

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED

FEB 25 2004

BOARD OF PHARMACY

By: Marianne W. Greenwald
Deputy Attorney General
Tel. No. (973)648-4876

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

BRIAN KING, R.P.

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information that on October 20, 2003 Brian King was arrested and criminally charged with obtaining and possession of Controlled Dangerous Substances (CDS), to wit: 60 generic Percocet tablets a Schedule II (CDS), by the West Long Branch Police Department, West Long Branch, New Jersey. The respondent had diverted CDS from the Walgreens Pharmacy in West Long Branch. Respondent has voluntarily agreed to refrain from the practice of pharmacy and now wishes to surrender his license pending a plenary hearing before the Board.

ACCORDINGLY, IT IS on this 25th day of February, 2004,

ORDERED AND AGREED, pending further order of the Board that the license of Brian King, R.P. to practice pharmacy in the State of New Jersey is hereby suspended, and it is further

ORDERED AND AGREED, pending further order of the Board, respondent shall cease and desist from engaging in the practice of pharmacy, including the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with any patient, and he is prohibited from being present within a prescription filling area of a pharmacy, and it is further

ORDERED AND AGREED, pending further order of the Board, that respondent shall by execution of the within Order surrender his original wall certificate, his wallet certificate, and his most recent renewal card of his license to an authorized representative of the Board, and it is further

ORDERED AND AGREED, upon application for reinstatement, respondent shall submit documentation satisfactory to the Board inclusive of, but not limited to, weekly, random, witnessed urine screens, complete treatment records of all diagnostic and rehabilitative therapy and in-depth, current evaluation from a Board approved psychiatrist or psychologist, and it is further

ORDERED AND AGREED, nothing herein shall preclude the Board from taking any additional action in this matter permitted by law.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward H. McGinley R.P.
Edward McGinley, R.P.,
President

I have read the within Order and understand its terms. I consent to the entry of this Order by the New Jersey Board of Pharmacy.

B.K. King
Brian King, R.P.

NOTE: ALL DATES = MM/DD/YY; ALL TIMES = 2400 HRS

WEST LONG BRANCH POLICE DEPARTMENT
MONMOUTH COUNTY UNIFORM CRIME REPORT
ARREST REPORT

1 Year Sub - reads
FBI No. SBI No.
ARREST No. 03-128 JACKET No.
DEPT. CASE NO. 2003-6249

0. AGENCY WEST LONG BRANCH POLICE DEPT.		1. COMPLAINT NUMBER W2003-000218-1353		2. MUN. CODE 1353		3. PHONE NO. 732-229-5000		4. UCR		5. PROSECUTOR'S CASE NO.		6. DEPT. CASE NO. 2003-6249	
---	--	---	--	-----------------------------	--	-------------------------------------	--	--------	--	--------------------------	--	---------------------------------------	--

7. NAME (LAST, FIRST, MIDDLE) King, Brian Joseph				8. PHONE 732-685-1716		9. ALIAS		10. NICKNAME				
11. HOME ADDRESS 1014 Wall Road Apt# F4				12. CITY / TOWN Spring Lake Heights				13. ST NJ		14. ZIP 07719		
15. PLACE OF BIRTH Elizabeth, New Jersey		18. DOB 02/20/1978		17. AGE 25	18. SEX MALE	19. RACE WHITE	20. HEIGHT 5'11	21. WEIGHT 181	22. HAIR RED			
23. EYES BROWN		24. GLASSES NO		25. FACIAL HAIR NONE		26. COMPLEXION FAIR		27. MARITAL STATUS SINGLE		28. SSN 155-80-7357		29.
30. SCARS, MARKS, TATTOOS & OTHER DESCRIPTIVE INFORMATION NONE							31. DRIVER LICENSE STATE NJ NO. K4486 09671 02782					
32. EMPLOYER Walgreens Store							33. OCCUPATION Pharmacist					
34. EMPLOYER'S ADDRESS 216 Route 36				35. CITY / TOWN West Long Branch			36. ST NJ	37. ZIP 07764		38. PHONE 732-728-2280		

39. ARREST DATE 10/20/2003		40. TIME 22:59		41. LOCATION OF ARREST Walgreens Store 216 Route 36 West Long Branch, New Jersey 07764				42. MUNICIPAL CODE 1353			
43. N.J.S.A. STATUTE 2C:35-10a.(1)		44. OFFENSE POSSESSION OF C.D.S.				45. ARRESTING OFFICER PTL. ARCHIE C. SYMONDS					
46. COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Symonds, Ptl. Archie C.				47. SSN		48. DOB		49. AGE	50. SEX MALE	51. RACE WHITE	
52. COMPLAINANT'S ADDRESS West Long Branch Police 95 Poplar Avenue				53. CITY / TOWN WEST LONG BRANCH			54. ST NJ	55. ZIP 07764		56. PHONE 732-229-5000	
57. CRIME DATE 10/09/2003		58. TIME 22:59		59. LOCATION OF CRIME Walgreens Store 216 Route 36 West Long Branch, New Jersey 07764				60. MUNICIPAL CODE 1353			
61. ARREST TYPE ON VIEW		62. CONSTITUTIONAL RIGHTS - BY WHOM PTL. ARCHIE C. SYMONDS				63. HOW RESPONDED <input type="checkbox"/> WAIVED ORALLY <input checked="" type="checkbox"/> WAIVED IN WRITING <input type="checkbox"/> NO RESPONSE <input type="checkbox"/> INVOKED		64. OWN TOWN YES		65. MULTIPLE OFFENSES NO	
66. OTHER AGENCY NO		67. PRINTED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		68. PHOTO? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		69. PREV. RECORD? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		70. NCIC CHECKED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
71. YEAR 2003		72. MAKE Chevy		73. BODY TYPE Trail Blazer		74. COLOR Black		75. REGISTRATION NUMBER NMU22Y		76. STATE NJ	77. VIN 1GNDD13SX32238949
78. REGISTERED OWNER Brian J. King						79. LEASEE		80. PHONE 732-685-1716			

81. DATE 10/20/2003		82. COURT W. LONG BRANCH MUNICIPAL		83. JUDGE/AUTHORIZED PERSON Louis Garippo, JMC		83A. AMOUNT \$5,000.00		83B. 10%? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
84. BAIL CONDITIONS			85. DISPOSITION <input checked="" type="checkbox"/> ROR <input type="checkbox"/> BAIL POSTED <input type="checkbox"/> COMMITTED/DEFAULT OF BAIL			86. PLACE COMMITTED/DETAINED					
87. PARENT/GUARDIAN CONTACTED (OR ATTEMPTED) BY				88. NAME OF PARENT/GUARDIAN CONTACTED (OR ATTEMPTED)				89. DATE		90. TIME	

91. RELEASED TO (LAST, FIRST, MIDDLE NAME)			92. RELATIONSHIP TO DEFENDANT		93. DOB		94. AGE	95. SEX	96. RACE		
97. ADDRESS			98. CITY/TOWN			99. ST	100. ZIP		101. PHONE		
102. PARENT/GUARDIAN (LAST, FIRST, MIDDLE NAME)			103. SSN		104. DOB		105. AGE	106. SEX	107. RACE		
108. ADDRESS			109. CITY/TOWN			110. ST	111. ZIP		112. PHONE		
113. JUV. STATUS		114. CODE	115. SCHOOL		116. GRADE	117. MUNICIPALITY		118.		119. DATE RELEASED	120. TIME RELEASED

121. NARRATIVE
 Mr. Brian J. King, an employee of the Walgreens Store of West Long Branch, was arrested for Possession Of C.D.S. after the Loss Prevention Supervisor, Mr. Anthony Ruffo of Walgreens Co., reported that the Accused (Mr. King) had been stealing prescription medication from the store pharmacy where he worked. This incident had taken place from 10/09/2003 and 10/15/2003 between hours of 22:00 hours and 08:00 hours. A total of 69 pills had been taken by the Accused, which valued at \$203.36. The Accused was arrested and released on his own recognizance (Recog. Bond).



122. NAME (TYPE OR PRINT) PTL. ARCHIE C. SYMONDS		123. BADGE No. 080	124. PAGE 1 OF 1	125. DATE COMPLETED 10/20/2003	126. DATE RPT (MM/DD/YY) 10/20/2003	127. REVIEWED BY <i>[Signature]</i>
SIGNATURE <i>[Signature]</i>			128. STATUS CRIME C1 ARREST	129. STATUS CASE COURT	130. UCR STATUS FILED 8-5081-03-288	131. DATE CREATED 10/20/2003

NOTE: ALL DATES = MM/DD/YY; ALL TIMES = 2400 HRS

WEST LONG BRANCH POLICE DEPARTMENT
MONMOUTH COUNTY UNIFORM CRIME REPORT

INVESTIGATION REPORT

0. AGENCY WEST LONG BRANCH POLICE DEPT.		1. COMPLAINT NUMBER W2003-000218-1353			2. MUN. CODE 1353		3. PHONE NO. 732-229-5000		4. UCR 1833		5. PROSECUTOR'S CASE NO.			6. DEPT. CASE NO. 2003-6249							
CRIME / INCIDENT POSSESSION OF C.D.S.				25. PERSON REPORTING CRIME/INCIDENT Anthony Ruffo				26. SSN		27. DOB		28. AGE		29. SEX M		30. RACE W					
8. N.J.S.A. 2C:35-10a.(1)				31. STREET ADDRESS Walgreens Co. 370 Commerce Drive Suit #102				32. CITY / TOWN Fort Washington			33. ST PA		34. ZIP 19034		35. PHONE 215-591-5085						
9. DATE REPTED 10/20/2003				10. TIME REPTED 22:59				36. VICTIM(S) a. Walgreens				37. SSN		38. DOB		39. AGE		40. SEX		41. RACE	
11. BETWN X		12. HOUR 22:00		13. DAY THR		42. VICTIM'S HOME ADDRESS a. 216 Route 36				43. CITY / TOWN West Long Branch			44. ST NJ		45. ZIP 07764		46. PHONE 732-728-2280				
14. MO. 10		15. DATE 09		16. YR. 03		47. VICTIM(S) EMPLOYER a. N/A				48. PHONE											
17. CRIME / INCIDENT LOCATION Walgreens Store 216 Route 36		18. MUNICIPALITY WEST LONG BRANCH				19. COUNTY MONMOUTH		20. CODE 1353													
21. TYPE OF PREMISES CHAIN STORE		22. CODE 50		23. WEAPONS - TOOLS PHYSICAL FORCE		24. CODE 30															
49. METHOD OF OPERATION / SYNOPSIS Loss Prevention Officer, Mr. Anthony Ruffo, reported that Mr. Brian J. King (Employee) had been taking prescription medication from the Pharmacy section of the store, where he worked, between 10/09/03 and 10/15/03. This occurred during the hours of 22:00 hours and 08:00 hours, which was when Mr. King was on duty at the Pharmacy.																					
VEHICLE KNOWN		51. YEAR 2003		52. MAKE Chevy		53. BODY TYPE Trail Blazer		54. COLOR Black		55. REGISTRATION NUMBER NMU22Y			56. STATE NJ		57. VIN 1GNDT13SX32238949						
58. REGISTERED OWNER Brian J. King									59. LEASEE												
APPROXIMATE VALUE STOLEN PROPERTY \$203.36		60. CURRENCY		61. JEWELRY		62. FIREARMS		63. CLOTHING		64. AUTO.		65. ELECTRONICS		66. BICYCLE		67. MISC. \$203.36					
68. APPROX. VALUE STOLEN \$203.36		69. APPROX. VALUE REC'D		70. TELETYPE ALARM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		71. TECHNICAL SERVICES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		72. NO. ACCUSED 1		73. NO. ADULT 1		74. NO. JUVENILE									
75. ACCUSED / SUSPECT / ETC. a. Brian Joseph King				76. SSN 155-80-7357		77. DOB 02/20/1978		78. AGE 25		79. SEX M		80. RACE W		81. SBI		82. FBI					
83. HOME ADDRESS a. 1014 Wall Road Apt #F4				84. CITY / TOWN Spring Lake Heights				85. ST NJ		86. ZIP 07719		87. PHONE 732-685-1716		88. MNI 03-128		89.					
90. NARRATIVE / COURSE OF ACTION I was dispatched to the Walgreens Store at 216 Route 36, in reference to a report by the Walgreens Co. Loss Prevention Supervisor, Mr. Anthony Ruffo, that Brian J. King (Employee/Accused) has been taking and consuming prescription drugs from the Pharmacy section of the store where the Accused worked. According to Mr. Ruffo, the Accused had been doing this between the dates of 10/09/2003 and 10/15/2003 during his work shift of 22:00 hours and 08:00 hours. Mr. Ruffo stated that when the daily counts of the prescription drugs started turning up short in the Pharmacy Department of this store, Mr. Ruffo started setting up																					
91. NAME (TYPE OR PRINT) PTL. ARCHIE C. SYMONDS				92. BADGE No. 060		93. PAGE 1 OF 2		94. DATE COMPLETED 10/20/2003		95. DATE RPT (MM/DD/YY) 10/20/2003		96. REVIEWED BY <i>[Signature]</i>									
SIGNATURE <i>[Signature]</i>				97. STATUS CRIME C1 ARREST				98. STATUS CASE COURT				99. UCR STATUS		100. DATE CLEARED 10/20/2003							
101. BIAS CRIME INCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		102. DOMESTIC VIOLENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		103. CHILDREN <input type="checkbox"/> PRESENT <input type="checkbox"/> INVOLVED		104. PRIOR COURT ORDERS? <input type="checkbox"/> YES <input type="checkbox"/> NO		105. RESIDE TOGETHER? <input type="checkbox"/> YES <input type="checkbox"/> NO		106. DOMESTIC RIGHTS SIGNED? <input type="checkbox"/> YES <input type="checkbox"/> NO											

FILE # 2003-03-238
PAGE 2 OF 2

NOTE: ALL DATES = MM/DD/YY; ALL TIMES = 2400 HRS

WEST LONG BRANCH POLICE DEPARTMENT
MONMOUTH COUNTY UNIFORM CRIME REPORT

CONTINUATION
PAGE

0. AGENCY WEST LONG BRANCH POLICE DEPT.		1. COMPLAINT NUMBER W2003-000218-1353		2. MUN. CODE 1353	3. PHONE NO. 732-229-5000	4. UCR	5. PROSECUTOR'S CASE NO.	6. DEPT. CASE NO. 2003-6249
--	--	--	--	----------------------	------------------------------	--------	--------------------------	--------------------------------

surveillance cameras in the Pharmacy Department and discovered that the Accused had been taking the prescription drugs from the bottles in the Pharmacy between the above mentioned dates and times. Before I spoke with Mr. King, I advised him of his Miranda Warnings at the scene and again at Police Headquarters during booking. Mr. King did not deny anything that Mr. Ruffo had stated, and was being cooperative with Mr. Ruffo and this Officer. The prescription drugs that were taken by Mr. King totaled 69 pills, which consisted of 20 Oxycontin 40mg. pills, 9 Oxycontin 8 mg. pills, 20 Oxycodone pills, and 20 Hydrocodone pills. The total value of these prescription drugs was \$203.36. Mr. King stated to Mr. Ruffo and this Officer that he took these pills for his own personal consumption. Mr. Ruffo stated that he would be doing a detailed statement of his investigation into this case and would provide this Police Department with a copy. The Accused was arrested by this Officer, assisted by Sgt. Larry Mihlon, and transported into Police Headquarters for arrest processing.

Handwritten signature: Archie Symonds

NAME (TYPE OR PRINT) PTL. ARCHIE SYMONDS	92A. BADGE No. 060	93A. PAGE <u>2</u> OF <u>2</u>	94A. DATE COMPLETED 10/20/2003	95A. DATE RPT (MM/DD/YY) 10/20/2003	96A. REVIEWED BY <i>[Signature]</i>
SIGNATURE <i>[Signature]</i>	97A. STATUS CRIME C4 ARREST	98A. STATUS CASE COURT	99A. UCR STATUS	100A. DATE CLEARED 10/20/2003	

FILE # 03-1081-03-2381
PAGE 3 OF 7

COURT NAME, ADDRESS, TELEPHONE NO.)
WEST LONG BRANCH BORO
P.O. BOX 639
WEST LONG BRANCH NJ 07714
 COUNTY OF **MONMOUTH** N.J. COURT CODE **1353**
 COURT DOCKET NUMBER(S)

Defendant Name **Brian J. KING**
 Address **1014 Wall Road, Apt F4**
 City, State **Spring Lake Heights, NJ 07719** SS No. **155-80-7357**
 Date of birth **02/20/1978** Date of arrest **10/21/2003**

Number of co-defendants **0** Dr. Lic.# **K4486 09671 02782** SBI No.

Complainant **Patrolman Archie C. Symonds** of **West Long Branch Police Department**
 (IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Living at **95 Poplar Ave, W. Long Branch** Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the
 (ADDRESS OF PRIVATE CITIZEN COMPLAINANT)
 5th day of **October** 20 **2003** in **Borough of West Long Branch** Municipal Code No. **1353** County of **Monmouth** N.J.

Within the jurisdiction of this Court, knowingly or purposely obtain or possess a controlled dangerous substance or a controlled substance analog that was not obtained directly from a practitioner or under valid prescription issued by a practitioner, specifically by taking Oxycotin, Oxycodone (schedule II CDS) and Hydrocodone (schedule III CDS), in violation of NJS 2C:35-10a1 (THIRD degree) Degree

Handwritten signature: Archie C. Symonds

Relation Of: Domestic Violence - Confidential

Charge Number	Charge Number	Charge Number
2C:35-10a1	ACSX N.J.S.	ACSX N.J.S.
Charge Number As Amended	Charge Number As Amended	Charge Number As Amended
ACSX N.J.S.	ACSX N.J.S.	ACSX N.J.S.

Subscribed and sworn to before me this **21st** day of **October**, 20**03**
 Signed *Pat. Archie C. Symonds* (COMPLAINANT)

ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT, YOU ARE HEREBY MANDATED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORWITH BEFORE THIS COURT TO ANSWER THIS COMPLAINT.
HAS BEEN FIXED BY LOUIS GARIPPO JR., JMC IN THE AMOUNT OF \$5000 ROR DATE WARRANT ISSUED 2003 COURT APPEARANCE DATE 11/6/2003 TIME 8:30 AM

SIGNATURE OF JUDICIAL OFFICER: _____ COURT ACTION (Where Judgement or Conditional Discharge is Entered)

WAIVER IND. / JURY	PLEA	DATE OF PLEA	ADJUDICATION OR COND. DISCH	DATE	COND. DISCHARGE TERM	JAIL TERM	FINE	COSTS	PROBATION TERM	SUSP. IMP.

COURT ACTION: Total DEDR Penalty Amount: Total Violent Crimes Assessment Amount:
 DEFENDANT DISCHARGED AS TO PROBABLE CAUSE PROSECUTOR GIVEN PRIOR NOTICE: Total Lab Fee Conditional Disc. Fee DL. Susp. Institution to Which Sentenced
 COMPLAINT REFERRED TO PROSECUTOR: Community Service Restitution JAIL TIME CREDIT
 Intolerance (SPECIFY) NO PHONE OR PERSONAL CONTACT WITH VICTIM NO POSSESSION FIREARMS / WEAPONS Other (specify)

REC-8-5081-03-2681
PAGE 4 OF 7 PAGES

Walgreen Co.
370 Commerce Drive Suite 102
Ft. Washington, Pa. 19034
tony.ruffo@walgreens.com
215-591-5085
215-591-5089 Fax
215-577-3918 Pager

610-517-
7652

Anthony Ruffo CPhT.
Loss Prevention Supervisor
Certified Pharmacy Technician

www.walgreens.com

Walgreens

Heidi
Reeds

West Long Branch Police
Miranda Warning and Waiver Form

1. You have the right to remain silent and refuse to answer any questions BK

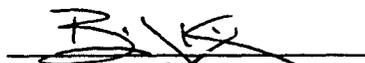
2. Anything you say may be used against you in a Court of Law BK

3. You have the right to consult with an attorney at any time and have him present before and during questioning. BK

4. If you cannot afford an attorney, one will be provided, if you so desire prior to any questioning. BK

5. A decision to waive these rights is not final and you may withdraw your waiver whenever you wish, either before or during questioning. BK

I acknowledge that I have been advised of each constitutional right as initialed above and that I understand these rights.


Signature

Having these rights in mind, I wish to waive or give up these rights and make a knowing and voluntary statement and answer questions.


Signature


Witness

Witness

10/20/03
Date

23:50
Time

Steve Jones, Records



OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF MONMOUTH

71 MONUMENT PARK
FREEHOLD, NEW JERSEY 07728-1789

732-431-7160

FAX 732-409-3673
FAX 732-409-4830

ROBERT A. HONECKER JR.
FIRST ASSISTANT PROSECUTOR

KENNETH W. KELLER
DEPUTY FIRST ASSISTANT PROSECUTOR

WILLIAM D. GUIDRY
DEPUTY FIRST ASSISTANT PROSECUTOR

BLAINE LESCHOT
DEPUTY FIRST ASSISTANT PROSECUTOR

EDWARD D. KIRSCHENBAUM
CHIEF OF INVESTIGATIONS

JOHN KAYE
MONMOUTH COUNTY PROSECUTOR

October 30, 2003

Chief of Police

WEST LONG BRANCH Police Department

Re: State vs. BRIAN J. KING

Prosecutor's Case No. 03-05329

Complaint No. W2003000218-1353

Police Case No. 2003-6249

We have not received the police reports in this case. The defendant is

 in jail.

 X on bail.

 not arrested yet.

Would you please direct this letter to the appropriate personnel in your department with the instructions to forward the reports immediately.

Very truly yours,

JOHN KAYE
MONMOUTH COUNTY PROSECUTOR

By: Donald W. Pepler, Jr.
Assistant Prosecutor
Director of Case Screening

Call Back: Kelly
Phone No. 732-845-2027

FAX No. 732-845-0840

DWP:klm

Mailed 10/31/03

REC'D 10/31/03
PAGE 2 OF 2 PAGES