DAVID SAMSON
ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
ATTORNEY FOR THE BOARD OF OPTOMETRISTS

FILED
BOARD OF OPTOMETRISTS
FEB 20 2002
Susan Gartland
Susan Gartland
Executive Director

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF	Administrative Action
IRVING S. WALLACE, O.D. License No. OA 01373	FINAL ORDER OF DISCIPLINE
TO PRACTICE OPTOMETRY IN THE STATE OF NEW JERSEY	

This matter was opened to the New Jersey State Board of Optometrists 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. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Renewal of licenses for optometrist occurs biennially (N.J.S.A.45:1-7). In approximately, February 2001, a renewal application for the license period beginning April 30, 2001 through April 30, 2003 was forwarded to the respondent at the last known address on file with the Board: 47 Tindall Road, Middletown, New Jersey.

3. A renewal of license application and the corresponding renewal fee were not received by the Board prior to or after the April 30, 2001 expiration date.

4. On August 8, 2001 written notification regarding respondent's failure to renew was mailed to the respondent at the respondent's last known address. This notification also informed the respondent that the said license to practice optometry would be removed from the active license list within 10 days of the date of the notice. The notice was mailed via certified and regular mail. Neither the certified nor the regular mail has been returned to the Board. Copy of the notice of lapsed license is attached hereto as Exhibit A.

CONCLUSIONS OF LAW

1. The above facts provide grounds for the suspension of his license to practice optometry in New Jersey pursuant to N.J.S.A 45: 1-7.1(b) in that it is based on findings that the respondent is in default of his payment of registration renewal fees.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice optometry in the State of New Jersey was entered on November 9, 2001 and a copy served on respondent.[1] 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.

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* A typographical error was made to the entry date of the Provisional Order of Discipline. The entry date states, "November 9, 2000" and it should state November 9, 2001.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter and determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 20th day of February, 2002,

ORDERED that:

1. Respondent's license to practice optometry in the State of New Jersey be and hereby is suspended. Thus, respondent shall not engage in the practice of optometry in this State.

2. In order to reinstate the license to practice optometry respondent is required to submit an application for reinstatement and include:

a. Payment of all past delinquent renewal fees;

b. Payment of a reinstatement fee;

c. An affidavit of employment listing each job held during the period of suspended license which includes the names, addresses and telephone numbers of each employer; and

d. Prior to resuming active practice in New Jersey respondent shall be required to demonstrate that he has maintained proficiency by providing proof that he has completed the continuing education credits for renewal of an active license as required pursuant to N.J.S.A. 45:12-9.3 and 45:12-9.4.

NEW JERSEY STATE BOARD OF OPTOMETRY

By _____
Leonard Steiner O.D.
Board President