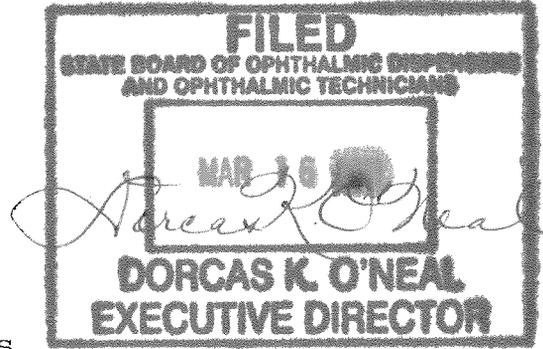


Complaint #  
74146

ORIGINAL

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF EXAMINERS OF  
OPHTHALMIC DISPENSERS AND  
OPHTHALMIC TECHNICIANS

\_\_\_\_\_  
IN THE MATTER OF THE :  
APPLICATION OF : Administrative Action  
: :  
**CHASITY LYNN HALL** :  
: **FINAL ORDER OF**  
FOR A PERMIT AS AN APPRENTICE : **DENIAL OF PERMIT**  
OPHTHALMIC DISPENSER :  
IN THE STATE OF NEW JERSEY :  
\_\_\_\_\_

This matter was opened before the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians (hereinafter "the Board"), upon receipt of a completed application, dated May 17, 2010, from Chasity Hall for a permit as an Apprentice Ophthalmic Dispenser. The Board has reviewed the application for the permit and all relevant documentation submitted, including the employment application for Lenscrafters, the letter of explanation submitted to the Board, Criminal History records and the transcript of applicant's testimony

before the Board on October 13, 2010. The Board makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Chasity Hall submitted an application for a permit as an Apprentice Ophthalmic Dispenser on or about May 17, 2010.

2. As part of Ms. Hall's application, the applicant responded "Yes" to questions number eight (8) and nine (9) regarding whether she had ever been summoned, taken into custody, tried, charged with, plead guilty or convicted of any violation of the law, ordinance, felony, misdemeanor or disorderly offense, in New Jersey, any other state, the District of Columbia or in any other jurisdiction.

3. As part of the application process, the applicant submitted the Certification and Authorization Form For A Criminal History Background Check on or about May 17, 2010.

4. As part of the Certification and Authorization Form For A Criminal History Background Check, Ms. Hall answered "Yes" to question number six (6) regarding whether she had been arrested and/or convicted of a crime or offense.

5. Ms. Hall submitted documentation that during 2006 she was arrested and plead guilty in the County of Bucks, Pennsylvania for "other reason access devise is unauth by issuer," forgery, theft by unlawful taking and receiving stolen merchandise.

6. On June 21, 2010 the Board received the results of the applicant's Criminal History Background Check which revealed that the applicant had been arrested and convicted for access device fraud, forgery, theft by unlawful taking or disposition, receiving stolen property in Pennsylvania and also had been

arrested and convicted of shoplifting.

7. In response to a letter from the Board asking for a written explanation and documentation about her criminal history, the applicant submitted a letter explaining the circumstances that lead to her arrests on August 8, 2006 and September 14, 2006.

8. The applicant attached a letter from the Superior Court of New Jersey, Camden County Probation Division stating that Ms. Hall was on probation from October 30, 2006 through October 30, 2008. Applicant attached the Comprehensive Automated Probation System Casebook Maintenance/Inquiry dated December 2, 2009 depicting her compliance with the terms and conditions of her probation as well as her completion of the community service requirement.

9. The applicant appeared pro se before the Board on October 13, 2010 and testified that she worked as a nurse's aid for an Alzheimer patient from 2004 through 2006 at a nursing home in Doyle Town, Pennsylvania.

10. Ms. Hall testified that she signed the patient's name on the patient's credit card and was arrested.

11. Ms. Hall testified that after she was arrested she continued to sign the patient's name on the patient's credit care and was arrested a second time by the Washington Township Police Department in New Jersey.

12. On October 30, 2006 the applicant plead guilty and was sentenced to two years probation, therapy, assessment of costs, payment of restitution in the amount of one thousand six hundred seventy-seven dollars and ninety-seven cents (\$1,677.97) and eighty hours of community service.

13. As part of the Employment Application for Lenscrafters,

the applicant answered "No" to the question whether she ever plead guilty to or was convicted of a crime other than a minor traffic offense, which has not been removed from her records by expungement, pardon, or other legal process.

14. As part of her Employment History for Lenscrafters, the applicant failed to state that she worked at Doylestown Manor Nursing Home.

15. The applicant appeared pro se before the Board on October 13, 2010 and testified about her past criminal history and her rehabilitation.

16. Ms. Hall testified that she is presently working as an eye wear consultant at Lenscrafters.

17. Ms. Hall admitted that she did not inform Lenscrafters of her criminal history because her conviction did not appear on the criminal background check that Lenscrafters conducted prior to hiring the applicant as an employee.

#### CONCLUSIONS OF LAW

Respondent misrepresentation on her application for employment at Lenscrafters that she had not previously been arrested or convicted of any crime or offense and failure to disclose her employment at Doylestown Manor Nursing Home constitutes engaging in the use or employment of dishonesty, fraud, deception and misrepresentation, in violation of N.J.S.A. 45:1-21(b) and N.J.S.A. 45:1-39.

#### DISCUSSION

Respondent's misrepresentation and dishonesty are directly related to the profession. The public and licensees place trust in the licensing agency to determine that professionals are honest in their dealings. Granting respondent a permit at this time

would be contrary to the interests of the residents of the State of New Jersey.

Respondent was served with a Provisional Order of Denial, filed on December 8, 2010. Respondent submitted a letter to the Board stating that she reviewed the Provisional Order of Denial and did not object to the denial of a permit at this time, however, she asked that the one year minimum period before the Board will entertain a new application for a permit commence on March 11, 2011. The Board has granted the request.

ACCORDINGLY, IT IS on this 16<sup>th</sup> day of March 2011  
ORDERED that:

1. Respondent's application for a permit as an Apprentice Ophthalmic Dispenser in the State of New Jersey is denied.

2. The Board shall not entertain an application for a permit from the respondent for a minimum period of one (1) year from March 14, 2011. Such application shall affirmatively demonstrate clear and convincing evidence of rehabilitation and include the following documents:

a. An up-to-date report, signed and dated by a licensed clinical mental health professional (with copy of the mental health professional's curriculum vitae) regarding whether respondent has remorse and insight regarding her criminal conduct and misrepresentations and the likelihood of reoccurrence. The report should also discuss whether respondent is rehabilitated and fit to be an ophthalmic dispenser, including her ability to appropriately engage in honest dealings with consumers.

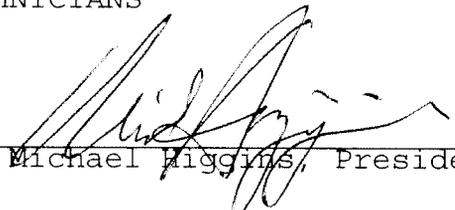
b. A statement signed and dated by the respondent representing that there have not been any "criminal actions" taken against her in New Jersey or any other jurisdiction since the

denial of a permit as an Ophthalmic Dispenser. "Criminal actions" includes arrests, convictions for criminal offenses and/or motor vehicle offenses regardless of whether the charges/summonses were dismissed, she was found not guilty, plead guilty or entered a plea bargain. The signed statement must include the following language above his signature:

"I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment."

c. A statement signed and dated by the respondent listing each place of employment, occupation or other activity respondent engaged in during the time respondent was denied a permit as an Apprentice Ophthalmic Dispenser in the State of New Jersey.

NEW JERSEY STATE BOARD OF EXAMINERS OF  
OPHTHALMIC DISPENSERS AND OPHTHALMIC  
TECHNICIANS

  
By: Michael Higgins, President