

90574

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

BOARD OF PHARMACY

AUG 22 2012

FILED

By: Megan Cordoma  
Deputy Attorney General  
Tel. No. (973) 648-3453

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

---

IN THE MATTER OF THE APPLICATION OF:  
 Mark Mankbadi : Administrative Action  
 :  
 : PROVISIONAL ORDER OF  
 TO WORK AS A PHARMACY TECHNICIAN : DENIAL OF REGISTRATION  
 IN THE STATE OF NEW JERSEY :  
 :

---

This matter was opened to the New Jersey Board (Board) of Pharmacy upon receipt of an application dated February 12, 2011 by Mark Mankbadi (Applicant) to be registered as a pharmacy technician.

In a sworn written statement dated November 7, 2011 and provided to his then employer Rite Aid, Applicant admitted to taking controlled substances including hydrocodone, alprazolam, and oxycodone in excess of 80 pills over the course of approximately three months between August and November 2011 without a valid prescription and without paying for the medication. (Respondent's written statement is attached hereto and made a part hereof as Exhibit A). Respondent was subsequently arrested and charged with possession of

a prescription legend drug (Xanax) in violation of N.J.S.A. 2C:35-10.5 and theft of a controlled substance in violation of N.J.S.A. 2C:20-2, a third degree crime. (Arrest Report and Complaint-Summons is attached hereto and made a part hereof as Exhibit B).

The Board finds that Applicant's admitted theft of controlled substances from his employer pharmacy while he was employed as a pharmacy technician and during the pendency of his application with the Board to become registered as a pharmacy technician provides grounds to deny his application for registration to engage as a Pharmacy Technician 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 dishonestly, fraud, deception, misrepresentation, false promise or false pretense; and N.J.S.A. § 45:1-21(f), in that, Applicant has engaged in acts constituting a crime or offense involving moral turpitude and relating adversely to the activity regulated by the Board. Therefore, the Board preliminarily finds that applicant does not meet the requirements for registration

ACCORDINGLY, IT IS on this 22<sup>ND</sup> day of AUGUST, 2012

ORDERED that:

1. Applicant's application for registration as a Pharmacy Technician in the State of New Jersey is hereby provisionally denied.

2. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th 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 Anthony Rubinaccio, Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45013, 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.

6. 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 the submitted materials merit further consideration, a Final Order of Discipline will be entered, and

7. 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 may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review

of the record, the Board shall not be limited to the findings,  
conclusions and sanctions stated herein.

NEW JERSEY STATE BOARD OF PHARMACY

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

# **EXHIBIT A**

### RITE AID STATEMENT FORM

Store #/ Location # 10496

Mankbadi Mark  
East Name First Name Middle Initial

[Redacted] [Redacted] [Redacted]  
Street Address City State Zip

[Redacted] 1494479 11/07/11  
Area Code Phone Number Associate ID # Date

I, Mark Mankbadi, do hereby make the following explanation to the following company representative: Jonathan. No threats or promises have been made to me and I have not been coerced in any way to write this explanation.

Today 11/7/11 John & Erin came in and talked to me about missing drugs at store 10496 at 12:30 in managers office I admitted to talking a approximately 12 Hydrocodone/10mg I opened the bottle, poured it in my hand and put the bottle back. This happened ~ August and I think it was the first time I took drugs w/o script and didn't pay for it. In ~ Sept I took some alprazolam ~ 10-lmg in store 10496 by opening the bottle and then pouring them in my hand and putting it back. I did not have a script for them & didn't pay for them. I took a couple a day for the next 5 days. On Oct 15 I took a bottle of oxycodone 15mg 60 pills by putting it in a trash bag and bringing the trash to the back room, then

Witness Signature: [Signature] Associate Signature: [Signature]

Print Erin Lopomo Print Mark Mankbadi

Start Time: 12:30 PM End Time: 1:33P Page 1 of 2

### RITE AID STATEMENT FORM

Store #/ Location # 10496

Mankbadi Mark \_\_\_\_\_  
Last Name First Name Middle Initial

\_\_\_\_\_  
Street Address City State Zip

\_\_\_\_\_  
Area Code Phone Number Associate ID # Date 11/7/11

I, Mark Mankbadi, do hereby make the following explanation to the following company representative: Janatha. No threats or promises have been made to me and I have not been coerced in any way to write this explanation.

taking them from the trash bag. I took it from a basket & threw it in the garbage. It was a filled script. Jan showed me the real & I initialed it. I threw it in a blue HIPAA bag and then placed that in a blue bag and put it in the back room. It could have been Sat or Sun - I took the oxycodone for the same family member I took the hydrocodone for. It came from 7811. I had no script and it wasn't paid for. A couple weeks ago I took some ~~M.M.~~ alprazolam 1 mg, ~10 for myself by opening the bottle on the shelf & taking them. I poured them in my hand and took them over the next couple days. As far as I remember, this is all I have taken.

Witness Signature: E. Lopomo Associate Signature: Mark Mankbadi  
Print Erin Lopomo Print Mark Mankbadi

Start Time: 12:30 Pm End Time: 1:33 P Page 2 of 2

# **EXHIBIT B**

Identification Number

JACKSON PD

ARREST REPORT

1. Complaint Number I-2011-041162		2. Mun. Code NJ0151100		3. Phone Number ██████████		4. UCR		5. Prosecutor's Case Number		6. Criminal Case Number	
7. Name Last MANKBADI				First MARK		Middle		8. Phone (732) 905-██████		9. Alias-Nickname	
10. Full Address - Number - Street - Municipality - State - Zip Code ██████████								11. Place of Birth NEW BRUNSWICK, NJ			
12. Date of Birth		13. Age 22		14. Sex U		15. Race WHITE		16. Height 5' 8"		17. Weight 210 lb	
						18. Hair BLACK		19. Eyes BROWN		20. Complexion MEDIUM BROWN	
										21. Marital Status SINGLE	
22. Other Descriptive Information						22-A. FBI #		22-B. SBI #		23. Driver's License Number ██████████	
24. Employer - Or School RITE AID						25. Occupation/ Grade PHARMACY TECHNICIAN			26. Social Security Number ██████████		
27. Employer's Address - Or School 1 NORTH NEW PROSPECT ROAD, JACKSON, NJ 08527						28. Business Phone/School (732) 905-4420					

DETAILS OF ARREST

29. Arrest Date Nov 07, 2011		30. Time 14:03		31. Location of Arrest (RITE AID) 1 NORTH NEW PROSPECT ROAD, JACKSON, NJ 08527				32. Municipal Code 1511		33. Warrant/Summons Num S-2011-000921			
33. Crime THEFT						34. N.J.S. Statute 2C:20-3			35. Arresting Officer PO William Campbell				
36. Complainant's Name and Address - Zip Code P.O. WILLIAM CAMPBELL 102 JACKSON DRIVE, JACKSON, NJ 08527										37. Phone Number (732) 928-1111			
38. Crime Date Nov 07, 2011		39. Time 13:40		40. Location of Crime (RITE AID) 1 NORTH NEW PROSPECT ROAD JACKSON NJ 08527								41. Municipal Code 1511	
42. Arrest Type ON VIEW		43. Juvenile Status N/A				44. Code		45. Constitutional Rights - By Whom NO			46. How Responded N/A		
47. Own		48. Multiple		49. Other		50. Printed YES		51. Photo YES		52. Prev. Rec. NO		53. UCR-A.S.R. Reported Month. Yr.	
54. Vehicle Information - VIN - Year - Make - Body Type - Color - Registration Number & State - Other Descriptive Information													

BAIL HEARING

55. Date Nov 07, 2011		56. Court JACKSON TWP. MUNICIPAL COURT				57. Judge/Authorized Person JUDGE SAHIN			
58. Amount Bail 0		59. Results of Hearing RELEASED ON COMPLAINT SUMMONS				60. Code		61. Place Committed/Detained RELEASED ON COMPLAINT SUMMONS	

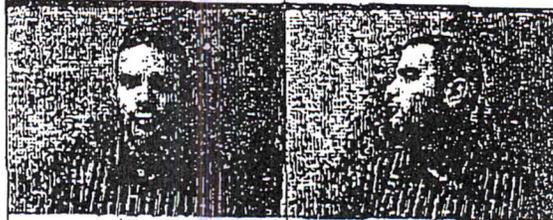
FINAL RESULTS

62. Date		63. Court				64. Judge			
65. Verdict		66. Code		67. Disposition		68. Date		69. Code	

JUVENILE INFORMATION

70. Parent/Guardian Contacted By			71. Date		72. Time		73. Released To.		Relationship				
74. Full Address - Number - Street - City - State - Zip Code - Municipality							75. Date		76. Time		77. Phone Number		
78. Parent/Guardian				79. Full Address - Number - Street - City - State - Zip Code - Municipality								80. Phone Number	

81-89 Narrative / Add'l Charges  
2C:35-10.5 Poss Prescription Legend Drugs  
ADDITIONAL SUMMONS S2011-000922



Name PO William Campbell		91. Badga Number 225		92. Completed		93. Date of Report Nov 07, 2011		94. Reviewed By SGT Raymond Milewski	
90. Signature <i>[Signature]</i>									

# COMPLAINT - SUMMONS

FL

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. MARK R MANKBADI	
1511	S	2011	000921		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	ADDRESS: [REDACTED]	
JACKSON TWP MUNICIPAL COURT 102 JACKSON DRIVE JACKSON NJ 08527 (732) 928-1205 COUNTY OF OCEAN				JACKSON NJ 08527	
# of CHARGES 2	CO-DEFTS	POLICE CASE # 11-041152		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: [REDACTED] DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED]	
COMPLAINANT P.O. WILLIAM CAMPBELL #225 NAME: 102 JACKSON DRIVE JACKSON NJ 08527					

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 11-07-2011 in JACKSON TWP OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY AND PURPOSELY, UNLAWFULLY TAKE OR EXERCISE UNLAWFUL CONTROL OVER, MOVABLE PROPERTY OF ANOTHER WITH THE PURPOSE TO DEPRIVE THEREOF, SPECIFICALLY BY THE DEFENDANT, MARK R. MANKBADI, WHILE WORKING AS A PHARMACY TECHNCIAN FOR RITE AID, REMOVED SEVERAL DOSES OF OF PRESCRIPTION DRUGS OVER THE COURSE OF SEVERAL MONTHS, AS OUTLINED IN A HAND WRITTEN STATEMENT MADE BY THE DEFENDANT AND DELIVERED TO RITE AID LOSS PREVENTION SPECIALISTS AS HE WAS BEING INVESTIGATED FOR SAME. IN VIOLATION OF N.J.S.A. 2C:20-3A

WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY AND PURPOSELY, POSSESSES OR HAS UNDER HIS CONTROL WITH THE INTENT TO DISTRIBUTE A PRESCRIPTION LEGEND DRUG IN THE AMOUNT OF (7) PILLS OF XANAX, SPECIFICALLY BY THE DEFENDANT, MARK R. MANKBADI, WHILE BEING ARRESTED AND HAVING HIS PERSON SEARCHED, IT WAS LEARNED THAT MR. MANKBADI HAD (7) PILLS OF REPORTED XANAX IN HIS SOCK ON HIS LEFT FOOT WHICH WAS In violation of:

Original Charge	1) 2C:20-3A	2) 2C:35-10.5A(3)	3)
Amended Charge			

**CERTIFICATION:**  
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.  
Signed: PO BILL CAMPBELL Date: 11-07-2011

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

**SUMMONS:**  
YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.  
DATE TO APPEAR: 11-17-2011 TIME: 11:30am PO BILL CAMPBELL 11-07-2011  
Signature of Person Issuing Summons Date

**COPY**

<input checked="" type="checkbox"/> Domestic Violence - Confidential	<input type="checkbox"/> Related Traffic Tickets or Other Complaints	<input type="checkbox"/> Serious Personal Injury/ Death Involved
Special conditions of release: <input type="checkbox"/> No phone, mail or other personal contact w/victim <input type="checkbox"/> No possession firearms/weapons <input type="checkbox"/> Other (specify):		<b>ORIGINAL</b>
Page 1 of 7		NJ/CDR1 8/1/2005

### COMPLAINT - SUMMONS

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. MARK R MANKBADI	
1511	S	2011	000921		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	ADDRESS: [REDACTED]	
JACKSON TWP MUNICIPAL COURT 102 JACKSON DRIVE JACKSON NJ 08527 (732) 928-1205 COUNTY OF: OCEAN				JACKSON NJ 08527	
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 11-041152		DEFENDANT INFORMATION	
COMPLAINANT P.O. WILLIAM CAMPBELL #225 NAME: 102 JACKSON DRIVE JACKSON NJ 08527				SEX M EYE COLOR: BROWN	DOB: [REDACTED]
				DRIVER'S LIC. #: [REDACTED]	DL STATE: NJ
				SOCIAL SECURITY #: [REDACTED]	SBI #
				TELEPHONE #: [REDACTED]	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 11-07-2011 in JACKSON TWP OCEAN County, NJ did: REPORTEDLY DISTRIBUTED TO FAMILY MEMBERS IN VIOLATION OF N.J.S.A. 2C:35-10.5A(3)

**In violation of:**

Original Charge	1)	2)	3)
Amended Charge			

**CERTIFICATION:**

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed: PO BILL CAMPBELL Date: 11-07-2011

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

**SUMMONS:**

YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 11-17-2011 TIME: 11:30am PO BILL CAMPBELL 11-07-2011  
Signature of Person Issuing Summons Date

<input checked="" type="checkbox"/> Domestic Violence - Confidential	<input type="checkbox"/> Related Traffic Tickets or Other Complaints	<input type="checkbox"/> Serious Personal Injury/ Death Involved
--	--	--

Special conditions of release:

- No phone, mail or other personal contact w/victim
- No possession firearms/weapons
- Other (specify):

**ORIGINAL**

41

# COMPLAINT - SUMMONS

COMPLAINT NUMBER			
1511	S	2011	000922
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

THE STATE OF NEW JERSEY  
VS.

MARK R MANKBADI

JACKSON TWP MUNICIPAL COURT  
102 JACKSON DRIVE  
JACKSON NJ 08527  
(732) 928-1205 COUNTY OF: OCEAN

ADDRESS

JACKSON NJ 08527

# of CHARGES 1	CO-DEFTS	POLICE CASE #: 11--041152
-------------------	----------	------------------------------

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN DOB: [REDACTED]  
 DRIVER'S LIC. # [REDACTED] DL STATE: NJ  
 SOCIAL SECURITY # [REDACTED] SBI #:  
 TELEPHONE #: [REDACTED]

COMPLAINANT NAME: PO BILL CAMPBELL  
102 JACKSON DRIVE  
ATTN WARRANTS  
JACKSON NJ 08527

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 10-15-2011 in JACKSON TWP OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, WHILE EMPLOYED AS A PHARMACY TECHNICIAN AT THE RITE AID PHARMACY ON NORTH NEW PROSPECT ROAD, THE DEFENDANT REMOVED A BOTTLE OF 15 MG OXYCODONE PILLS FROM ONE OF THE PHARMACY'S SHELVES, PLACED IT IN THE TRASH, AND LATER REMOVED IT FROM THE STORE FOR LATER PERSONAL CONSUMPTION, WITHOUT HAVING PAID FOR THE DRUGS, OR HAVING A VALID PRESCRIPTION FOR SAME, IN VIOLATION ON NJSA 2C:20-3.

PURSUANT TO 2C:20-2, THE NATURE OF THIS THEFT, NAMELY THE FACT THAT A CONTROLLED SUBSTANCE WAS STOLEN, UPGRADES THE MATTER TO A THIRD DEGREE CRIME.

in violation of:

Original Charge	1) 2C:20-3A	2)	3)
Amended Charge			

**CERTIFICATION:**  
 I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed: PO BILL CAMPBELL Date: 11-07-2011

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

**SUMMONS:**  
 YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 11-17-2011 TIME: 11:30am

Signature of Person Issuing Summons: PO BILL CAMPBELL Date: 11-07-2011

<input type="checkbox"/> Domestic Violence - Confidential	<input type="checkbox"/> Related Traffic Tickets or Other Complaints	<input type="checkbox"/> Serious Personal Injury/ Death Involved
Special conditions of release: <input type="checkbox"/> No phone, mail or other personal contact w/victim <input type="checkbox"/> No possession firearms/weapons <input type="checkbox"/> Other (specify):		<b>ORIGINAL</b>
Page 1 of 7		NJ/CDR1 8/1/2005