

deficiencies that do not meet the statutory requirements. MedPrep is not allowed to exceed the pharmacist to pharmacy technician ratio at this time, to continue will result in disciplinary action. MedPrep must cease and desist, exceeding the 2:1 ratio until their training manual has been reviewed and approved by the Board. **Motion passed 6-0.**

## VII. MITIGATION REQUEST

### 1) **Angelika Vakhovsky, RPIC -CVS Pharmacy # 7105, Rochelle Park**

RPIC Vakhovsky would like to mitigate the fine of \$250, for violation of N.J.A.C. 13:39-7.18 of 10 misbranded medications found in the active drug stock inventory.

Thomas Bender moved, seconded by Marc Sturgill to mitigate the fine of \$250 for the above citation. The CVS procedure is to generate a return to stock label and place it over the original prescription label, and rubberband the return to stock bottle to the manufacture bottle on the shelf. **Motion passed 6-0.**

### 2) **Steven J. DeVane, RPIC- Wal-Mart Pharmacy # 10-5047, Audubon**

RPIC DeVane would like to mitigate the fine of \$225, for violation N.J.A.C. 13:39-7.18 of 9 misbranded medications found in inventory and the fine of \$25 for violation N.J.A.C. 19:39-6.2(f) 2 affixed label inconsistent with quantity prescribed.

Stephen Lieberman moved, seconded by Mahesh Shah to deny the mitigation request. Margherita Cardello recused herself due to her husband's affiliation with Wal-Mart. **Motion passed 5-0.**

### 3) **Sheeju George, RPIC- Rite Aid Pharmacy #10503, Yardville**

RPIC George would like to mitigate the fine of \$1,000 for violation of N.J.A.C. 13:39 - 6.2(f) 9 biennial CDS inventory completed but not documented correctly and the fine of \$50 for violation of N.J.A.C. 8:65-7(a) filled a schedule II CDS prescription missing required information.

Marc Sturgill moved, seconded by Thomas Bender to mitigate both violations. Margherita Cardello recused herself due to her affiliation with Rite Aid. **Motion passed 5-0**

### 4) **Lawrence H. Margolis - Digino's Apothecary, Wood Ridge**

RPIC Margolis would like to mitigate a fine of \$25.00 for N.J.A.C. 13:39-7.18 misbranded medication, the fine of \$50 for the violation of N.J.A.C. 13:39-2.10(b) RPIC current certificate not displayed, the fine of \$50 for violation of N.J.A.C. 13:39-6.3 no name tag worn by pharmacist, and the fine of \$250 for violation of N.J.A.C. 13:39-7.12(a) (b) 13i prescription label "Use By" deficiency.

Thomas Bender moved, seconded by Stephen Lieberman to deny the mitigation request. Marc Sturgill opposed. Mahesh Shah recused himself due to his affiliation with Mr. Cifaldi.  
**Motion passed 4-1.**

**VIII. INFORMATIONAL**

**IX. COMMITTEE REPORTS**

**X. APPROVAL OF MINUTES**

Marc Sturgill moved, seconded by Margherita Cardello to approve November 28, 2012 Open Session Minutes as amended.

**XI. ADJOURNMENT**

At 10:47 a.m. Thomas Bender moved, seconded by Margherita Cardello to adjourn Public Session and move into Executive Session for the review of 3 Complaints, 2 Old Business Items, 2 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, and the approval of the November 28, Executive Sessions Minutes.