

# 92891

Jeffrey Chiesa  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Pharmacy

**FILED**

MAY 29 2013

**BOARD OF PHARMACY**

BY: Megan Cordoma  
Deputy Attorney General  
(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 SUSPENSION OR :  
REVOCATION OF THE REGISTRATION OF :

**PHILIP L. ALVAREZ** :  
Registration No. 28RW00095100 :

ADMINISTRATIVE ACTION

**PROVISIONAL ORDER OF  
DISCIPLINE**

TO PRACTICE AS A PHARMACY :  
TECHNICIAN IN THE STATE OF :  
NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Philip L. Alvarez ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto. (Exhibit A)

2. Upon receipt of a flagging notice indicating that Respondent was arrested on June 9, 2011 by the Belleville Police Department for violating N.J.S.A. 2C:12-1B(2) [Aggravated Assault With Weapon], N.J.S.A. 2C:39-5D [Possession Weapon], and N.J.S.A. 2C:39-4D [Possession Weapon Unlawful Purpose], the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Belleville, New Jersey via regular mail on or about July 13, 2011. The regular mailing was not returned. (Exhibit B)

3. The Board sent a second letter of inquiry to Respondent's address of record in Belleville, New Jersey via regular and certified mail on or about July 29, 2012. The regular mailing was not returned; the certified mailing was delivered on or about July 31, 2012. (Exhibit C)

4. Upon receipt of a flagging notice indicating that Respondent was arrested on August 12, 2012 by the Belleville Police Department for violating N.J.S.A. 2C:36-1 [Drug Paraphernalia] and N.J.S.A. 2C:35-10A(1) [Possess Controlled Dangerous Substance or Analog], the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Belleville, New Jersey via regular and certified mail on or about August 23,

2012. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed". (Exhibit D)

5. The Board sent a second letter of inquiry to Respondent's address of record in Belleville, New Jersey via regular and certified mail on or about February 15, 2013. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed". (Exhibit E)

6. To date, Respondent has not provided a response to the Board's requests for information and documentation.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's letter constitutes violations of N.J.S.A. 45:1-21(e) and (h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.2 & 1.3.

ACCORDINGLY, IT IS on this 29<sup>th</sup> day of May, 2013,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician is provisionally suspended until Respondent cooperates with the Board's investigation by providing the Board with the information and documentation requested in the Board's letters of inquiry.

2. A civil penalty in the amount of \$250.00 is provisionally imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to Anthony Rubinaccio, Executive Director, State Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Upon the filing of a Final Order in this matter, Respondent shall immediately cease and desist from engaging in practice as a pharmacy technician, which includes, but is not limited to the following: Respondent shall not retrieve prescription files or patient files; shall not prepare medication labels; shall not engage in data entry for any pharmacy, shall not count, weigh, measure, pour or compound prescription medication or stock legend drugs and controlled substances; shall not fill an automated medication system; shall not accept authorization for a prescription refill or renewal; shall not handle anything requiring prescription, including devices and medications; Respondent shall not handle

prescriptions; and shall not be present within a prescription filling area of a pharmacy.

4. 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, State Board of Pharmacy, 124 Halsey Street, 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.

5. 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.

6. 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.

7. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF PHARMACY

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

# Exhibit A

## Philip L Alvarez

Date of birth: [REDACTED]  
Date of death:  
License No.: **28RW00095100**  
Profession: Pharmacy  
License type: Pharmacy Technician

License status: **Active**      Last renewal date: 07/23/2012  
Date this status: 07/28/2008      Expiration date: 08/31/2014  
Issue date: 07/28/2008

### Address of Record

[REDACTED]  
Belleville, NJ 07109

### Education

School name: St Francis HS  
Degree/Certificate: High School Diploma  
Date Graduated: 03/01/1993  
Major:

### Prerequisite License(s)

None

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Report generated on 5/7/13 10:01:41 AM

# Exhibit B

RW 951



New Jersey Office of the Attorney General



# FLAGGING

June 10, 2011

To: Pharmacy Technicians Committee

**REF: Philip L. Alvarez**

DOB: [REDACTED]

SS#: [REDACTED]

Applicant #: 1351385

As a result of the Flagging System, the following information has been revealed:

1. The above individual was arrested on 06/09/11 by Belleville Police Department for 2C:12-1B(2) Aggravated Assault With Weapon, 2C:39-5D Possession Weapon and 2C:39-4D Possession Weapon Unlawful Purpose, Agency Case #: 23631.

Please contact this office at 609-826-7126 if you have any questions, concerning the above or dispute any of this information.

Sincerely,  
Louis J. Krofka, Chief  
Criminal History Review Unit (ju)



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Acting Director

**Mailing Address:**  
P.O. Box 45013  
Newark, NJ 07101  
(973) 504-6450

July 13, 2011

Philip L. Alvarez

[REDACTED]  
Belleville, NJ 07109

### Criminal History Flagging

Dear Mr. Alvarez:

The Board of Pharmacy has received a criminal flagging notice indicating that you were arrested on 06/09/11 by Belleville Police Department for 2C:12-1B(2) Aggravated Assault with Weapon, 2C:39-5D Possession Weapon and 2C:39-4D Possession Weapon Unlawful Purpose, Agency Case #: 23631.

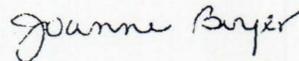
Before this matter is reviewed by the Board of Pharmacy to determine if the offense warrants disciplinary action under N.J.S.A. 45:1-21(f), please forward the following information to this office within ten (10) days.

1. A legible copy of the municipal court complaint and disposition. The copy should indicate the charges, your plea, the court's judgment and what the court's assessment of costs, fines, jail time and/or probation (if any). (This can be obtained by calling and visiting the Clerk of the Municipal Court where the case was heard.)
2. If the case is still pending, provide the status of the case and keep this office apprized of any major developments including dismissal, transfer to the Superior Court (county level), grand jury indictment, trial dates, plea agreements, etc. Keep this office apprized of any major changes in status.
3. If you have been indicted by the Grand Jury, please enclose a copy of the indictment. If a criminal accusation has been filed, please enclose a copy of Criminal Accusation.

4. If you are on or have completed probation and/or paid fines/costs, please provide proof of same. Keep this office apprized of any major change in status.
5. A legible copy of the Police Report with all supporting statements. (This can be obtained by visiting the police station where you were arrested).
6. The name and address of your current employer, your job title and dates of employment.
7. A narrative statement from you regarding your version of the underlying conduct which gave rise to the underlying crime/offense for which you were arrested.

Please be aware that you are required under N.J.S.A. 45:1-21(e), N.J.A.C. 13:45C-1.3 to provide a timely response to this inquiry. Failure to respond and provide these items within ten (10) days hereof will constitute a violation of the aforestated provisions and may result in the filing of a provisional order of discipline for suspension and imposition of monetary penalties.

Very truly yours,



Joanne Boyer, RP  
Executive Director

JB/mw

# Exhibit C



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



JEFFREY S. CHIESA  
Attorney General

ERIC T. KANEFSKY  
Acting Director

**Mailing Address:**  
P.O. Box 45013  
Newark, NJ 07101  
(973) 504-6450

July 20, 2012

Philip L. Alvarez

[REDACTED]  
Belleville, NJ 07109

### Criminal History Flagging

Dear Mr. Alvarez:

The Board of Pharmacy has received a criminal history background check notice indicating that you were arrested on 06/09/11 by Belleville Police Department for 2C:12-1B(2) Aggravated Assault With Weapon, 2C:39-5D Possession Weapon and 2C:39-4D Possession Weapon Unlawful Purpose, Agency Case #: 23631. 06/10/11 (ju) On 02/02/12 Essex County Superior Court Charges No Billed (case #: 11004015).

Before this matter is reviewed by the Board of Pharmacy to determine if the offense warrants disciplinary action under N.J.S.A. 45:1-21(f), please forward the following information to this office within ten (10) days.

1. A legible copy of the municipal court complaint and disposition. The copy should indicate the charges, your plea, the court's judgment and what the court's assessment of costs, fines, jail time and/or probation (if any). (This can be obtained by calling and visiting the Clerk of the Municipal Court where the case was heard.)
2. If the case is still pending, provide the status of the case and keep this office apprized of any major developments including dismissal, transfer to the Superior Court (county level), grand jury indictment, trial dates, plea agreements, etc. Keep this office apprized of any major changes in status.
3. If you have been indicted by the Grand Jury, please enclose a copy of the indictment. If a criminal accusation has been filed, please enclose a copy of Criminal Accusation.

4. If you are on or have completed probation and/or paid fines/costs, please provide proof of same. Keep this office apprized of any major change in status.
5. A legible copy of the Police Report with all supporting statements. (This can be obtained by visiting the police station where you were arrested).
6. The name and address of your current employer, your job title and dates of employment.
7. A narrative statement from you regarding your version of the underlying conduct which gave rise to the underlying crime/offense for which you were arrested.

Please be aware that you are required under N.J.S.A. 45:1-21(e), N.J.A.C. 13:45C-1.3 to provide a timely response to this inquiry. Failure to respond and provide these items within fifteen (15) days from receipt of this letter hereof will constitute a violation of the aforesaid provisions and may result in the filing of a provisional order of discipline for suspension and imposition of monetary penalties.

Very truly yours,



Anthony Rubinaccio  
Executive Director

AR/sk

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Philip L. Alvarez  
 [Redacted]  
 Belleville, NJ 07109

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 [Signature]  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 [Signature] 7-31-07

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No



3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. 7008 1830 0003 4315 8575

CHBC

PS Form 3811, February 2004

Domestic Return Receipt

SK 102595-02-M-1540

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Philip L. Alvarez  
 [Redacted]  
 Belleville, NJ 07109

PS Form 3800, August 2006 See Reverse for Instructions

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70081830000343158575		Delivered	July 31, 2012, 12:48 pm	BELLEVILLE, NJ 07109	Certified Mail™
		Notice Left	July 30, 2012, 4:34 pm	BELLEVILLE, NJ 07109	
		Arrival at Unit	July 30, 2012, 8:13 am	BELLEVILLE, NJ 07109	
		Processed through USPS Sort Facility	July 29, 2012, 1:20 am	KEARNY, NJ 07099	

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# Exhibit D



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
Criminal History Review Unit



JEFFREY S. CHIESA  
Attorney General

ERIC T. KANEFSKY  
Acting Director

*Mailing Address:*  
P.O. Box 186  
Trenton, NJ 08625  
(609) 826-7184

# FLAGGING

August 13, 2012

To: Pharmacy Technicians Committee

**REF: Philip L. Alvarez**

DOB: [REDACTED]

SS#: [REDACTED]

Applicant #: 1351385

As a result of the Flagging System, the following information has been revealed:

1. The above individual was arrested on 08/12/12, by Belleville Police Department, for 2C:36-1, Drug Paraphernalia, 2C:35-10A(1), Possess Controlled Dangerous Substance or Analog. Agency Case # 2012-13668.

Please contact this office at 609-826-7126 if you have any questions, concerning the above or dispute any of this information.

Sincerely,  
Louis J. Krofka, Chief  
Criminal History Review Unit (J.Mc.)



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



JEFFREY S. CHIESA  
Attorney General

ERIC T. KANEFSKY  
Acting Director

**Mailing Address:**  
P.O. Box 45013  
Newark, NJ 07101  
(973) 504-6450

August 17, 2012

Philip Alvarez

[REDACTED]  
Bellville, NJ 07109

### Criminal History Flagging

Dear Philip Alvarez:

The Board of Pharmacy has received a flagging system notice indicating that you were arrested on 08/12/12, by Belleville Police Department, for 2C:36-1, Drug Paraphernalia, 2C:35-10A(1), Possess Controlled Dangerous Substance or Analog. Agency Case # 2012-13668.

Before this matter is reviewed by the Board of Pharmacy to determine if the offense warrants disciplinary action under N.J.S.A. 45:1-21(f), please forward the following information to this office within ten (10) days.

1. A legible copy of the municipal court complaint and disposition. The copy should indicate the charges, your plea, the court's judgment and what the court's assessment of costs, fines, jail time and/or probation (if any). (This can be obtained by calling and visiting the Clerk of the Municipal Court where the case was heard.)
2. If the case is still pending, provide the status of the case and keep this office apprized of any major developments including dismissal, transfer to the Superior Court (county level), grand jury indictment, trial dates, plea agreements, etc. Keep this office apprized of any major changes in status.
3. If you have been indicted by the Grand Jury, please enclose a copy of the indictment. If a criminal accusation has been filed, please enclose a copy of Criminal Accusation.
4. If you are on or have completed probation and/or paid fines/costs, please provide proof of same. Keep this office apprized of any major change in status.
5. A legible copy of the Police Report with all supporting statements. (This can be obtained by visiting the police station where you were arrested).
6. The name and address of your current employer, your job title and dates of employment.

7. A narrative statement from you regarding your version of the underlying conduct which gave rise to the underlying crime/offense for which you were arrested.

Please be aware that you are required under N.J.S.A. 45:1-21(e), N.J.A.C. 13:45C-1.3 to provide a timely response to this inquiry. Failure to respond and provide these items within fifteen (15) days from receipt of this letter hereof will constitute a violation of the afore stated provisions and may result in the filing of a provisional order of discipline for suspension and imposition of monetary penalties.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Rubinaccio', written in a cursive style.

Anthony Rubinaccio  
Executive Director

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Restricted Delivery Fee (Endorsement Required)	
Total Postage	Philip Alvarez

AUG 17 2012

Postmark  
Here

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Street, Apt. No.  
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Bellville, NJ 07109



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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
7011297000369538762		Delivered	September 11, 2012, 7:41 am	NEWARK, NJ 07101	Certified Mail™
		Notice Left (No Authorized Recipient Available)	September 11, 2012, 5:58 am	NEWARK, NJ 07101	
		Notice Left	August 23, 2012, 12:21 pm	BELLEVILLE, NJ 07109	
		Arrival at Unit	August 23, 2012, 6:37 am	BELLEVILLE, NJ 07109	
		Depart USPS Sort Facility	August 23, 2012	KEARNY, NJ 07099	
		Processed through USPS Sort Facility	August 23, 2012, 1:36 am	KEARNY, NJ 07099	

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# Exhibit E



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
Criminal History Review Unit



JEFFREY S. CHIESA  
Attorney General

ERIC T. KANEFSKY  
Acting Director

**Mailing Address:**  
P.O. Box 186  
Trenton, NJ 08625  
(609) 826-7184

# FLAGGING

February 7, 2013

To: Pharmacy Technicians Committee

28RW 00095700

**REF: Philip L. Alvarez**

DOB: [REDACTED]

SS#: [REDACTED]

Applicant #: 1351385

As a result of the Flagging System, the following information has been revealed:

1. The above individual was arrested on 08/12/12 by Belleville Police Department for 2C:36-1 Drug Paraphernalia and 2C:35-10A(1) Possess Controlled Dangerous Substance Or Analog, Agency Case #: 2012-13668. On 01/15/13 Belleville Township Municipal Court (2) counts 2C:36-2 Possession Of Drug Paraphernalia Dismissed.

Please contact this office at 609-826-7126 if you have any questions, concerning the above or dispute any of this information.

Sincerely,  
Louis J. Krofka, Chief  
Criminal History Review Unit (ju)



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



JEFFREY S. CHIESA  
Attorney General

ERIC T. KANEFSKY  
Acting Director

February 11, 2013

Philip L Alvarez  
[REDACTED]  
Belleville NJ 07109

**Mailing Address:**  
P.O. Box 45013  
Newark, NJ 07101  
(973) 504-6450

**Re: Criminal History Background Check**

Dear Philip L Alvarez:

The Board of Pharmacy has received a criminal notice indicating that you were arrested on 08/12/12 by Belleville Police Department for 2C:36-1 Drug Paraphernalia and 2C:35-10A(1) Possess Controlled Dangerous Substance Or Analog, Agency Case #: 2012-13668. On 01/15/13 Belleville Township Municipal Court (2) counts 2C:36-2 Possession Of Drug Paraphernalia Dismissed.

Before this matter is reviewed by the Board of Pharmacy to determine if the offense warrants disciplinary action under N.J.S.A. 45:1-21(f), please forward the following information to this office within fifteen (15) days.

A legible copy of the municipal court complaint and disposition. The copy should indicate the charges, your plea, the court's judgment and what the court's assessment of costs, fines, jail time and/or probation (if any). (This can be obtained by calling and visiting the Clerk of the Municipal Court where the case was heard.) If the case is still pending, provide the status of the case and keep this office apprized of any major developments including dismissal, transfer to the Superior Court (county level), grand jury indictment, trial dates, plea agreements, etc. Keep this office apprized of any major changes in status.

If you have been indicted by the Grand Jury, please enclose a copy of the indictment. If a criminal accusation has been filed, please enclose a copy of Criminal Accusation.

If you are on or have completed probation and/or paid fines/costs, please provide proof of same. Keep this office apprized of any major change in status. A legible copy of the Police Report with all supporting statements. (This can be obtained by visiting the police station where you were arrested). The name and address of your current employer, your job title and dates of employment.

A narrative statement from you regarding your version of the underlying conduct which gave rise to the underlying crime/offense for which you were arrested.

Failure to respond and provide these items within fifteen (15) days from receipt of this letter hereof will constitute a violation of the afore stated provisions and may result in the filing of a provisional order of discipline for suspension and imposition of monetary penalties.

Sincerely,

Anthony Rubinaccio  
Executive Director

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Total Postage & Fees	\$

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Here

7011 2970 0003 6949 8196

Sent To *Philip Alvarez*  
Street, Apt. No.,  
or PO Box No. *10311*  
City, State, ZIP+4 *Bellville, NJ 07109*

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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70112970000369498196		Delivered	March 12, 2013, 11:29 am	NEWARK, NJ 07101	Certified Mail™
		Available for Pickup	March 11, 2013, 10:38 am	NEWARK, NJ 07101	
		Unclaimed	March 7, 2013, 12:39 pm	BELLEVILLE, NJ 07109	
		Notice Left	February 15, 2013, 3:00 pm	BELLEVILLE, NJ 07109	
		Arrival at Unit	February 15, 2013, 6:14 am	BELLEVILLE, NJ 07109	
		Depart USPS Sort Facility	February 15, 2013	KEARNY, NJ 07099	
		Processed through USPS Sort Facility	February 15, 2013, 12:27 am	KEARNY, NJ 07099	

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What's your label (or receipt) number?

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