

Filed 4/10/2012

F.C.W.

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

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IN THE MATTER OF THE  
APPLICATION OF

**ZINA LEWIS**

FOR LICENSURE AS A  
POLYSOMNOGRAPHY TECHNICIAN

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FINAL ORDER OF  
DENIAL OF LICENSURE

This matter was opened to the New Jersey State Board of Polysomnography (the Board) upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Zina Lewis submitted an application for licensure dated January 1, 2011.
2. On Ms. Lewis's application, she checked "no" in response to the question as to whether she had been arrested or charged with any violation of law, or convicted of any crime or offense.
3. Ms. Lewis underwent a criminal history background check which indicated that she been arrested on eight occasions for

various charges, and had been convicted on October 7, 1985 of shoplifting; on October 17, 1988 of shoplifting; on February 22, 1991 of larceny and conspiracy to commit larceny; on March 31, 1998 of theft by deception; on September 19, 1998 of theft by deception; on September 24, 2001 of theft by failure to make required disposition of property received; and on July 12, 2007 of a local ordinance violation. The latter conviction was following an arrest on charges of shoplifting on July 2, 2007.

4. The applicant's explanation of her criminal history indicated that she had been raised in Paterson, New Jersey, where she was "surrounded by crimes and poverty." She indicated that she was now married and owned her own home as well as a boutique, and she stated: "My past is behind me and forgotten."

#### CONCLUSIONS OF LAW

1. Ms. Lewis's failure to disclose her arrest and conviction history on her application constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

2. Respondent's lengthy history of convictions for offenses connected with theft and dishonesty indicates that she engaged in conduct relating adversely to the practice of polysomnography within the intendment of N.J.S.A. 45:1-21(f).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 13, 2012, provisionally denying respondent's application for licensure. A

copy of the Order was forwarded to respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that the certified mailing of the order was returned unclaimed, but the regular mailing was not returned. The Board determined that service had been effected, since the mailings were sent to respondent's address of record with the Board. The Board further determined that inasmuch as no discrepancies had been raised with respect to the findings of fact and conclusions of law in the Provisional Order, further proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 10<sup>th</sup> DAY of April, 2012,

ORDERED that:

1. Ms. Lewis's application for licensure as a

polysomnography technician in New Jersey is hereby denied.

NEW JERSEY STATE  
BOARD OF POLYSOMNOGRAPHY

By:



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Michael J. Lahey  
Board Chairman