

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

LS 9507111 MED

FRANCOIS J. SACULLA, M.D.,
RESPONDENT.

95 MED 090

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Francois J. Saculla
710 Melvin Ave.
Racine, WI 53402

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Francois J. Saculla, M.D., Respondent, (DOB: 09/24/30) is currently licensed, but not registered to practice medicine and surgery in the state of Wisconsin, pursuant to license #15925, which was first granted on March 22, 1967.
2. Respondent's last address reported to the Department of Regulation and Licensing is 710 Melvin Avenue, Racine, WI 53402.
3. On November 25, 1994, the Wisconsin Medical Examining Board entered a valid Final Decision and Order in a disciplinary matter against the Respondent. At paragraph 4 of the Order, the Board ordered:

“Respondent shall, within 90 days of the date of this order, arrange for a psychological evaluation relating to the issues raised by the board’s Finding of Fact in this matter, to be conducted by John C. Gonsiorek, Ph.D , Minneapolis, Minnesota or, if Dr. Gonsiorek is unavailable, by another psychiatrist or psychologist, approved in advance by the board, who has assessed and treated health care professionals found to have engaged in sexual contact with patients. Dr. Gonsiorek’s evaluation shall include recommendations for additional limitations to be placed upon respondent’s practice of medicine and surgery, including recommendations relating to psychotherapy, and respondent shall submit to whatever such recommended terms, conditions or limitations as may be adopted by the board.”

4. In the Explanation of Variance portion of the Final Decision and Order the Board stated:

“Additionally, the order requires that respondent promptly submit to a psychological evaluation by Dr. John C. Gonsiorek, a recognized authority in the area of assessment and treatment of health care professionals who have exceeded acceptable boundaries in their relationships with patients. Should Dr. Gonsiorek recommend that additional limitations on respondent’s practice be imposed, the Order permits the board to adopt those recommendations in the interest of further ensuring the public’s safety.”

5. To this date, Respondent has not obtained the evaluation from Dr. Gonsiorek necessary to be in compliance with the Order’s requirement.

6. During periods of time after November 25, 1994 Respondent’s poor health and financial condition prevented him from undergoing the evaluation by Dr. Gonsiorek.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to sec. 227.44(5), Stats.

3. Respondent by failing to obtain the psychological evaluation by Dr. Gonsiorek which was ordered by the Board is in violation of a valid order of the Board and in violation of Wis. Adm. Code § MED 10.02(2)(b).

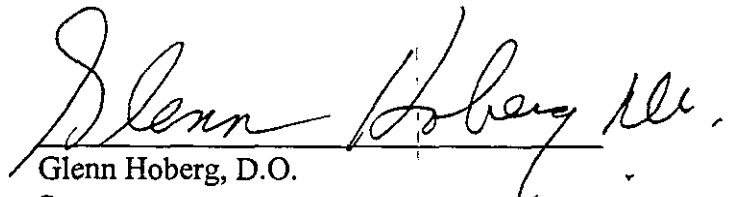
ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. Anthony Kuchan, Ph.D., a Milwaukee area psychologist, is substituted for John Gonsiorek, Ph.D. to perform the psychological examination required by paragraphs 4 and 5 of the Board's order of November 25, 1994
2. All other limitations and conditions imposed on Respondent's license by the Board's Final Decision and Order of November 25, 1994, and the costs assessed in that earlier disciplinary matter remain unchanged.
3. Respondent shall not practice medicine and surgery in the state of Wisconsin until such time as the Respondent has fully cooperated with and participated in the psychological evaluation by Dr. Kuchan and the results of the evaluation have been provided to the Wisconsin Medical Examining Board and the Division of Enforcement.
4. The issue of whether the costs of this proceeding shall be assessed against Respondent pursuant to the provisions of § 440.22(2), Stats., shall be decided by the Board following the submission of briefs on the issue by the parties. A briefing schedule shall be established by the Board's legal counsel. No additional testimony shall be taken on this issue. The parties may refer to the record in this matter in making their arguments on the issue of costs.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review, except to the extent they have been waived by the parties in the attached stipulation, are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 18th day of September, 1997.


Glenn Hoberg, D.O.
Secretary
Wisconsin Medical Examining Board

STATE OF WISCONSIN
BEFORE THE WISCONSIN MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LS 9507111 MED

FRANCOIS J. SACULLA, M.D.
RESPONDENT.

95 MED 090


STIPULATION

It is hereby stipulated and agreed, by and between Francois J. Saculla, M.D., Respondent; Mary L. Woehrer, attorney for the Respondent; and John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of an investigation (95 MED 090) and pending disciplinary proceeding (LS 9507111 MED) against Respondent by the Department of Regulation and Licensing, Division of Enforcement, on behalf of the Wisconsin Medical Examining Board
2. In order to bring this matter to conclusion, it is the intention of the parties that this stipulation resolve all issues in this disciplinary proceeding, except the issue of whether the costs of this proceeding shall be assessed against Respondent pursuant to the provisions of § 440.22(2), Stats.
3. The parties agree that this proposed stipulated resolution may be presented directly to the Wisconsin Medical Examining Board and need not be presented to the administrative law judge appointed in this matter.
4. The parties agree to the adoption of the attached Final Decision and Order by the Board. The parties to the stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.
5. The parties waive all rights to any judicial review or appeal of the Board's final decision and order, except the decision on costs, if adopted in the form as attached.
6. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the administrative law judge for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

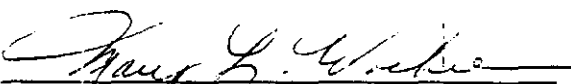
7. The parties to this stipulation agree that the Respondent, Respondent's attorney, the member of the Board appointed as the investigative advisor in these matters, and an attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement.

Dated this 9 day of September, 1997.



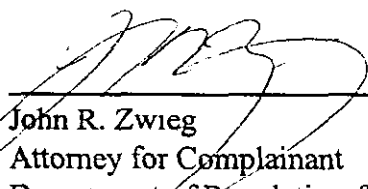
Francois J. Saculla, M.D.
Respondent

Dated this 10 day of September, 1997.



Mary L. Wehrer
Attorney for Respondent

Dated this 8th day of September, 1997.



John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Francois J. Saculla, M.D.,

AFFIDAVIT OF MAILING

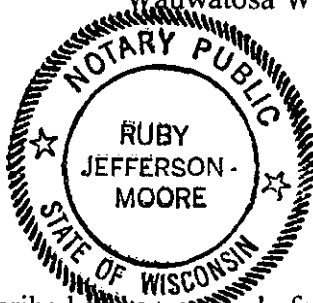
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On September 23, 1997, I served the Final Decision and Order dated September 18, 1997, LS950711MED, upon the Respondent Francois J. Saculla's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 176.

Mary Woehrer, Attorney
8145 W. Wisconsin Avenue
Wauwatosa WI 53213



Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 23rd day of September 1997.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

September 23, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ORDER FIXING COSTS
LS9507111MED

FRANCOIS J. SACULLA, M.D.,
RESPONDENT.

On September 18, 1997, the Medical Examining Board filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on or about April 23, 1998, the board received the *Affidavit of Costs* in the amount of \$11,543.29, filed by Attorney John R. Zwieg. On or about April 16, 1998, the board received the *Affidavit of Costs of Office of Legal Services* in the amount of \$5,015.02, filed by Administrative Law Judge Donald R. Rittel. The board considered the affidavits on May 21, 1998, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$16,558.31, which is 100% of the costs set forth in the affidavits of costs of Donald R. Rittel and John R. Zwieg, which are attached hereto and made a part hereof, are hereby assessed against Francois J. Saculla, M.D., and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before June 18, 1998, which is the deadline for payment established by the board, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the department or board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 31 day of May, 1998 Kanda A. Raever
A Member of the Board

<u>DATE</u>	<u>ACTIVITY</u>	<u>TIME SPENT</u>
5/31-6/5/96	Preparing Motion Decision	8.00 hours
7/12/96	Conducting and preparing Memo on Prehearing Conference	.50 hours
8/2/96	Conducting and preparing Memo on Prehearing Conference	.50 hours
8/14/96	Conducting and preparing Memo on Prehearing Conference	.50 hours
10/31/96	Telephone Conference with Attorneys	.50 hours
11/1/96	Conducting Hearing on Motion to Withdraw & Preparing Order	1.50 hours
11/4/96	Presiding over Evidentiary Hearing	7.00 hours
11/5/96	Presiding over Evidentiary Hearing	5.00 hours
11/8/96	Conducting Prehearing and Preparing Briefing Schedule	1.00 hours
12/5/96	Conducting Motion Hearing	.50 hours
12/17/96	Presiding over Evidentiary Hearing	1.50 hours
12/19/96	Presiding over Evidentiary Hearing	6.00 hours
2/4/97	Telephone Conference with Attorneys; Notice of Adj. Hearing	.25 hours
3/3/97	Conducting and preparing Memo on Prehearing Conference	.25 hours
4/4/97	Conducting and preparing Memo on Prehearing Conference	.25 hours
6/6/97	Conducting and preparing Memo on Prehearing Conference	.25 hours
8/11/97	Telephone Conference with Attorneys; Notice of Adj. Hearing	.25 hours
8/25/97	Conducting and preparing Memo on Prehearing Conference	.25 hours
9/8/97	Conducting and preparing Memo on Prehearing Conference	.25 hours
<u>TOTAL TIME SPENT</u>		<u>48.25 hours</u>

Total administrative law judge expense for Donald R. Rittel,
 48.25 hours @ \$ 43.814 per hour, salary and benefits: \$ 2,114.02

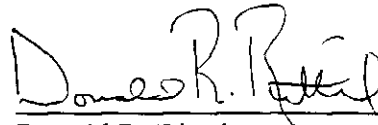
REPORTER EXPENSE
 Magne-Script

<u>ACTIVITY</u>	<u>COST</u>
Attending and transcribing 12/18/95 Hearing	\$ 183.90
Attending and transcribing 11/4/96 Hearing	900.50
Attending and transcribing 11/5/96 Hearing	791.60
Attending and transcribing 12/17/96 Hearing	279.60
<u>Attending and transcribing 12/19/96 Hearings</u>	<u>745.40</u>
Total reporter expense for Magne-Script:	<u>\$ 2,901.00</u>

Dr. Saculla
Affidavit of Costs
Page 3

**TOTAL ASSESSABLE COSTS FOR OFFICE OF
BOARD LEGAL SERVICES**

\$ 5,015.02



Donald R. Rittel
Administrative Law Judge

Sworn to and subscribed before me
this 16th day of April, 1998.

John Schweitzer
Notary Public, State of Wisconsin
My Commission is permanent

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

LS 9507111 MED

FRANCOIS J. SACULLA, M.D., :
RESPONDENT. :

AFFIDAVIT OF COSTS

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

John R. Zwieg, being duly sworn, deposes and states as follows:

1. That I am an attorney licensed in the state of Wisconsin and is employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement.
2. That in the course of those duties I was assigned as a prosecutor in the above captioned matter.
3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above captioned matter.

PROSECUTING ATTORNEY EXPENSE

Date	Activity	Hours	Minutes
3/28/95	Review of referral of investigation from Board liaison and monitor to DOE		30
6/28/95	Tele Disc. with Dr. Olsen, Board advisor Re course of action.		30
6/26-7/95	Review of file and draft disciplinary complaint for Board to consider on June 28, 1995.	4	30
6/28/95	Disc. w/Dr. Olsen, Board advisor Re: Mayo clinic records and presentation of complaint to Board to consider issuance.		30
7/5/95	Draft Notice of Hearing; arrange for ALJ & hearing date; arrange for service of complaint		30
7/11/95	Ltr to atty. Woehrer		30
7/17/95	Review of 7/14 ltr from Atty Woehrer		45
7/20/95	Review of 7/18 ltr from Atty Woehrer w/ ltr from Dr. Jackson		15
7/28/95	Review of 7/27 ltr from Atty Woehrer and Respondent's Answer to Complaint		45

8/3/95	Research issue and draft: Complainant's Answer to Cross-Claim; Complainant's Motion to Dismiss Respondent's Cross-Claim; Brief in Support of Motion to Dismiss Respondent's Cross-Claim; and ltr to ALJ	3	15
8/4/95	Review of Notice of Prehearing Conference		15
8/15/95	Preparation for and attend prehearing conference and review of ALJ's Memorandum on Prehearing Conference	1	15
8/24/95	Review file and draft Complainant's Preliminary Witness List	1	
8/31/95	Ltr to Atty. Woehrer		30
9/26/95	Review of 9/23 ltr from Atty Woehrer to ALJ and Respondent's Motion to Stay This Action & Motion to Dismiss The Action, Respondent's Request for Recusal of ALJ Donald Rittel, Affidavit in Support of Recusal, Respondent's Brief in Opposition to the Department's Motion to Dismiss the Petitioner's Cross-Claim and in Support of Petitioner's Motion to Dismiss and/or Stay of the Proceedings	1	30
10/9/95	Tele conv w/ Dr. Gonsiorek & draft memo		45
10/13/95	Make arrangements for deposition. Draft Notice of Deposition; ltr brief to ALJ	1	
10/17/95	Review of Respondent's Preliminary Witness List and review of file to determine witnesses' possible testimony	2	30
10/19/95	Ltr to Atty. Woehrer and amended notice of deposition		15
10/23/95	Review of 10/19 ltr to ALJ from Atty Woehrer		15
10/27/95	Preparation and hearing on motions	1	30
11/6/95	Review of ALJ's Motion Decisions	1	
11/9/95	Review of 11/7 ltr from Atty Woehrer re' withdrawal as Counsel; tele conv w/Respondent; draft Second Notice of Deposition; ltr to Respondent w/ copy of ltr from Atty Woehrer, ALJ's Motion Decisions & Second Notice of Deposition	1	45
11/17/95	Review of Respondent's Final Witness List; draft Complainant's Final Witness List; ltr to ALJ		30
11/20/95	Preparation for Respondent's deposition	3	45
11/21/95	Travel to & from and attend Respondent's deposition in Milw for which Respondent failed to appear	4	30
11/22/95	Draft Complainant's Motion for Discovery Sanctions; draft Affidavit in Support of Complainant's Motion for Discovery Sanctions; prepare consent forms	2	15
11/27/95	Draft ltr to Respondent and Complainant's Amended Motion for Discovery Sanctions	1	
11/21-11-30/95	Five calls to Respondent leaving messages, which were never returned.		45

12/05/95	Preparation for and appearance at motion hearing. Tele calls to Respondent and atty. Woehrer attempting to find Respondent.	1	
12/6/95	Review of ALJ's Order Compelling Discovery		15
12/12/95	Preparation for Respondent's deposition on 12/13	2	15
12/13/95	Appearance at scheduled deposition of Respondent, at which Respondent did not appear. Draft subpoena and ltr to Dr. Gonsiorek	1	
12/15/95	Draft Complainant's Motion for Sanctions and to Compel Discovery; draft 3 Affidavits in Support Motion	4	15
12/15/95	Preparation for hearing of 12/18.	3	15
12/18/95	Preparation for and appearance at Hearing and followups regarding Respondent's conduct that day, including call to Judy Yatso	4	15
12/21/95	Ltrs to Respondent and Atty. Woehrer	1	15
12/26/95	Review of copy of letter Austin to Respondent		15
12/29/95	Ltr to ALJ		30
1/2/96	Review of Atty. Woehrer's ltr of 12/27/95.		15
1/9/96	Review of ALJ's Notice of Continuance of Hearing		15
1/10/96	Tele. conversations. w/Dr. Gonsiorek re hearing scheduling.		30
1/19/96	Review of ltr to ALJ from Dr. Jackson; review of ALJ's Notice of Adjournment of Hearing		30
2/22/96	Returned call to Atty. Pledl of Florida licensing agency regarding her request for information regarding the status of past and present disciplinary actions against Respondent and faxed requested information		45
4/23/96	Review of 4/19 ltr from Dr. Jackson and draft ltr to ALJ re' scheduling prehearing conference. Telephone call from Kathy Federico of US DEA Re status of disciplinary matters and Respondent's license	1	
4/29/96	Ltr to Federico of US DEA		30
4/30/96	Review of Notice of Prehearing Conference		15
5/7/96	Review of 5/3 ltr to ALJ from Atty Stanford & Notice of Retainer and draft ltr to Atty Stanford.		45
5/10/96	Preparation for and attend prehearing conference. Review of ALJ's Memorandum on Prehearing Conference		45
5/13/96	Review Atty Stanford's ltr of 5/8 and enclosed interrogatories, requests for production and notice of the deposition of Atty. Zwieg.		30
5/17/96	Review ltr of 5/16 from atty. Stanford.		15
5/19-20/96	Legal research and draft Complainant's Motion for Protective Order and Brief; ltr to ALJ	3	15
5/28/96	Review of 5/24 ltr to ALJ from Atty Stanford & Respondent's Brief in Opposition to Complainant's Motion for Protective Order and Affidavit	1	

5/31/96	Preparation for and hearing on motion	1	15
6/5/96	Review of ALJ's Order Granting Complainant's Motion for Protective Order & ALJ's Notice of Prehearing Conference		45
6/18/96	Prep for Respondent's deposition of 6/19	2	30
6/19/96	Travel to & from and attend Respondent's deposition in Milw	8	
6/24/96	Drafting response to interrogatories and request for production	1	45
6/28/96	Drafting response to interrogatories and request for production	2	30
7/1/96	Drafting response to interrogatories and request for production	3	
7/3/96	Finalizing response to interrogatories and request for production	4	15
7/8/96	Ltr to Atty. Stanford	1	
7/10/96	Arrange review of telephone records and memo in preparation for supplemental response to discovery		45
7/11/96	Review of 7/11 fax from Atty. Stanford.		30
7/11/96	Preparation of supplemental response to request for production of documents	3	
7/12/96	Preparation for and attend prehearing conference and Review of ALJ's Memorandum on 7/12/96 Prehearing Conference. Review of 7/10 ltr from Atty Stanford.	1	
7/18/96	Draft ltr to Dr. Esswein, board Advisor, and proposed settlement documents.	2	45
7/23/96	Tele conv. Mr. Dr. Esswein. Ltr to Atty. Stanford.	1	15
7/24/96	Ltr and fax to Atty. Stanford.		15
8/2/96	Preparation for and attend prehearing conference and Review of ALJ's Memorandum		30
8/12/96	Review of 8/9 ltr from Atty. Stanford and enclosed corrections to Respondent's deposition transcript.	1	
8/14/96	Preparation for and attend prehearing conference and Review of ALJ's Memorandum		30
9/26/96	Ltr to Atty. Stanford		30
9/27/96	Tele call from and ltr to Atty. Plendl of Florida licensing regarding information she requested.	1	15
10/4/96	Tele. call from Atty. Stanford and ltr to ALJ re' Respondent's request for extension of deadline for filing of Respondent's Witness List		30
10/9/96	Review of fax from Atty Stanford & Respondent's Witness List		30
10/11/96	Draft Complainant's Final Witness List, Complainant's Motion to Allow Telephone Testimony & Affidavit in Support of Motion to Allow Telephone Testimony; and ltr to Atty Stanford	2	15

10/15/96	Tele conv. w/ Atty Stanford		30
10/17/96	Tele conv. w/ Atty Stanford and ltr to Atty Stanford		45
10/24/96	Review and summarization of Respondent's deposition	2	30
10/29/96	Tele call from Atty Stanford re: request for continuance of hearing.		30
10/30/96	Tele call with Atty. Stanford, telephone conference w/ALJ and Atty. Stanford. Review of ltr to ALJ from Atty Stanford & Notice of Motion and Motion and Affidavit in Support of Motion	1	
10/31/96	Tele conversations w/ Atty Stanford (2) and w/Bd. Advisor and disc w/ Atty supervisor regarding Respondent's request for settlement and drafting proposed stipulation. Began drafting brief in opposition to motion to withdraw as counsel	3	45
11/1/96	Finalize Complainant's Brief in Opposition to Motion to Withdraw as Counsel. Tele conv. w/ Atty Stanford. Tele conference (Zwieg, Stanford ALJ and, for part, Woehrer) in which ALJ heard argument on motion to withdraw. Review of ltr to ALJ from Atty Stanford & Proposed Order. Draft Order and ltr to ALJ; review of ALJ's ltr & Order Granting Atty. Stanford's Motion to Withdraw as Counsel.	2	15
11/4/96	Preparation for and attend hearing;	11	
11/5/96	Preparation for and attend hearing	8	30
11/6/96	Review of medical literature regarding diabetes, hyperglycemia and impact on thought process.	4	
11/11/96	Review of ALJ's Briefing Schedule		15
11/12/96	Additional research on hyperglycemia	2	30
11/22/96	Review of 11/18 ltr to ALJ from Atty Woehrer & Respondent's Argument in Support of Request to Expand Respondent's Final Witness List		45
11/26/96	Tele conv w/ Dept. of Corrections Personnel Bureau re' any offer of employment to Respondent; tele conv w/ FL AG re' their deposition of Dr. Jackson;		45
11/27/96	Ltr to Bd. Advisor and draft Complainant's Response to Respondent's Request to Expand Final Witness List.	3	45
12/2/96	Review Notice of Deposition (Dr. Lawson); make arrangements to attend deposition; ltr to Atty Woehrer; review transcript of day 2 of hearing; review deposition of Dr. Jackson from FL action	5	15
12/3/96	Preparation for Respondent's trial deposition of Dr. Lawson.	3	
12/4/96	Travel to and from and attend deposition of Dr. Lawson in Wauwatosa	4	15
12/5/96	Ltr to Dept. of Corrections Personnel Bureau Re: Respondent's employment applications; preparation for motion hearing with ALJ and Respondent's Atty		30

12/6/96	Review of tele message from Bd. Advisor; draft subpoena for Dr. Jackson; prepare cross examination of Dr. Jackson; review of ALJ's Notice of Continuation of Hearing	3	45
12/10/96	Review of Respondent's Petition for Rehearing, Brief and Affidavit. Tel. w/Dr. Esswein.	1	45
12/13/96	Review of ltr to ALJ from Atty Woehrer & Notice of Motion and Motion and Motion to Quash Subpoena. Review of materials from Dept. of Corrections.		30
12/16/96	Review of Respondent's Motion to Quash Subpoena; draft Complainant's Brief in Opposition to Respondent's Motion to Quash Subpoena Duces Tecum Issued to Dr. Basil Jackson; ltr to ALJ w/ Complainant's brief	5	30
12/17/96	Preparation for and attend hearing	3	15
12/18/96	Draft Complainant's Motion in Limine; draft Complainant's Brief in Support of Motion in Limine	2	45
12/19/96	Preparation for and attend hearing	8	
1/3/97	Review of ALJ's Notice of Continuation of Hearing		15
1/6/97	Review of Supplemental Filing to Petition for Rehearing		30
1/9/97	Review of ltr to Atty Woehrer from Deanna Zychowski		15
1/15/97	Legal Research re: petition for rehearing	2	30
1/16/97	Draft Division's Brief in Opposition to Petition for Rehearing	6	15
1/21/97	Discussion with Deanna Zychowski and ltr to Atty Woehrer		15
1/29/97	Review of ltr from Atty Woehrer to Board		15
1/30/97	Review of file and law; ltrs to Atty Woehrer and Bd. Chair	3	45
2/4/97	Review of fax to ALJ from Atty Woehrer and conference w/ Woehrer and ALJ		30
2/4/97	Review of ALJ's Notice of Adjournment of Hearing		15
2/5/97	Review of ltr from Atty Woehrer to Board; discussion w/ Bd. Monitor; obtain total transcript costs; ltr to Atty Woehrer	2	30
2/7/97	Review of Board's Order Denying Petition		45
2/14/97	Review of ltr to ALJ from Atty Woehrer & physician statement		15
2/19/97	Tele conv. w/ DEA and ltr to DEA and ltr to Atty. Woehrer	1	
2/24/97	Disc. w/ supervisor re: payment of costs on time.		45
2/25/97	Tele conv w/ Asst. US Atty Fleming re' Respondent as expert witness & draft memo		45
2/27/97	Review of Woehrer ltr of 2/21 and ltr to Atty Woehrer and Judge Harvey	2	45
3/3/97	Preparation for and prehearing conference; review of Respondent's deposition in White v. US	3	30
3/4/97	Review of ALJ's Memorandum on 3/3/97 Prehearing Conference		15

3/13/97	Review of Woehrer ltr of 3/5/97 and ltr to Atty Woehrer; tele conv w/ DOJ re' Don Johns as witness and ltr to DOJ; ltr to Board advisor	2	15
3/18/97	Review of 3/17 ltr from Atty Woehrer		45
3/20/97	Disc. w/Dr. Esswein		30
4/4/97	Preparation for and attending prehearing conference		30
5/9/97	Ltr to Atty Woehrer and ltr to Dr. Esswein		30
5/13/97	Tele conv w/ Atty Plendl re' FL action & draft memo		30
5/15/97	Tel. w/ Dr. Esswein		15
5/19/97	Review of ltr to ALJ from Atty Woehrer and enclosures. Ltr to Atty Woehrer	1	
5/20/97	Ltr to ALJ; review of ltr to Atty Plendl from Dr. Irons		30
5/21/97	Review of ltr from ALJ		15
5/23/97	Ltr to Dr. Esswein		30
6/6/97	prepare for and attend prehearing conference and review of ALJ's Memorandum; tele conv w/ Atty Plendl re' FL action & draft memo		45
6/12/97	Ltr to Dr. Esswein		30
6/18/97	Review of ltr from Atty. Woehrer		15
6/26/97	Ltr to Atty. Woehrer	1	15
6/27/97	Tele message from Atty. Woehrer		15
6/30/97	Ltrs to Atty. Woehrer and Dr. Esswein		45
7/8/97	Review Ltrs of 7/2 and 7/3 from Atty. Woehrer		30
7/9/97	Tele conv w/ Dr. Friedman & draft memo		30
7/11/97	Review of ltr from ALJ		15
8/1/97	Review of ltr from Atty Plendl and Final Order issued by FL Board		
8/11/97	Conference w/ Atty Woehrer and ALJ's Re: Adjournment of Hearing		15
8/25/97	Conference w/ Atty Woehrer and ALJ		15
8/28/97	Review of ltr to Atty Woehrer from DOJ re' Notice of Claim		15
9/3/97	Tele conv w/ Atty Woehrer; redraft Stipulation & Final Decision and Order; ltrs to Atty Woehrer & Bd. Advisor	1	
9/4/97	Tele conv w/ Atty Woehrer		15
9/5/97	Tele conv w/ Bd. Advisor; tele message from Atty Woehrer; research law on procedure; redraft Stipulation & Final Decision and Order	2	15
9/8/97	Tele conv w/ Atty Woehrer; redraft Stipulation & Final Decision and Order; ltr to Atty Woehrer; tele prehearing; review of ALJ's Memorandum on 9/8/97 Prehearing Conference	1	
9/10/97	Review of received stipulations; ltr to Bd. Advisor; disc w/ Atty supervisor; send materials to stipulation committee; respond to stipulation committee	1	15
9/11/97	Further response to stipulation committee		30

9/15/97	Ltrs to Board and Atty Woehrer		30
9/18/97	Preparation & appearance before Board on Stipulation		45
10/9/97	Review of Board Legal Counsel's Notice of Scheduling Conference		15
10/14/97	Review of ltr to Bd. Legal Counsel from Atty Woehrer re time for scheduling conference; review of Bd. Legal Counsel's revised Notice of Scheduling Conference; tele conv w/ Dr. Kuchan		15
10/17/97	Review of file; ltr to Dr. Kuchan; ltr & release to Atty Woehrer	1	15
10/21/97	Review of Bd. Legal Counsel's Scheduling Order		15
10/31/97	Tele conv w/ Dr. Kuchan & draft memo		30
11/13/97	Review of Respondent's Notice of Motion and Motion to Dismiss for Violations of the Scheduling Order		45
11/14/97	Legal research and draft Complainant's Response to Respondent's Motion to Dismiss for Violation of Scheduling Order and Affidavit in Support; draft Complainant's Brief in Support of Request that Respondent be Ordered to Pay the Costs of the Proceeding; ltr to Board Legal Counsel; ltr to Atty Woehrer	3	15
11/19/97	Review of ltr to Bd. Chair from Dr. Kuchan		15
12/1/97	Review of ltr to Bd. Chair from Atty Woehrer & list of psychologists		15
1/5/98	Review of ltr to Bd. Chair from Atty Woehrer & Respondent's Brief in Opposition to the Department of Regulation & Licensing's Request for Attorney Fees and Costs	1	30
1/6/98	Review of Board's Orders Of 12/26 Denying Petition		30
2/18/98	Tele conv w/ Dr. Lodi & draft memo		30
3/4/98	Draft Complainant's Reply to Respondent's Brief in Opposition to Complainant's Request that Respondent be Ordered to Pay the Costs of the Proceeding; ltr to Board Chair	2	15

TOTAL HOURS

249 Hrs. 30 Min.

Total attorney expense at \$41.00 per hour
(based upon average salary and benefits
for Division of Enforcement attorneys) equals:

\$10,229.50

OTHER EXPENSES

Mileage

11/21/95 To & from Milwaukee for Respondent's Deposition:

	154 miles at 20¢/mile	\$ 30 80
6/19/96	To & from Milwaukee for Respondent's Deposition: 154 miles at 20¢/mile	\$ 30.80
12/04/96	To & from Wauwatosa for Lawson Deposition: 138 miles at 20¢/mile	\$ 27.60
12/04/96	To & from Milwaukee to serve subpoena on Dr. Jackson 178 miles at 20¢/mile	\$ 33.60

Depositions

Original and copy of 11/21/95 scheduled deposition of Respondent	\$ 89.00
Original and copy of 6/19/96 deposition of Respondent	\$ 737.75
Copy of 12/04/96 deposition of Dr. Lawson	\$ 64.24

Witness fees

Dr. John Gonsiorek	\$ 300.00
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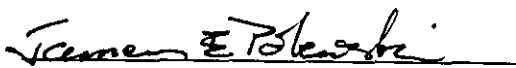
TOTAL other expenses	\$1,313.79
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TOTAL ASSESSABLE COSTS	\$11,543.29
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John R. Zwieg

Subscribed and sworn to before me
this 23rd day of April, 1998.



Notary Public
My Commission is permanent

t:\costs\saculla.doc



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Martene A. Cummings
Secretary

Tommy G. Thompson
Governor

1400 E. WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

April 24, 1998

MARY L. WOHRER, ATTORNEY
WOHRER LAW OFFICES
8145 WEST WISCONSIN AVENUE
WAUWATOSA WI 53213

RE: In The Matter of Disciplinary Proceedings Against Francois J. Saculla, M.D.,
Respondent, LS950711MED, Assessment of Costs

Dear Ms. Woehrer:

On September 18, 1997, the Medical Examining Board issued an order involving the license to practice medicine and surgery of Francois J. Saculla, M.D. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$16,558.31.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Medical Examining Board, Room 178, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before May 8, 1998. After reviewing the objections, if any, the Medical Examining Board will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack
Administrative Assistant
Office of Legal Services

Enclosures

cc: Medical Examining Board
Department Monitor

Regulatory Boards

Accounting, Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Auctioneer, Barbering and Cosmetology, Chiropractic, Dentistry, Dietitians, Funeral Directors, Hearing and Speech, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Physical Therapists, Psychology, Real Estate, Real Estate Appraisers, Social Workers, Marriage and Family Therapists and Professional Counselors, and Veterinary.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of Disciplinary Proceedings Against

Francois J. Saculla, M.D.,

AFFIDAVIT OF MAILING

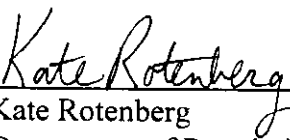
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On May 26, 1998, I served the Order Fixing Costs dated May 21, 1998, LS950711MED, upon the Respondent Francois J. Saculla's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 931.


Mary L. Woehrer, Attorney
Woehrer Law Offices
8145 W. Wisconsin Avenue
Wauwatosa WI 53213



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 26th day of May, 1998



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: MARY L WOEHNER ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 5/26/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935