l) the Board finds the licensee is responsible for the material printed in an advertisement. The Board also noted that this Respondent was sent two advisory letters from the Board in March and May 2001 informing him that the Board's regulations required that the license and certification number must appear in an advertisement. Accordingly, the Board finds that Respondent failed to conform with statutory and/or regulatory obligations as set forth in the UPL and thus it concludes that the violation of N.J.A.C. 13:38-1.4(d) and N.J.A.C. 13:38-1.2(l) occurred and affirmed the penalties as set forth in the UPL.

Based on the foregoing:

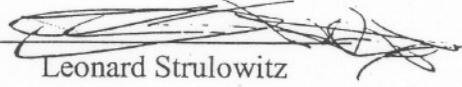
IT IS on this 16th day of January, 2002,

ORDERED that:

1. Respondent shall pay to the Board a civil penalty in the total amount of \$500.00 for the violations as set forth in the U.P.L. and found as detailed above. Said payment shall be made by certified check or money order payable to the State Board of Optometrists and shall be delivered within ten (10) days of service of this order to Susan Gartland, Executive Director at the Board of Optometrists, P.O. Box 45012, Newark, New Jersey 07101. Failure to remit the payment required by the Order will result in the filing of a certificate of debt.

2. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE  
BOARD OF OPTOMETRISTS

BY:   
Leonard Strulowitz  
President