FILED
STATE BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS
OCT 15 2004
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

IN THE MATTER OF DAMIEN INFUSO	Administrative Action
Permit No. AD6600	CONSENT ORDER
TO PRACTICE AS AN OPHTHALMIC DISPENSER APPRENTICE IN THE STATE OF NEW JERSEY	

This matter was opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (hereinafter, "the Board") upon receipt of a report of investigation from the Division of Consumer Affairs disclosing that Respondent, Damien Infuso, engaged in conduct constituting the practice of an ophthalmic technician without licensure. Specifically, on May 31, 2003, it was alleged that Respondent practiced as an ophthalmic technician without licensure.

On November 12, 2003, Respondent appeared with Paul Linker, Esq., at an investigative inquiry into the matter held by the Board. Respondent admitted to having practiced over a two year

EXHIBIT
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period as an ophthalmic technician without licensure by assembling ophthalmic appliances in a laboratory. Respondent currently holds a permit as an ophthalmic dispenser apprentice.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, it appears to the Board that Respondent practiced as an ophthalmic technician without licensure. These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h), N.J.A.C. 13:33-1.3 and N.J.A.C. 13:33-1.18. It appearing that Respondent desires to resolve this matter without admissions and without recourse to formal proceedings, the Board having determined that the within Order is sufficiently protective of the public health, safety and welfare, and for good cause shown;

IT IS ON THIS DAY OF 2004,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall strictly comply with the scope of practice of an apprentice ophthalmic dispenser under supervision and shall cease and desist from any activities deemed to be in violation of any of the statutes and regulations applicable to the practice of ophthalmic dispensing or technicianry in the State of New Jersey.

2. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of $2,500.00 for conduct with respect to practicing as an ophthalmic technician without licensure. Payment for the civil penalties shall be stayed in its entirety contingent upon full compliance with this Order. Receipt of reliable information of any failure by the Respondent to comply with the terms of this Order shall cause the Board to declare Respondent in violation of this Order. Such violation shall cause the activation of the stayed penalties which shall become due and payable in full immediately upon notice from the Board. The Board reserves the right to bring further proceedings as appropriate for any violations of this Order.

NEW JERSEY STATE BOARD OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS

By: _____
Robert Troast
Board President

I have read and understand the within the Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

_____
DAMIEN INFUSO

I consent to the form and entry of this Order.

_____
PAUL LINKER, ESQ.