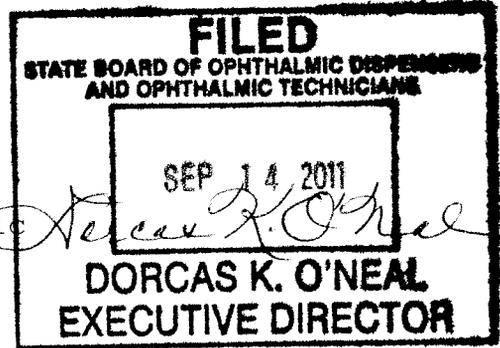


Complaint #80928

ORIGINAL

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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	:	
	:	ADMINISTRATIVE ACTION
SAMUEL J. ROSNER	:	
a/k/a JEFF ROSNER	:	
License No. 1019	:	
	:	FINAL ORDER AND DECISION
ENGAGING IN THE UNLICENSED	:	
PRACTICE OF OPHTHALMIC	:	
DISPENSING IN THE STATE OF	:	
NEW JERSEY	:	

This matter was initially opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon receipt of information that Samuel J. Rosner a/k/a Jeff Rosner, (Respondent), an employee and former owner of Cohen's Fashion Optical, located at the Monmouth Mall, 180 State Route 35 South, Eatontown, New Jersey 07724, practiced ophthalmic dispensing at the premises without a valid license. Respondent was licensed as an ophthalmic dispenser from January 1, 1977 until 1995 when he failed to renew his license.

Respondent signed an Interim Consent Order, filed on August 10, 2011 agreeing to cease and desist from engaging in, or holding himself out as engaging in, the practice of ophthalmic dispensing in the State of New Jersey unless and until he is licensed by the Board and from permitting any unlicensed individual from practicing as an ophthalmic dispenser and or ophthalmic technician or using his initials on patient work orders. Respondent further agreed to appear before the Board on August 10, 2011 for a hearing on the assessment of civil penalties.

Respondent appeared pro se before the Board for a hearing on the assessment of civil penalties on August 10, 2011. Respondent testified that he neglected to renew his license after 1995 and admitted that he dispensed eye wear at Cohen's Fashion Optical from January 2008 through January 31, 2011. He further admitted that he permitted other unlicensed individuals to use his initials on patient records when he was not available to dispense eye wear. He testified that from 1995 until he sold the store in 2004, he hired licensed ophthalmic dispensers to work in the store, and only began dispensing after he was hired as an independent contractor by the new owners of Cohen's Fashion Optical. Respondent testified that since March 2011 a licensed ophthalmic dispenser is working at the store two to three days per week, and he has ceased engaging in ophthalmic dispensing and is only engaged in showing eye wear frames.

The Board afforded respondent the opportunity to present mitigating circumstances concerning the assessment of the civil penalties. Respondent testified that he is familiar with the statutes and regulations for ophthalmic dispensers and that he is sorry that he practiced ophthalmic dispensing without having renewed his license. Respondent testified that he is presently suffering from physical ailments and is having financial problems due to large medical bills. Respondent did not submit any written documentation or any other information in support of mitigation of the civil penalty.

The Board is of the opinion that a substantial civil penalty must be assessed against a former licensee who practiced without a license for more than three years and knowingly permitted other unlicensed individuals to practice without a license and to utilize his initials in patient records.

ACCORDINGLY, IT IS ON THIS _____ DAY OF _____ 2011

ORDERED:

1. The Interim Consent Order filed on August 10, 2011 is attached hereto and incorporated herein as if fully set forth.

2. Respondent shall pay civil penalties in the amount of twenty thousand dollars (\$20,000.00) for repeated practice as an ophthalmic dispenser without a license. Providing that respondent complies with all of the terms of this Order, ten thousand dollars (\$10,000.00) of the civil penalties shall be stayed. The first payment of five thousand dollars of the civil penalty shall be made

no later than thirty (30) days after the filing of this Order. The second payment of one thousand dollars (\$1,000.00) shall be made on or before November 1, 2011, the third payment of one thousand dollars (\$1,000.00) shall be made on or before January 1, 2012, the fourth payment of one thousand dollars (\$1,000.00) shall be made on or before March 1, 2012, the fifth payment of one thousand dollars (\$1,000.00) shall be made on or before April 2, 2012 and the sixth payment of one thousand dollars (\$1,000.00) shall be made on or before June 1, 2012. Each payment shall be made by certified check or money order payable to the "State of New Jersey" and sent to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

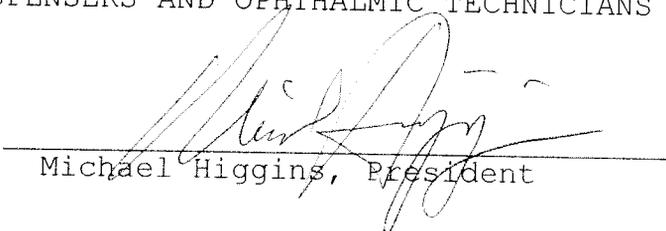
3. Failure to make any payment by the 10th of the month in which it is due or rejection of payment for insufficient funds or any other reason, shall automatically activate the stayed portion of the civil penalty, and the full amount of the civil penalty shall immediately become due and owing and shall be paid by certified check or money order. Failure to remit payment as required by this Order will result in the filing of a Certificate of Debt and such other proceedings as are permitted by law.

4. Receipt of any reliable information that respondent has deviated from the terms of this Order without prior written consent of the Board, shall automatically activate the stayed portion of the civil penalty. In such event, respondent may petition the

Board on five (5) days notice for a hearing limited to the sole issue of whether he has deviated from the terms of this Order.

5. Failure to comply with this order or any other violation will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

NEW JERSEY STATE BOARD OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC TECHNICIANS

By: 
Michael Higgins, President