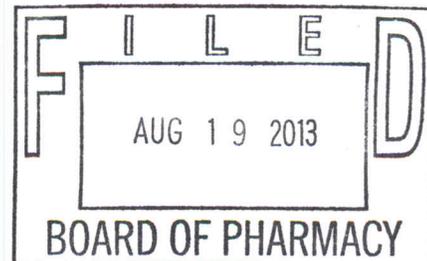


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE DENIAL OF :
THE CERTIFICATION OF :
 :
MICHAEL F. CUTTRUFF : ADMINISTRATIVE ACTION
Application No. 1541375 :
 :
 : **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. Michael F. Cuttruff ("Respondent") is a pharmacy technician applicant in the State of New Jersey and has been an applicant at all times relevant hereto. (Certification of

Anthony Rubinaccio, attached hereto and made a part hereof as Exhibit A)

2. Upon receipt of information from Respondent's employer, the Board discovered that Respondent provided his employer with a counterfeit pharmacy technician certificate on July 17, 2012. (Faxed copy of Respondent's counterfeit certificate, attached hereto and made a part hereof as Exhibit B)

3. On or about July 16, 2012, Respondent took a picture of a legitimate pharmacy technician certificate and digitally altered it on his personal computer to display his name and a fictitious registration number. Respondent presented the counterfeit certificate to his employer in an attempt to receive a promotion. (Faxed copy of Respondent's counterfeit certificate, attached hereto and made a part hereof as Exhibit B; Voluntary statement of Respondent's employer, attached hereto and made a part hereof as Exhibit C; Supplementary Investigation Report, attached hereto and made a part hereof as Exhibit D)

4. While attempting to verify Respondent's certificate with the Board, his employer was informed that it was fraudulent. When confronted by his employer, Respondent admitted to fabricating the certificate on his computer. As a result, Respondent was terminated. Subsequent to his termination, Respondent provided his employer with a letter in which he

memorialized his admission and apologized. (Faxed copy of Respondent's counterfeit certificate, attached hereto and made a part hereof as Exhibit B; Voluntary statement of Respondent's employer, attached hereto and made a part hereof as Exhibit C)

5. On October 24, 2012, the Board initiated an investigation into the matter and provided a copy of Respondent's counterfeit certificate to the Division of Consumer Affairs, Enforcement Bureau. (Faxed copy of Respondent's counterfeit certificate, attached hereto and made a part hereof as Exhibit B)

6. After a joint investigation conducted by the Enforcement Bureau and the Bayonne Police Department, it was determined that Respondent applied for certification as a registered pharmacy technician in September, 2010. However, Respondent's certification was never granted. (Certification of Anthony Rubinaccio, attached hereto and made a part hereof as Exhibit A)

7. During the Bayonne Police Department's investigation Respondent was interviewed by Detective Striffolino. In a recorded statement Respondent admitted to fabricating the certificate on his computer in an attempt to receive a promotion. Respondent was arrested and charged with violating N.J.S.A. 2C:21-1A(2) [Forgery] and N.J.S.A. 2C:21-2.1C [Falsifying a Government Document]. (Supplementary Investigation

Report, attached hereto and made a part hereof as Exhibit D; Arrest Report and Flagging Notice, attached hereto and made a part hereof as Exhibit E)

8. On May 28, 2013, Respondent was accepted into a Pretrial Intervention Program for a period of twelve months. (Indictment, Complaint and Summons, and Pretrial Intervention Agreement, attached hereto and made a part hereof as Exhibit F)

CONCLUSIONS OF LAW

Respondent's forgery and fraudulent use of a counterfeit pharmacy technician certificate constitutes the use of dishonesty, fraud, deception, and misrepresentation in violation of N.J.S.A. 45:1-21(b), professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e), and acts constituting any crime or offense relating adversely to the practice of a pharmacy technician in violation of N.J.S.A. 45:1-21(f). These violations subject Respondent to disciplinary action pursuant to N.J.A.C. 13:39-2.5.

ACCORDINGLY, IT IS on this 19th day of August, 2013,

ORDERED that:

1. Respondent's application to practice as a pharmacy technician is provisionally denied.

2. Respondent may reapply for registration as a pharmacy technician upon a showing that he has rehabilitated himself, is

fit and competent to practice as a registered pharmacy technician, and has complied with the terms of his Pretrial Intervention Agreement. As a part of this showing Respondent may be required to appear before the Board to aid in its determination of his fitness to hold a pharmacy technician certificate.

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: Richard Palumbo R.P.
Richard Palumbo, R.P.
Board Vice-President