

FILED

AUG - 3 2006

BOARD OF PHARMACY

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

KENNETH RIZZO, R.P.
License No. RI0201600

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

:
: Administrative Action
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: **FINAL ORDER**
: **OF DISCIPLINE**
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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 findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and had been a licensee at all times relevant hereto.
2. On January 14, 2005 respondent was the subject of a Judgment filed in the Supreme Court of the State of New York, Orange County. Specifically, respondent was convicted of one count of Grand Larceny 2nd Degree in violation of PL 155.40 and one count of Offering a False Instrument for Filing in violation of P.L. 175.35. Count I was committed over the period January 30, 1996 through November 12, 2001, Count II from October 17, 2001 through October 22, 2001.

3. Respondent was sentenced to a one (1) year term of imprisonment for each count to be served concurrently, fined \$2,000.00 and, further, ordered and made restitution in full.

CONCLUSIONS OF LAW

1. The above Judgment 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 conviction is one of moral turpitude and/or relates adversely to the practice of pharmacy.

Based on the foregoing findings and conclusions, a Provisional Order of discipline suspending respondent's license to practice pharmacy in the state of New Jersey was entered on July 27, 2005 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's requests for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent at his address of record with the Board of Pharmacy by regular and certified mail the regular mail was not

circumstances, such that albeit he had plead guilty, the Board found that the conduct did not appear to be intentional and with forethought.

Accordingly the Board considered the matter, determined that further proceedings were not necessary and that Provisional Order should be modified.

IT IS THEREFORE on this 27th day of July , 2006,

ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for three (3) years to run concurrently with the suspension of his license to practice in the State of New York.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley R.P.
Edward G. McGinley R.P.
President

From: Yvonne Summers
To: Yolanda Rivera
Date: 8/4/2006 11:17:09 AM
Subject: STATUS CHANGE

THE LICENSE OF KENNETH RIZZO, R.P., WITH LICENSE #28RI0201600 TO PRACTICE PHARMACY IN THE STATE OF NEW JERSEY HAS BEEN MODIFIED FROM REVOKE TO SUSPENSION. FINAL ORDER OF DISCIPLINE FILED ON August 3, 2006,

PLEASE MAKE THE NECESSARY CHANGES.

THANK YOU,