CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Optometrists
124 Halsey Street, 6th Floor, Newark, NJ 07102

JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 45012
Newark, NJ 07101
(973) 504-6440

December 3, 2015

CERTIFIED MAIL
REGULAR MAIL

Anna Mellinger, O.D.
105 Surgeon Generals Court
Philadelphia, PA 19146

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Mellinger:

This letter is to advise you that the New Jersey State Board of Optometrists (the "Board") has had an opportunity to review information concerning your reinstatement of license to practice optometry in the state of New Jersey that was received on or about September 15, 2015. Specifically, the information reviewed included in the reinstatement application that indicated that the last renewal was due April 30, 2015 or within thirty (30) days of that date. Your employer acknowledged in a sworn affidavit that you continued to work as an optometrist performing eye examinations at your main location at 301North Church Street Moorestown, New Jersey,

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:1-7.1(b) and (c) in that you failed to renew your license within thirty days of the April 30, 2015 renewal period and you continued to practice with a suspended license for three months from June 1, 2015 through September 15, 2015. The license to practice optometry was reinstated on October 9, 2015.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist in the future from continuing to practice optometry without a valid current license.

2. Pay a penalty in the amount of $250.00 for continuing to engage in the practice of optometry while your license was suspended (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter by sending a certified check or money order payable to the Board of Optometrists, attention Renee Clark, Executive Director, P.O. Box 45012, Newark, New Jersey 07101.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies 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, Carmen A. Rodriguez who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
OPTOMETRISTS

By: _____
Renee Clark
Executive Director

ACKNOWLEDGMENT: I, Anna Mellinger, O.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of $250.00 (to be paid upon signing of this acknowledgment).

Anna Mellinger, O.D. — Dated: 12/14/15

c: Carmen A. Rodriguez, Deputy Attorney General

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NEW JERSEY BOARD OF OPTOMETRY