

FILED

FEB 13 2013

BOARD OF PHARMACY

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

IN THE MATTER OF THE APPLICATION OF:
Mark Mankbadi
TO WORK AS A PHARMACY TECHNICIAN
IN THE STATE OF NEW JERSEY

: Administrative Action
:
: FINAL ORDER OF
: DENIAL OF REGISTRATION
:
:
:

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.

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

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order denying Respondent's application to practice as a pharmacy technician in the State of New Jersey was entered on August 22, 2012 and a copy was forwarded to Respondent's last known address by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 P.M. on the 30th 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 request for consideration and

reasons therefor.

The Provisional Order sent by means of certified mail was successfully delivered and the Provisional Order sent by regular mail has not been returned by the Post Office as undeliverable. The Provisional Order gave Respondent an opportunity to respond in 30 days. Since no response from Respondent has been received and Respondent cannot evade process by not responding, the Board deems service to have been effected. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 13th day of FEBRUARY, 2013

ORDERED that:

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

NEW JERSEY STATE BOARD OF PHARMACY

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