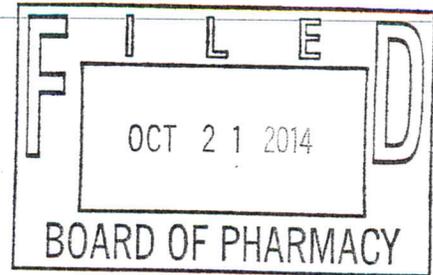


John Hoffman  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Pharmacy



BY: Megan Cordoma  
Deputy Attorney General  
(973) 648-4730

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

IN THE MATTER OF THE SUSPENSION OR :  
REVOCAION OF THE REGISTRATION OF :  
:  
**ELLEN A. FINNEGAN** :  
Registration No. 28RW00686700 :  
:  
TO PRACTICE AS A PHARMACY :  
TECHNICIAN IN THE STATE OF :  
NEW JERSEY :

ADMINISTRATIVE ACTION  
**PROVISIONAL ORDER OF  
DISCIPLINE**

This matter was opened to the New Jersey State Board of Pharmacy (hereinafter "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. Ellen A. Finnegan ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been

~~registered at all times relevant hereto. (See L2K printout,~~  
attached and made a part hereto as Exhibit A).

2. The results of a flagging notice revealed that Respondent was arrested on November 3, 2013 by the Ocean Township Police Department for violating N.J.S.A. 2C:12-1A [Simple Assault]. On February 11, 2014, a Judge of the Ocean Township Municipal Court dismissed N.J.S.A. 2C:12-1A [Simple Assault].

3. On February 11, 2014, the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Oakhurst, New Jersey via regular and certified mail with receipt requested on or about February 14, 2014. The regular mailing was not returned. The return receipt indicates that the certified mail was received and signed for. (Flagging Notice, Board's Request dated February 14, 2014 and a copy of the Return Receipt, annexed hereto as Exhibit B).

4. To date, Respondent has failed to respond to the Board's request.

#### **CONCLUSIONS OF LAW**

Respondent's failure to respond to the Board's letter constitutes a violation of N.J.S.A. 45:1-21(h) in that

~~Respondent~~ has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:39C-1.1 et seq.

**ACCORDINGLY, IT IS on this 21<sup>st</sup> day of October, 2014,  
ORDERED that:**

**UPON THE FILING OF A FINAL ORDER IN THIS MATTER:**

1. Respondent's certification to practice as a pharmacy technician be and hereby is suspended until such time as Respondent cooperates with the Board's investigation by providing answers to the Board's request for information to the Board's satisfaction.

2. Respondent shall refrain from practicing as a pharmacy technician and shall not represent herself as a registered pharmacy technician until such time as her registration is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice. For the purposes of this Order, practice as a pharmacy technician 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 prescription legend drugs or controlled substances; shall not

~~fill an automated medication system; shall not accept~~  
authorization for a prescription refill or renewal; shall not  
handle anything requiring a prescription, including devices and  
medications; respondent shall not handle prescriptions; and  
shall not be present within a prescription filling area of a  
pharmacy.

3. Respondent shall remit payment of a monetary penalty  
pursuant to N.J.S.A. 45:1-25 in the amount of \$250.00 by  
certified check or money order payable to the State of New  
Jersey, delivered to Executive Director Anthony Rubinaccio,  
Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.  
Payment shall be made no later than fifteen (15) days **after** the  
entry date 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.

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.

NEW JERSEY STATE BOARD OF PHARMACY

*Thomas F.X. Bender, Jr. R.Ph.*

By: \_\_\_\_\_

Thomas F.X. Bender, R.PH.  
Board President

---

EXHIBIT A

# Quick Lookup Summary Report

Prefix	First Name	Middle Name	Last Name	Suffix
	Ellen	A	Finnegan	

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

School Name: Rumson Fair Haven Regional  
Degree/Certificate: High School Diploma  
Date Graduated: 06/01/1977  
Major:

License Type: Pharmacy Technician

License No: 28RW00686700

Expiration Date: 08/31/2016

Issue Date: 12/17/2008

Last Renewal: 08/28/2014

License Status: Active

Date This Status: 12/17/2008

Obtained By: Application

Address of Record

[REDACTED]  
[REDACTED]

Probation?

Limitation?

Restriction?

Date This Address: 12/17/2008

---

# EXHIBIT B

Closed Aug 27, 2014 5E(2)(a)



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs  
Criminal History Review Unit



JOHN J. HOFFMAN  
Acting Attorney General

ERIC T. KANEFSKY  
Director

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

## FLAGGING

February 12, 2014

To: Pharmacy Technicians Committee

REF: Ellen A. Finnegan

DOB: [REDACTED]

SS#: [REDACTED]

Applicant #: 1373876

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

1. The above individual was arrested on 11/03/13 by Ocean Township Police Department for 2C:12-1A Simple Assault, Agency Case #: 13OT24230. On 02/11/14 Ocean Township Municipal Court 2C:12-1A(1) Simple Assault 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)

Active  
Pharmacy  
Present



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



JOHN J. HOFFMAN  
Acting Attorney General

ERIC T. KANEFSKY  
Director

February 14, 2014

### VIA REGULAR AND CERTIFIED MAIL

Ellen A Finnegan  
[REDACTED]

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

Re: **Criminal History Background Check**

Dear Ellen A Finnegan:

The Board of Pharmacy has received a criminal notice indicating that you were arrested on 11/03/13 by Ocean Township Police Department for 2C:12-1A Simple Assault, Agency Case #: 13OT24230. On 02/11/14 Ocean Township Municipal Court 2C:12-1A(1) Simple Assault 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

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

7011 0470 0002 1500 3209

For delivery information, visit our website at [www.usps.com](http://www.usps.com)  
**OFFICIAL USE**

Postage	\$	Postmark Here  3-17-14
Certified Fee		
Return Receipt Fee <small>(Endorsement Required)</small>		
Restricted Delivery Fee <small>(Endorsement Required)</small>		
Total Postage & Fees	\$	
Sent To: <u>Ellen A. Finnegan</u>		
Street, Apt. No., or PO Box No. _____		
City, State, ZIP+4 _____		
<small>PS Form 3811, February 2004</small>		

**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:  
Ellen A. Finnegan  
 \_\_\_\_\_  
 \_\_\_\_\_

APR 01 2014

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
E A Finnegan  Agent  
 Address

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

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

MAR 27 2014

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

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number \_\_\_\_\_  
(Transfer from service label)

7011 0470 0002 1500 3209

PS Form 3811, February 2004 Domestic Return Receipt I.R. 102595-02-M-1