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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  
  
MICHAEL STAVITSKI  
  
TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY  
  
and  
  
IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE PERMITS OF  
  
AVON PHARMACY, SPRING  
LAKE HEIGHTS SUPER PHARMACY,  
BELMAR HOMETOWN PHARMACY and  
WALL PHARMACY  
  
TO OPERATE A PHARMACY  
IN NEW JERSEY  
\_\_\_\_\_

Administrative Action  
  
PROVISIONAL ORDER  
OF DISCIPLINE

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 Stavitski is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Avon Pharmacy, Spring Lake Heights super Pharmacy, Belmar Hometown Pharmacy and Wall Pharmacy were permit holders at all times relevant hereto.
3. On October 5, 2001 respondent pled guilty to the crime of Conspiracy to Defraud the United States and to purchase drug samples in violation of law in the United States District Court, District of New Jersey. Specifically, from 1994 through 1997, respondent knowingly purchased diverted drug samples from other persons for a discounted price and thereafter sold the samples to the public as prescription drugs from Avon Pharmacy, Spring Lake Heights Super Pharmacy, Belmar Hometown Pharmacy and Wall Pharmacy. For the most part, the drugs did not contain the control number, the expiration date and adequate labeling for such drugs.
4. Sentencing will occur on January 28, 2002.

CONCLUSIONS OF LAW

1. The above plea of guilt provides grounds for the suspension of his license to practice pharmacy and his right to operate a pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crime of which respondent has pled guilty to is one of moral turpitude and/or relates adversely to the practice of pharmacy.

ACCORDINGLY, IT IS on this 9<sup>th</sup> day of January, 2002,  
ORDERED that:

1. Respondent's license to practice pharmacy and his permits to operate Avon Pharmacy, Spring Lake Heights Super Pharmacy, Belmar Hometown Pharmacy and Wall Pharmacy in the State of New Jersey be and hereby is revoked. Respondent shall have six months from the date of entry of the Final Order to divest himself of all ownership which he presently holds in the above pharmacies to persons unrelated to him through consanguinity or marriage or to partnerships or corporations in which none of the partners or principals are related to him through consanguinity or marriage.

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, and

any practice in this State prior to said appearance 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 30<sup>th</sup> 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, Deborah Whipple, Executive Director, State Board of Pharmacy, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

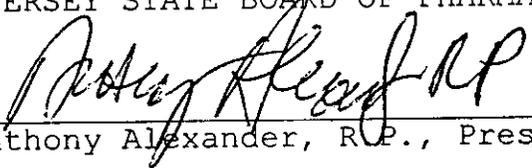
(b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

(c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

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.

NEW JERSEY STATE BOARD OF PHARMACY

By: 

Anthony Alexander, R.P., President

TITLE

Belmar Hometown Pharmacy EST: 3-21-97  
B.M. 4-9-97

YEAR

PERMIT  
NO.

Monmouth

COUNTY

ADDRESS

911 Main Street  
Belmar, NJ 07719

1988

1989

OWNER

Jr. Mick, Inc.  
Pres.: Michael Stavitski - 2% stock  
Gina Stavitski - 49%  
Daniel Stavitski - 49%

1990

1991

1992

1993

1994

1995

1996

**NEW**

1997

0439

1998

LEONARD MARCUS  
RI10393

**R.R. IN CHARGE**