



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 :
 :
 : **FINAL 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 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.

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.

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.

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.

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.

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.

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].

8. On May 28, 2013, Respondent was accepted into a Pretrial Intervention Program for a period of twelve months.

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.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the denial of Respondent's application to practice as a pharmacy technician in the State of New Jersey was entered on August 19, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mailing was not

returned and the certified mail was returned to the Board as "unclaimed". The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following the entry unless Respondent requested a modification or dismissal of the stated Finding of Facts or Conclusions of Law by submitted 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 therefore.

Although the Provisional Order sent by means of certified mail was returned as unclaimed, the regular mail was not returned. Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 14th day of March, 2014,

ORDERED that:

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

3. 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