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PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY

DEC 17 1997

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BOARD OF PHARMACY

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF PHARMACY

|                               |   |                       |
|-------------------------------|---|-----------------------|
| IN THE MATTER OF:             | : |                       |
|                               | : | Administrative Action |
| KENNETH ENEMUO                | : |                       |
|                               | : |                       |
| LICENSED TO PRACTICE PHARMACY | : | FINAL ORDER           |
| IN THE STATE OF NEW JERSEY    | : |                       |
|                               | : |                       |
|                               | : |                       |

This matter was opened to the Board on information received and reviewed and on which a Provisional Order was filed and served on respondent. (Provisional Order attached hereto and made a part of the Order).

Counsel for respondent, Kevin Carlin, Esq., submitted a response to the Board on November 11, 1997, asking that the Board consider that respondent entered a plea in the criminal matter, accepted responsibility for his conduct and cooperated with government officials in further investigations.

On December 10, 1997 the Board considered respondent's request for a mitigation hearing and/or his request for a period of suspension rather than a revocation. The Board has determined that the fraudulent conduct is of such a nature and magnitude that a revocation is, in fact, the appropriate disciplinary action, and

that any evidence of cooperation does not mitigate that conduct. The Board will however consider any further written submissions as to respondent's cooperation when and if respondent applies in the future for reinstatement of his license.

#### FINDINGS OF FACT

1. Respondent has been an applicant or a licensee of the Board at all times relevant hereto.

2. On July 24, 1997, respondent pled guilty to Counts I and II of a superseding Information in the District of New Jersey, United States District Court. Count I charged the respondent with knowingly and willfully committing wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 to wit; while owner and pharmacist in charge of University Pharmacy submitting false and fraudulent Medicaid claims in excess of \$140,000. In Count II, respondent was charged with knowingly and willfully attempting to evade and defeat income tax due and owing by him to the United States for the calendar year 1994, in violation of Title 26, United States Code, Section 7201; to wit, removing without authorization, prescription legend drugs from his employer and distributing these drugs for a profit and thereafter filing a false tax return not including this profit. The superseding Information and the Plea Agreement are attached hereto as a part of the Provisional Order.

#### CONCLUSIONS OF LAW

Respondent's action as set forth herein establishes that respondent has been convicted of crimes involving moral turpitude

and crimes that reflect adversely on the practice of pharmacy and provides grounds for discipline pursuant to N.J.S.A. 45:1-21(f).

IT IS THEREFORE, ON THIS *17<sup>th</sup>* DAY OF *December* 1997,

ORDERED THAT:

The license of Kenneth Enemuo R.P. to practice pharmacy in the State of New Jersey is hereby revoked.

NEW JERSEY STATE BOARD OF PHARMACY

By: *Michèle J. Gerbino, R.P.*  
Michèle Gerbino, R.P., President