



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF OPTOMETRISTS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

JAMES E. MCGREEVEY
Governor

PETER C. HARVEY
Attorney General
RENI ERDOS
Director

August 31, 2004

By Certified and Regular Mail

Richard Frankel, O.D.
343 Washington Road
Sayreville, New Jersey 08872

Mailing Address:
P.O. Box 45012
Newark, NJ 07101
(973) 504-6440

Re: Practice of optometry without a branch license
Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Frankel :

This letter is to advise you that the New Jersey State Board of Optometrists (the "Board") has had an opportunity to review information concerning a complaint filed by Zultin P. Horvath regarding the lack of services he received from you at the Somerset office location on December 13, 2003. Specifically, the information reviewed included Mr. Horvath's complaint letter and your written response to the Board dated February 19, 2004 concerning the circumstances surrounding Mr. Horvath's appointment. Upon review of all information the Board found that Mr. Horvath was not seen for an eye examination on the date of his scheduled appointment or any other time thereafter. After review of the complaint the Board found that insufficient cause for action existed concerning the allegations in Mr. Horvath's complaint.

However, during the review the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:12-9 in that you continued to practice at the Somerset location without renewing your branch license. The Board's records confirm that you renewed the license for the main office located at 343 Washington Road, Sayreville, NJ on a timely basis but you did not renew the branch office license for the Somerset office location as of April 20, 2003. The Board relied on Mr. Horvath's complaint and your correspondence in response to that complaint in which you acknowledge practice at the location at a time when the branch license was not current. Accordingly, the Board found a violation for practicing optometry without a branch license, while it also determined that insufficient cause for action existed to take disciplinary action against you concerning the allegations in Mr. Horvath's complaint.

At this juncture, the Board has preliminarily concluded that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Dr. Frankel shall cease and desist from continuing to practice optometry at a branch office location without timely renewing the branch office certification. Upon a review of the Board's current records it is acknowledged that you renewed the branch office certification for the Somerset location on August 18, 2004 which is 16 months after the renewal period had expired.

2. Dr. Frankel is hereby formally reprimanded for violation of N.J.S.A. 45:12-9.

3. Dr. Frankel shall pay a penalty in the amount of \$1000.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter). Payment is to be remitted by certified check or money order and made payable to the NJ State Board of Optometrists and sent to the attention of Susan Gartland, Executive Director, P.O. Box 45012, Newark, New Jersey 07101.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 648-3696.

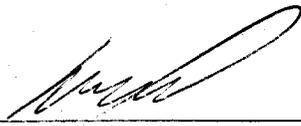
NOV 12 2004

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it 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 the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD
OF OPTOMETRISTS

By: 
Susan Gartland
Executive Director

ACKNOWLEDGMENT: I, Richard Frankel, O.D. hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$ 1000.00 (to be paid upon signing of this acknowledgment) and the issuance of a formal reprimand.


Richard Frankel, O.D.

Dated: 

cc: Carmen A. Rodriguez, Deputy Attorney General

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

Bank of America



MONEY ORDER

SOUTH RIVER

No. 703417871

Issued by Integrated Payment Systems Inc., Englewood, Colorado 82-40/1021
Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado

Date NOV 08, 04

Pay To The Order Of New Ferry Arts Board of Elders

\$ *****1,000.00

***1000*DOLLARS*AND*00*CENTS**



Security Features Details on Back

Not Valid Over \$1000

Dollars

Signature Of Purchaser (Drawer)

Name Of Purchaser (Drawer)

Address

City, State, Zip

92771 84469 703417871

743 Wash St

⑈555000⑈ ⑆102100400⑆ 68000703417871⑈