

**FILED**

DEC 30 2010

**BOARD OF PHARMACY**

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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 :  
: Administrative Action  
Victor H. Fakondo, R.Ph. :  
License No.: 28 RI02112000 : **CONSENT ORDER**  
:  
TO PRACTICE PHARMACY IN THE :  
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy (Board) upon receipt of information that Victor Fakondo (Respondent), was convicted on September 3, 2010 of one (1) count of Claim for Payment/Reimbursement or Other Benefits in the second degree in violation of N.J.S.A. 2C:21-4.6A(1) and sentenced by the Superior Court of New Jersey, Union County to serve 180 days in jail, provide restitution in the amount of \$229,000.00 and a five (5) year period of probation.

Respondent, while employed part-time at Margarita Pharmacy in Elizabeth, New Jersey, generated prescriptions for medications which were never dispensed, printed invoices and then deleted the records from the computer. Respondent then submitted these false claims to

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Medco Insurance for reimbursement.

The Board finds that the above criminal conviction and the actions underlying the conviction provide grounds to take disciplinary action against Respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) in that he has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise and false pretense; N.J.S.A. 45:1-21(e) in that he has engaged in professional misconduct; and N.J.S.A. 45:1-21(f) in that the crime of which Respondent was convicted is a crime of moral turpitude and relates adversely to the practice of pharmacy.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same and the Board having determined that this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order;

**IT IS THEREFORE** on this 13<sup>th</sup> day of December, 2010,

**ORDERED AND AGREED that:**

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for a period of five (5) years to run concurrently with the period of his criminal probation. The first three (3) years of which shall be served as a period of active suspension and the remaining two (2) years shall be stayed and served as a term of probation.

2. Within five days following the entry of this Order,

Respondent shall surrender his original wall certificate, his wallet certificate, and the most recent renewal card of his license to an authorized representative of the Board or mail these items to:

Executive Director Joanne Boyer, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

3. Respondent shall immediately 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; shall not handle prescriptions; shall not advise or consult with any patient, and is prohibited from being present within the prescription filling area of any pharmacy.

4. Prior to Board consideration of any application for reinstatement of his license, Respondent shall:

- a. Appear before the Board or a committee thereof to discuss his readiness to reenter the practice of pharmacy. At that time respondent shall be prepared to propose his plans for future practice in New Jersey, demonstrate his rehabilitation and demonstrate he is fit and competent to practice.
- b. Provide documentation of successful completion of all continuing education credits required by N.J.A.C. 13:39-3A.1- 13:39-3A.7.
- c. Provide documentation of successful completion of all criminal sentencing and probation terms including but not limited to payment of criminal fines and restitution.
- d. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

5. Upon reinstatement of Respondent's license to practice pharmacy, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley  
Edward G. McGinley, R.Ph.  
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

Victor Fakondo 12/13/2010  
Victor Fakondo, R.Ph. Date