

#102508



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Examiners of Ophthalmic Dispensers
and Ophthalmic Technicians
124 Halsey Street, 6th Floor, Newark, NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

September 29, 2014

Mailing Address:
P.O. Box 45011
Newark, NJ 07101
(973) 504-6435

Return Receipt Request/Certified Mail
7006 3450 0003 7188 3658

Angelica Miller
Eye Classique
348 Pompton Avenue
Route 23
Cedar Grove, NJ 07009

Re: Uniform Penalty Letter in Lieu of Formal Disciplinary Proceeding

Dear Ms. Miller:

This letter is to advise you that the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") has had an opportunity to review an advertisement from the establishment where you currently work or currently own. Attached is a copy of the advertisement. The advertisement fails to list the name and license number of at least one ophthalmic dispenser working at the business. It also fails to list "independent doctor of optometry".

N.J.A.C. 13:33-7.1(f): Licensees may advertise eye examination provided they state that the examination is performed by an independent doctor of optometry or ophthalmologist.

N.J.A.C. 13:33-7.1(g): All advertisement shall include, for at least one ophthalmic dispenser working at the business: 1. The ophthalmic dispenser's first name, or first initial of the first name, and full last name. 2. The ophthalmic dispenser's business address and telephone number; and 3. The terms "N.J. License #" followed by the ophthalmic dispenser's license number.

The Board has determined that it will first offer you an opportunity to settle this matter and thereby avoid the initiation of formal disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the acknowledgment below and agree to the following:

1. Cease and desist from further violation of N.J.A.C. 13:33-7.1(g). Submit proof of corrected advertisement to the Board within 30 days of receipt of this letter.
2. Pay a civil penalty of \$250.00 for each violation of N.J.A.C. 13:33-7.1(f) and (g)

Advertising

Alternatively you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. This disposition will be a public record.

If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing you may, either personally or with the assistance of an attorney, submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay costs incurred by the Board.

Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Nancy Miller, who may be reached at (973) 648-2500.

The enclosed certification should be completed and returned to the Board within (15) days following your receipt of this letter. In the event that the Board receives no response from you within (15) days, the Board's settlement offer will be withdrawn, and the allegations contained herein shall be deemed admitted, and the Board will proceed to finally review the matter and enter an appropriate order.

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

By: 
Dorcas K. O'Neal
Executive Director

cc: Nancy Miller, DAG

Enclosure

#721181

00360394

CERTIFICATION

I, Angelika A. Miller, hereby acknowledge that I have read and reviewed the Board's letter dated Sept. 29, 14 regarding allegations of violation of the Board's enabling act and/or regulations.

X I acknowledge the conduct which has been charged and agree to:

1. **Pay a penalty in the amount of \$500.00 (to be paid upon signing of this certification)**

_____ I hereby waive any rights I may have hearing in this matter defend myself against any charges, but ask the Board to consider my explanation before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public records, and that the Board letter and this certification are public documents.

_____ I request a formal administrative hearing to contest the charges specified in the Board. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered in its letter and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents.

Angelika A. Miller
Date 10.10.14

