



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 :

**Elizabeth Balon** :  
Registration No.28RW02107900 :

ADMINISTRATIVE ACTION

**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 (hereinafter "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. Elizabeth Balon ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto.

2. The Board of Pharmacy received a criminal flagging notice indicating that Respondent was arrested on December 20, 2014 by the Springfield Township Police Department and charged with possession of less than 50 grams marijuana/hash.

3. On January 23, 2015, the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Dunellen, New Jersey via regular and certified mail with receipt. The regular mailing was not returned. The certified mail was successfully delivered.

4. Prior to the filing of a POD in this matter, Respondent failed to cooperate with the Board's investigation into the arrest.

#### **DISCUSSION**

By Provisional Order of Discipline ("POD") entered on August 11, 2015, the Attorney General sought the suspension of Elizabeth Balon's ("Respondent") registration to practice as a pharmacy technician in the State of New Jersey until such time as she cooperated with the Board investigation by answering an inquiry into her arrest on December 20, 2014 by the Springfield Township Police Department for possession of less than 50 grams marijuana/hash. The POD also sought a \$250 penalty. A copy of the POD is attached for your convenience.

The order provided that it would be subject to finalization by the Board on the 30th day following its entry unless Respondent requested a modification or dismissal of the Findings of Fact or Conclusions of Law by submitting a written request 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 her request for consideration. Copies of the Provisional Order were mailed to Respondent via certified and regular mail, return receipt requested, to her address of record.

Thereafter, Respondent provided the following to the Board: Springfield Police Department Investigation Report, Complaint, Certified Disposition of the criminal matter indicating that Respondent was given a conditional discharge (complaint will be dismissed after one year of successful probation) and a personal narrative explaining the events in question.

The Board reviewed Respondent's response and determined that she has now complied sufficiently with the initial request for information. Therefore a period of suspension is no longer necessary. However, an Order should not be required to elicit a response from a licensee to a Board request for information because, if a licensee can, with impunity, delay responding to Board inquiries without any penalties, the Board will be hampered from performing its functions. Respondent's written response was received but only after the Board contemplated taking disciplinary action against her license. For this

reason, it is warranted that the civil penalty of \$250.00 be imposed.

The Board further determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order should be made final with the aforementioned modification.

#### 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 30th day of NOVEMBER, 2015,**

**ORDERED that:**

1. Respondent shall pay a civil penalty in the amount of \$250.00 within 15 days. 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.

NEW JERSEY STATE BOARD OF PHARMACY

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