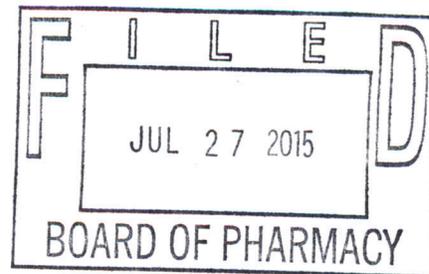


JOHN HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Pharmacy



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 :
:
Marvin Davis :
Registration No. 28RW00400600 :
:
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. Marvin Davis ("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 Board of Pharmacy received a criminal flagging notice indicating that Respondent was arrested on October 07, 2014 by the Camden County Police Department for loitering for prostitution violating 2C:34-1.1. On October 15, 2014, Camden Municipal Court found Respondent Guilty of a Local Ordinance Violation and assessed Respondent a fine of \$233.00. (Exhibit B).

3. On October 22, 2014, the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Paulsboro, New Jersey via regular and certified mail with receipt requested on or about November 6, 2014. The regular mailing was returned. The return receipt indicates that the certified mail was returned to the Board as "unclaimed". (Flagging Notice, Board's Request dated October 22, 2014, and a copy of the Return Receipt, annexed hereto as Exhibit B).

4. To date, Respondent has failed to cooperate with the Board's investigation into the arrest.

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. Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:39-6.10.

**ACCORDINGLY, IT IS on this 27 day of JULY, 2015,
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 himself as a registered pharmacy technician until such time as his 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 pay a civil penalty in the amount of \$250.00 within 15 days of the filing of a Final Order in this matter. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Pharmacy and mailed to the New Jersey State Board of Pharmacy, ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law, including automatic suspension of Respondent's license as described herein.

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

By: Thomas F.X. Bender, Jr. RPh
Thomas F.X. Bender, R.Ph.
Board President