CHRISTOPHER S. PORRINO
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 New Jersey State Board of Pharmacy

BY: Jodi Krugman
Deputy Attorney General
(973) 648-7093

FILED
JUN 29 2016
BOARD OF PHARMACY

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

IN THE MATTER OF THE REGISTRATION OF

MA'LEKA AR EVANS
REGISTRATION No.: 28RW01681100

TO PRACTICE AS A PHARMACY TECHNICIAN IN THE STATE OF NEJERSEY

Administrative Action

☑ PROVISIONAL ORDER OF DISCIPLINE

☐ FINAL ORDER OF DISCIPLINE (Finalized by default on _____)

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. Ma'Leka AR Evans ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at

all times relevant hereto. (Certification of Executive Director attached and made a part hereof as Exhibit 1 at Exhibit A.)

2. The Board of Pharmacy received a criminal flagging notice indicating that Respondent was arrested on March 24, 2015 by the Trenton Police Department and charged with possession of marijuana/hash less than 50 grams, in violation of N.J.S.A. 2C:35-10A(4), and possession of a controlled dangerous substance or analog, in violation of N.J.S.A. 2C:35-10A(1). (Exhibit 1 at Exhibit B).

3. On March 25, 2015, the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record via regular and certified mail with return receipt requested. The regular mailing was not returned. The certified mail was successfully delivered. (Exhibit 1 at Exhibits C and D).

4. To date, Respondent has failed to respond to the inquiry as part of the Board's investigation into her arrest. (Exhibit 1).

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. 13:45C-1.3.

IT IS, therefore, on this 29th day of JUNE, 2016,

ORDERED that:

UPON THE FILING OF A FINAL ORDER IN THIS MATTER

1. Respondent's certification to practice as a pharmacy technician shall 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 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 State of New Jersey 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 Certificate of Debt shall be issued, and the Board may institute such other proceedings as are 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.

7. In the event that the Board receives no written submission from Respondent within 30 days following the filing of this Provisional Order of Discipline, without further Board review the Provisional Order of Discipline shall automatically become the Final Order of Discipline. All referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically be in effect and become the Final Decision and Order of the Board. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent at the address of record with the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF PHARMACY

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

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

EXHIBIT 1

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

IN THE MATTER OF THE REGISTRATION OF

MA'LEKA AR EVANS
REGISTRATION NO.: 28RW01681100

TO PRACTICE AS A PHARMACY TECHNICIAN
IN THE STATE OF NEW JERSEY

CERTIFICATION OF
ANTHONY RUBINACCIO

I, Anthony Rubinaccio, being of full age, hereby certify:

1. I am the Executive Director for the New Jersey Board of Pharmacy ("the Board"), Division of Consumer Affairs, Department of Law and Public Safety. As such, I am a custodian of the records for the Board.

2. The above captioned individual holds an active registration to practice as a pharmacy technician in the State of New Jersey. See Exhibit A.

3. The Board of Pharmacy received a criminal flagging notice indicating that Respondent was arrested. See Exhibit B.

4. The Board sent a letter of inquiry to Respondent's address of record via regular and certified mail requesting certain information and the submission of documents. See Exhibit C.

5. The regular mailing was not returned.

6. The certified mail was not returned. See Exhibit D.

7. A search of Board records indicate that, to date, Respondent has failed to respond to the request for information and documents.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

DATE: 6/29/16

Anthony Rubinaccio
Executive Director
New Jersey Board of Pharmacy

EXHIBIT A

Quick Lookup Summary Report

Prefix	First Name	Middle Name	Last Name	Suffix
	Ma'Leka	AR	Evans	

SSN: [redacted] **Date Of Birth:** [redacted] **Date of Death:**

School Name: Glassboro HS
Degree/Certificate: Diploma
Date Graduated: 06/01/2007
Major:

License Type: Pharmacy Technician
License No: 28RW01681100
Expiration Date: 08/31/2016
Issue Date: 01/05/2012
Last Renewal: 08/04/2014
License Status: Active
Date This Status: 01/05/2012

Probation? ☐
Limitation? ☐
Restriction? ☐

Obtained By: Application

Address of Record

[redacted]

Date This Address: 01/05/2012

EXHIBIT B

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

STEVE C. LEE
Acting Director

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

FLAGGING

Phoem Tech-Active
28RW01168 1100

March 24, 2015

To: Pharmacy Technicians Committee

REF: Ma'Leka AR Evans
DOB: [redacted]
SS#: [redacted]
Applicant #: 1615739

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

1. The above individual was arrested on 03/24/2015 by the Trenton Police Department for (1) Count 2C:35-10A(4) Possession Of Marijuana/Hash Less Than 50 Grams and (1) Count 2C:35-10A(1) Possession Of Controlled Dangerous Substance Or Analog. Agency Case # 71156.

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 (JSL)

[redacted]

EXHIBIT C

4/30/15 - Exec - SE - 8

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
124 Halsey Street, 6th Floor, Newark, NJ 07102

JOHN J. HOFFMAN
Acting Attorney Genera

STEVE C. LEE
Acting Director

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

March 25, 2015

Ma'Leka AR Evans
[redacted]

Via Regular and Certified Mail

Re: **Criminal History Flagging**

The Board of Pharmacy has been notified by the New Jersey State Police that you were arrested on March 24, 2015 by the Trenton police department for possession of marijuana/hash less than 50 grams and possession of controlled dangerous substance or analog.

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 within fifteen (15) business days to the Division Consumer Affairs, Health Care Reporting Unit at P.O. Box 46019, Newark, NJ 07101 using the self-addressed envelope enclosed:

A legible copy of the police report with all supporting statements, which can be obtained by visiting the police station where you were arrested.

A legible copy of the court complaint and disposition. This should include the charges, your plea, the court's judgement and the court's assessment of costs, fines, jail time and / or probation (**if any**). If you have completed probation, this information can be obtained by calling and visiting the Clerk of the Court where the case was heard.

However, 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 the case status.

The name and address of your current employer, your job title and dates of employment.

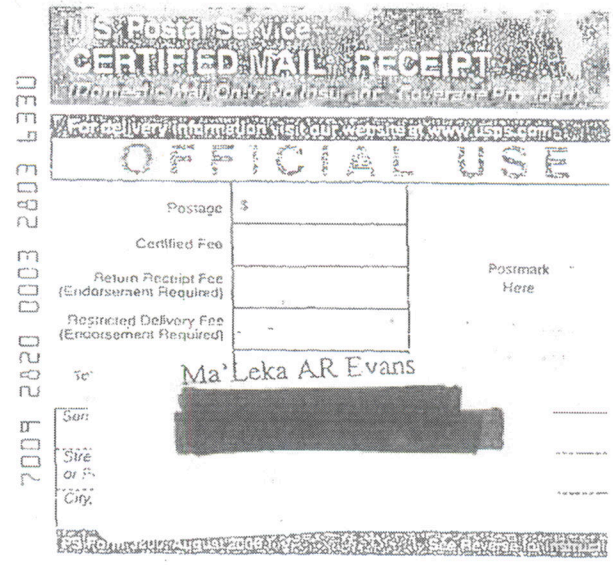
A narrative statement from you regarding your version of the underlying conduct which gave rise to the underlying crime/offense for which you were arrested.

Failure to respond and provide these items within fifteen (15) business days from receipt of this letter 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

EXHIBIT D


U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only; For delivery information visit our website at www.usps.com®
OFFICIAL USE
Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Postmark Here
To Ma'Leka AR Evans
[redacted]
Sent
Street or P.
City,
7009 2820 0003 2803 6330

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:

Ma'Leka A.R. Evans

[redacted]

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Ronald Evans ☐ Agent ☐ Addres

B. Received by (Printed Name) RONALD EVANS C. Date of Deli

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

APR 17 2015

Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchan
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7009 2820 0003 2803 6330

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M