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N.J. BOARD OF DENTISTRY
ON 10-20-10 DA

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

IN THE MATTER OF THE SUSPENSION OR :
REVOCAION OF THE LICENSE OF : Administrative Action

MARIA RIZZI :
LICENSE NO. 22HI00876100 : FINAL ORDER OF
 : DISCIPLINE

TO PRACTICE AS A DENTAL HYGIENIST :
IN THE STATE OF NEW JERSEY :

The New Jersey State Board of Dentistry("Board")entered a Provisional Order of Discipline on September 2, 2010 based on the failure of Maria Rizzi ("respondent") to answer the two separate requests for information regarding her arrest for shoplifting on April 29, 2010.

Following entry of the Provisional Order, respondent retained Matt D. Mandel, Esq., who submitted a response on her behalf. Mr. Mandel, by letter dated September 20, 2010, stated that Ms. Rizzi had not responded to the Board as she was awaiting the final disposition in the matter (on June 22, 2010, she pled guilty to violation of an ordinance and paid a fine of \$1000). He further advised that Ms. Rizzi acknowledges that her conduct was shameful and that she had resigned from her position as a dental hygienist when she received the Provisional Order of Discipline.

Counsel labeled her failure to respond as "ill-advised," but stated Ms. Rizzi believed that the matter would be quickly resolved and she would provide a complete explanation at that time. Under the circumstances, her counsel urged that the penalty be reduced from \$1000 to \$250 and that her license be reinstated.

Deputy Attorney General Swang Oo responded to the submission noting that Ms. Rizzi has now provided the requested information and, therefore, a suspension pending compliance was no longer necessary. DAG Oo left to the discretion of the Board any penalty to be imposed for the failure to cooperate.

The Board has considered the record and agrees that a suspension is not required. While the materials submitted do not provide details regarding the arrest, the Board is satisfied that Ms. Rizzi is aware that her actions brought her disrepute, and that her failure to respond, while not excusable, was not due to recalcitrance or indifference. Nonetheless, the Board finds that Ms. Rizzi's conduct violated her duty to cooperate with the Board and that a penalty is warranted. The Board will reduce the penalty to \$500 from \$1000.

Therefore, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Maria Rizzi ("respondent"), is a registered dental hygienist in the State of New Jersey and has been a license¹ holder at all times relevant to this action.

2. On or about April 30, 2010, the Criminal History Background Check revealed that respondent was arrested by the Freehold Township Police Department on April 29, 2010 for shoplifting.

3. On or about May 3, 2010, the Board sent a letter to respondent's address of record via regular and certified mail, requesting that she provide the Board a complete explanation regarding the shoplifting arrest on April 29, 2010 and to attach copies of all pertinent documents, such as police report and/or court papers, if available. Respondent failed to respond to the Board's letter.

4. On or about May 27, 2010, the Board sent a second letter to respondent to her address of record via regular and certified mail, again requesting the information.

¹ The Provisional Order of Discipline listed Ms. Rizzi as a "certified" dental hygienist. She is registered dental hygienist and is licensed by the Board.

5. Respondent failed to respond to the Board's request dated May 27, 2010.

6. After entry of the Provisional Order of Discipline on September 2, 2010, Ms. Rizzi, through counsel, submitted a response and provided the Board with information regarding the disposition of the charge.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for a complete explanation and to provide all pertinent documents, if available, regarding the shoplifting arrest constituted a failure to cooperate with the Board's investigation in violation of N.J.A.C. 13:45C-1.3 (a)(1), and provides a basis for discipline pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS, on this 20th day of October, 2010,

ORDERED that:

Respondent is assessed and shall pay a penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$500. Payment shall be made by certified check or money order payable to the State of New Jersey, delivered to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, no later than fifteen (15) days from entry of this Final Order of Discipline. In the event respondent fails to make

a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24, and the Board may bring such other proceedings authorized by law.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Hubert B Delmsky D.D.S.
~~John F. Ricciani, D.M.D.~~
Acting President 10-20-10