

JOHN HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5th Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Pharmacy

**FILED**  
JUN 17 2013  
**BOARD OF PHARMACY**

By: Megan Cordoma  
Deputy Attorney General  
(973) 648-4735

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

IN THE MATTER OF THE SUSPENSION : Administrative Action  
OF THE REGISTRATION OF :  
: :  
**JENNIFER MILLER** : **PROVISIONAL ORDER**  
**Registration No. 28RW00522100** : **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 ("Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Jennifer L. Miller ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been

registered at all times relevant hereto. (Exhibit A)

7. On or about January 7, 2013, Respondent was convicted of violating N.J.S.A. §2C:20-7.1 [Fencing]. On February 22, 2013 Respondent was sentenced to a 7 year term of confinement and assessed a total of \$2,205.00 in applicable fines and fees. (Exhibit E)

**CONCLUSIONS OF LAW**

The above criminal conviction provides grounds for discipline including the revocation or suspension of respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) in that she has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; and N.J.S.A. 45:1-21(f) in that the crimes of which respondent was convicted are crimes of moral turpitude and relate adversely to the practice of pharmacy.

ACCORDINGLY, IT IS on this 17<sup>th</sup> day of JUNE, 2013

ORDERED that:

1. Respondent's certificate of registration to practice as a pharmacy technician is provisionally suspended.

2. The Board will not entertain an application for reinstatement for a period of seven years, to coincide with

Respondent's criminal sentencing terms. After seven years Respondent may apply for reinstatement upon a showing that she has rehabilitated herself, is fit and competent to practice as a pharmacy technician, and has complied with all applicable criminal sentencing terms. As a part of this showing Respondent may be required to appear before the Board to aid in its determination of her fitness to practice as a pharmacy technician.

3. The within order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth 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, Board of Pharmacy, 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.

4. 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 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.

NEW JERSEY STATE BOARD OF PHARMACY

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

# **EXHIBIT A**

# Quick Lookup Summary Report

**Prefix**   **First Name**                      **Middle Name**                      **Last Name**                      **Suffix**  
Jennifer    L    Miller

**SSN:** [REDACTED]    **Date Of Birth:** [REDACTED]    **Date of Death:**

School Name: Middletown North  
Degree/Certificate: High School Diploma  
Date Graduated: 06/01/2004  
Major:

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**License Type: Pharmacy Technician**  
**License No: 28RW00522100**

Obtained By: Application

Expiration Date: 08/31/2014  
Issue Date: 11/28/2008  
Last Renewal: 08/23/2012  
License Status: Active  
Date This Status: 11/28/2008

Probation?   
Limitation?   
Restriction?

**Address of Record**  
[REDACTED]  
Date This Address: 11/28/2008

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# **EXHIBIT B**



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

June 08, 2012

Jennifer L Miller  
[REDACTED]  
[REDACTED]

### Criminal History Flagging

Dear Jennifer L Miller:

The Board of Pharmacy has received a criminal flagging notice indicating that you were arrested on 05/30/12 by Middletown Police Department for 2C:20-7 Receive Stolen Property, Agency Case #: 1205210058. 05/30/12

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,



Anthony Rubinaccio  
Executive Director

# **EXHIBIT C**

**COPY**

Jennifer L. Miller  
[REDACTED]  
[REDACTED]

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

Dear Mr. Rubinaccio

I recently received a letter informing me of the Board of Pharmacy's knowledge of my arrest. I have yet to appear before a judge; therefore, I have not been tried, nor convicted. However, your request seems moot. I am no longer employed as a pharmacy technician and doubt I will seek that type of employment in the future. My personal decision to leave this field had nothing to do with the aforementioned arrest.

Since I am no longer employed by any pharmacy and will never be again, I am not complying with the request stated in the letter dated June 8, 2012. Police reports are a matter of public record. If you need it for your files, please contact the Middletown police department.

If you have any further questions, please do not hesitate to contact me at the above address.

Very truly yours,

  
Jennifer L. Miller

JUL 05 2012

28NW005221150

# **EXHIBIT D**



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

September 18, 2012

Jennifer Miller  
[REDACTED]

### Criminal History Flagging

Dear Jennifer Miller:

The Board of Pharmacy has received a criminal flagging notice indicating that you were arrested on 09/08/2012 by the Red Bank Police Department for (1) Count 2C:35-10A(4) Possession Of Marijuana/Hash Under. Agency Case # 12-16273.

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,



Anthony Rubinaccio  
Executive Director

**U.S. Postal Service™**  
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**GENERAL USE**

Sent To **Jennifer Miller**

Street, Apt. No., or PO Box No. [REDACTED]

City, State, ZIP [REDACTED]

PS Form 3800, See Reverse for Instructions

**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:

**Jennifer Miller**  
 [REDACTED]  
 [REDACTED]

2. Article Number  
 (Transfer from service label)

**7011 2970 0003 6953 8861**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *Jennifer Miller*  Agent  
 Address

B. Received by (Printed Name)  C. Date of Delivery  
 [REDACTED] **9/24/11**

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