



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Dentistry

124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

**VIA CERTIFIED (RRR) AND REGULAR MAIL**



JOHN J. HOFFMAN  
Acting Attorney General

STEVE C. LEE  
Acting Director

December 8, 2015

Lester Abrevaya, D.D.S.  
C/o Michael Keating, Esq.  
Dughi, Hewitt & Domalewski, P.C.  
340 North Avenue  
Cranford, NJ 07016

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 1-26-16 DA

Mailing Address:  
P.O. Box 45005  
Newark, NJ 07101  
(973) 504-6405

Re: IMO Lester Abrevaya, D.D.S.  
Settlement Letter in Lieu of Formal Disciplinary  
Proceedings in Complaint File #94121 - Patient R.Z.

Dear Dr. Abrevaya:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to review information regarding a complaint filed by the patient named above. In connection with that review, the Board has considered:

1. A copy of the patient's complaints;
2. A copy of the patient's records;
3. Other available information about the patient's oral health.

Upon review of the information, it appears that the treatment you rendered may not have met the minimum standard of care as follows:

### **Poor Diagnosis and Treatment Planning and Poor Record Keeping**

The patient record did not contain an adequate medical history, adequate diagnostic tools (no full mouth series of radiographs), charting of the patient's periodontal condition, or a treatment plan that adequately addressed the patient's dental needs with acknowledgment from the patient of clinically acceptable alternative treatment plans in violation of N.J.S.A. 45:1-21(c) and (d) and N.J.A.C. 13:30-8.7.

If these alleged deficiencies in treatment were found to constitute a deviation from the standard of care, in violation of the New Jersey statutes and regulations, the Board could take disciplinary action. Notwithstanding that possibility, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid formal disciplinary action. The Board will close this matter if you will give your assurance that you will voluntarily agree to:

1. Pay a civil penalty in the amount of \$10,000 for violations of N.J.S.A. 45:1-21(c) and (d) and N.J.A.C. 13:30-8.7. The first \$1,000 is due immediately with the filing of this settlement letter. The additional \$9,000 will be stayed and held in

abeyance for a period of five (5) years. If after five (5) years, no further violations of the standard of care, and/or the Board's statutes and regulations are found, the remaining \$9,000 will be dismissed. However, if any additional violations are found, the remaining \$9,000 will become due immediately; and

2. Voluntarily surrender my dental license, to be deemed a permanent retirement, in lieu of the Board's continued investigation into this and other matters related to your practice of dentistry in the State of New Jersey.

Please be advised that the terms of this settlement offer are proposed for settlement purposes only and the Board will not be bound by its terms in the event you do not accept it. Please have your counsel review the proposed settlement.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the attached acknowledgment letter, and returning it to the Board office. Once the acknowledgment is signed by the Board President and filed, a copy will be mailed to you for your record. The penalty may be paid by a check or money order made payable to the "State of New Jersey - Board of Dentistry" and should be submitted to the Board office. You should be advised that upon receipt of your signed acknowledgment, 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 an 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 those offered in settlement here, in addition to other sanctions, 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 the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer, please contact Deputy Attorney General Swang Oo at (973)648-7457.

If you elect to settle this matter, 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.

Thank you for your consideration and prompt attention to this matter.

Yours very truly,  
NEW JERSEY STATE BOARD OF DENTISTRY  
  
Jonathan Eisenmenger  
Executive Director

Assurance of Voluntary Compliance

December 8, 2015

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**ACKNOWLEDGMENT:** I, Dr. Lester Abrevaya, hereby acknowledge receipt of this Settlement Letter dated December 8, 2015, and assure that I will comply with the directives contained herein.

I hereby agree to:

1. Pay a civil penalty in the amount of \$10,000 for violations of N.J.S.A. 45:1-21(c) and (d) and N.J.A.C. 13:30-8.7. The first \$1,000 is due immediately with the filing of this settlement letter. The additional \$9,000 will be stayed and held in abeyance for a period of five (5) years. If after five (5) years, no further violations of the standard of care, and/or the Board's statutes and regulations are found, the remaining \$9,000 will be dismissed. However, if any additional violations are found, the remaining \$9,000 will become due immediately; and
2. I voluntarily surrender my dental license, to be deemed a permanent retirement, in lieu of the Board's continued investigation into this and other matters related to my practice of dentistry in the State of New Jersey.

1/22/16

Date



Lester Abrevaya, D.D.S.