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**FILED**

OCT 18 2005

**BOARD OF PHARMACY**

By: Paul R. Kenny  
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(973-648-4742)

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

BURT FRIEDMAN, R.P.  
License #RI11658

FINAL ORDER

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY )

This matter was most recently opened to the New Jersey State Board of Pharmacy (hereafter the "Board"), upon an investigation into the professional activities of Burt Friedman, R.P. (Respondent") concerning the possible continuation of pharmacy practice by Respondent, following the suspension of his license by the Board.

Respondent was originally disciplined by this Board in an Order filed June 21, 2004, which suspended Respondent's license for five years, the first three years active (effective July 1, 2004) and imposing penalties and costs totaling \$94,832.54 (hereinafter "Friedman I"). The Board's Order of Suspension was stayed pending

appeal by Order of the Superior Court of New Jersey, Appellate Division dated July 30, 2004. Thereafter, Friedman I was reviewed by the Appellate Division which issued a decision on February 7, 2005. In that decision, the Appellate Division upheld the Board's imposition of a five year suspension, consisting of a three year active suspension and a two year "deferred" suspension. The Appellate Division found that the penalty was justified in light of Respondent's gross negligence and its horrendous consequences leading to the death of a patient. The Appellate Division remanded the issue of the reasonableness of the cost imposition, only, to the Board for further proceedings and the costs matter is still pending.

Neither the Attorney General nor Respondent sought review of the Appellate Division decision by the Supreme Court of New Jersey. Respondent never sought a further stay of his active suspension before this Board, or any Court of competent jurisdiction after February 7, 2005.

Investigation has revealed that Respondent continued the active practice of pharmacy at Abel's Pharmacy in Paterson, New Jersey continuously from at least February 11, 2005 to April 28, 2005. Respondent appeared with counsel, Angelo Cifaldi, Esq., and testified before the Board at an investigative inquiry concerning these activities on July 27, 2005.

Respondent now admits that he practiced pharmacy for more than three months after this Board suspended his license, in violation of the Board's Order. Respondent admits that this constitutes a violation of N.J.A.C. 13:45C-1.4, and professional misconduct pursuant to N.J.S.A. 45:1-21(e), thus, subjecting Respondent to further disciplinary action, pursuant to N.J.S.A. 45:1-21(h).

Respondent, being desirous of resolving all pending issues before the Board, and the Board finding that the within resolution serves the public interest,

IT IS ON THIS 13 DAY OF October, 2005,

ORDERED AND AGREED:

1. The license of Burt Friedman, R.P. is hereby surrendered, to be deemed a revocation, with prejudice to any reapplication for a minimum of five years from May 1, 2005.

2. Respondent shall pay a total of \$50,000.00, in civil penalties and costs, by certified check or money order payable to the Treasurer of the State of New Jersey, and forward it to Joanne Boyer, Executive Director of the Board of Pharmacy at 124 Halsey Street, 6<sup>th</sup> Floor, Newark, New Jersey 07101. The payment schedule shall be as follows:

a. On or before October 31, 2005, Respondent shall make a payment of \$25,000.00.

b. Beginning on December 1, 2005, and continuing on the first day of each month following, Respondent shall deliver a certified check or money order to the Board in the amount of \$1,000.00. Such payment shall continue until he has totally resolved the remaining outstanding amount of \$25,000.00. Should any payment not be made within ten days of the date due, the Board may, at its sole option, choose to accelerate the entire amount due by providing notice to Respondent and/or his attorney that the entire amount is due and owing.

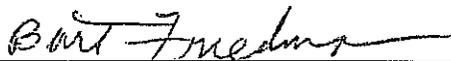
3. At any time, following November 1, 2005, the Board may file a Certificate of Debt memorializing the entire amount then due and owing from Respondent.

4. This Order is intended to resolve all outstanding disciplinary matters between the Board and Respondent, including, but not limited to, the remand proceeding on costs from Friedman I. All prior amounts deemed to be due and owing by Respondent to the Board, whether or not memorialized by Certificate of Debt, shall be subsumed and superceded by this Order.

NEW JERSEY STATE  
BOARD OF PHARMACY

By:   
Pamela Allen, R.P.  
President

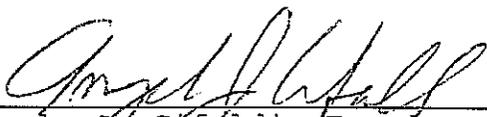
I have read the terms of the  
within Final Order and I agree  
to abide by them.



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Burt Friedman, R.P.

Consent is given to the entry  
of this Order.



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Angelo J. Cifaldi, Esq.  
Counsel for Respondent