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Provisional Order
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BOARD OF PHARMACY

By: Marianne W. Greenwald
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF: : Administrative Action
: :
DAVID SAMUELS, R.P. : PROVISIONAL ORDER OF
LICENSE NO. : DISCIPLINE
: :
TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :
: :
:

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

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On September 27, 1999 respondent was convicted of the crime of conspiracy to defraud the United States in Federal

District Court in New Jersey. Specifically, Respondent purchased diverted drug samples from a pharmaceutical sales representative for a discounted price and thereafter, sold the samples to the public as prescription drugs. (Copy of Judgment of Conviction and attachments annexed hereto and made a part hereof).

3. The following sentence was ordered, 4 years probation, 6 months confinement to his home, a \$10,000 fine, 300 hours community service, and prohibited to be employed as a pharmacist or by a pharmaceutical company for the term of probation.

CONCLUSIONS OF LAW

1. The above conviction provides grounds for the suspension of his license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crime of which respondent was convicted is one of moral turpitude and/or relates adversely to the practice of pharmacy.

2. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to H. Lee Gladstein, Executive Director, State Board of Pharmacy, 124 Halsey Street, 6th Floor, Newark, New Jersey 07012.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

4. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings including but not limited to an evidentiary hearing respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

STATE BOARD OF PHARMACY

By: Richard A. Palombo
Richard A. Palombo, R.P., President