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CERTIFIED TRUE COPY

FILED

MAR - 2 2000

BOARD OF PHARMACY

By: Marianne W. Greenwald
Deputy Attorney General
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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 : Administrative Action
OR REVOCATION OF THE LICENSE OF: :
 :
JOSEPH DEMARINIS, R.P. :
 :
 : PROVISIONAL ORDER
TO PRACTICE PHARMACY IN THE : OF DISCIPLINE
STATE OF NEW JERSEY :
 :
RI 13302 :

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 January 19, 2000 respondent was convicted of the crime of Conspiracy to Defraud the United States in Federal District Court of New Jersey. Specifically: respondent pleaded guilty to conspiring to defraud customers by buying and selling stolen drug samples. (A copy of the Judgment of Conviction, the Minutes of the

Proceedings and the Indictment are annexed hereto and made a part hereof).

3. The following sentence was ordered: Probation for a term of 3 years including, 30 days home confinement, 600 hours of community service, and a \$9,000 fine.

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.

ACCORDINGLY, IT IS ON 2/22/00 (Feb. 22nd) 2000

ORDERED THAT:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is revoked.

2. Prior to resuming active practice in New Jersey, respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following its filing 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, Board of Pharmacy, 124 Halsey Street, Sixth Floor, P.O. Box 45029 Newark, New Jersey 07101.

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 for consideration and reasons therefor or in mitigation of the penalty proposed.

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 the submission by respondent during the thirty-day period, or if the Board is not persuaded that the 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.

NEW JERSEY STATE BOARD OF PHARMACY

By:



RICHARD A. PALOMBO, R.P.
Board President