

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

BOARD OF REGISTRATION)
IN PHARMACY)
Petitioner)
)
v.)
)
CHARLES JUDGE)
PH14490)
License expired 12/31/16)
Respondent.)

PHA-2014-0259

FINAL DECISION AND ORDER BY DEFAULT

On April 21, 2017, the Board of Registration in Pharmacy ("Board") issued and duly served on CHARLES JUDGE ("Respondent"), an Order to Show Cause ("Order")¹ relating to a complaint filed against Respondent's pharmacist license. The Order stated the allegations against Respondent and also notified Respondent that an Answer to the Order was to be submitted within 21 days of receipt of the Order². Further, the Order notified Respondent of his right to request a hearing on the allegations³ and that any hearing request ("Request for Hearing") was to be submitted within 21 days of receipt of the Order.⁴ Additionally, the Order clearly notified Respondent that:

¹ Pursuant to 801 CMR 1.01(6)(a).

² In accordance with 801 CMR 1.01(6)(d)(2).

³ Pursuant to M.G.L. c. 112, § 61.

⁴ Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, your failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or your failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in the Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your registration...

A copy of the Order is attached to this Final Decision and Order by Default at Exhibit A and incorporated herein by reference.

The Respondent filed an Answer to the Order on May 5, 2017.

On May 18, 2018, the Chief Administrative Magistrate, by order, scheduled the administrative hearing for June 27, 2018.

On June 20, 2018, the Administrative Magistrate issued an order requiring the parties to file a status report on or before June 21, 2018. At or about that time, the Respondent communicated to Prosecuting Counsel that he would not attend the hearing. On June 21, 2018, the Administrative Magistrate issued an email stating that she had not received a motion for a continuance from either party and that she expected both parties to appear for the hearing on June 27, 2018. The Administrative Magistrate's June 21st notice clearly stated that "failure by Respondent to appear at the hearing without good cause will result in my issuing an order of default that would allow the Board to assume the truth of the allegations in the Order to Show Cause." The June 21, 2018 notice is attached hereto at Exhibit B and incorporated into this Final Decision and Order by reference. Respondent acknowledged receipt of the June 21st order. See Exhibit C.

Respondent failed to appear for the hearing as required on June 27, 2018. The Administrative Magistrate issued an Order of Entry of Default Against Respondent on

July 24, 2018, attached hereto at Exhibit D and incorporated into this Final Decision and Order by reference.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Order, as required by M.G.L. c. 30A, § 10, and sufficient notice of the issues involved to allow the Respondent a reasonable opportunity to prepare and present evidence and argument as required by M.G.L. c. 30A, § 11(1). Respondent, however, failed to appear for the hearing, as required by the Standard Rules of Adjudicatory Procedure and Orders issued by the Administrative Magistrate.

As authorized by M.G.L. c. 30A, § 10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the Board enters a default in the above-captioned matter and, consequently, the allegations in the Order to Show Cause are deemed to be true and Respondent has waived his right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

ORDER

On September 6, 2018, in accordance with the Board's authority and statutory mandate, the Board voted to issue this Final Decision and Order by Default and **REVOKE** Respondent's pharmacist license, PH14490, effective ten days from the Date Issued, by the following vote:

In favor:	Susan Cornacchio; Timothy Fensky; Patrick Gannon; Sebastian Hamilton; Stephanie Hernandez; Julie Lanza; Ali Raja; Andrew Stein; Kim Tanzer
Opposed:	None
Abstained:	None
Recused:	None
Absent:	Carly Jean-Francois; Michael Godek; Leah Giambarresi; Dawn Perry

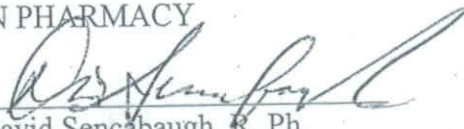
EFFECTIVE DATE OF ORDER

The Final Decision and Order by Default shall be effective 10 days from the Date Issued.

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Supreme Judicial Court, pursuant to M.G.L. c. 112, § 64 and M.G.L. c. 30A, §§ 14 and 15, within thirty (30) days of receipt of notice of this Final Decision and Order by Default.

BOARD OF REGISTRATION
IN PHARMACY


David Sencabaugh, R. Ph.
Executive Director

Date Issued: 9/13/2018

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL NO. 7017 0530 0000 0551 8673,
RETURN RECEIPT REQUESTED

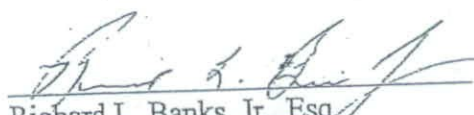
Charles Judge
1015 Ripley Street
Silver Spring, MD 20910

BY HAND
Richard Banks
Prosecuting Counsel
Massachusetts Department of Public Health
Office of the General Counsel
250 Washington Street
Boston, MA 02108

You or your representative may examine Board records relative to this case prior to the date of the hearing during regular business hours at the office of the Prosecuting Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0835 to schedule a time that is mutually convenient.

Board of Registration in Pharmacy,
Timothy D. Fensky, R.Ph., FACA, President

By:


Richard L. Banks, Jr., Esq.
Department of Public Health

Date: April 21, 2017