

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF A PETITION FOR AN  
ADMINISTRATIVE INJUNCTION INVOLVING:

ROGER J. MORAGA,  
RESPONDENT

**ADMINISTRATIVE INJUNCTION**  
LS0010243UNL

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

Roger J. Moraga  
S75-W17794 Harbor Circle  
Muskego, WI 53150

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 final decision of this matter, subject to the approval of the Secretary. The Secretary has reviewed the Stipulation and considers it acceptable.

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

#### FINDINGS OF FACT

1. Respondent is Roger J. Moraga (dob 6/28/54).
2. Respondent has, for several years, done business as "Muskego Clinic Pharmacy" or "Clinic Pharmacy" obtaining and distributing human vaccines to physicians in eastern Wisconsin. These businesses are sole proprietorships or general partnerships, and are not corporations or other entities with separate legal existence such as an LLC or LLP.
3. These vaccines are "prescription drugs" within the meaning of §450.01(20), Wis. Stats.
4. Such vaccines may only be distributed by a licensed distributor under §450.07(2), Wis. Stats.
5. At no time has respondent, personally or as either of the business names set forth above, or any other, been licensed by the Pharmacy Examining Board as a distributor, or in any other manner, under ch. 450, Wis. Stats., nor is respondent a practitioner or other person authorized to purchase, sell, distribute, or possess without a prescription, prescription drugs or devices, in Wisconsin.

#### CONCLUSIONS OF LAW

A. Under the circumstances, sales of human vaccines to physicians by respondent was distributing a prescription drug without a license by respondent.

B. The department has authority to issue this Administrative Injunction as a special order under § 440.21, Wis. Stats., and ch. RL 3, Wis. Adm. Code.

#### SPECIAL ORDER

**IT IS ORDERED**, that Roger J. Moraga (dob 6/28/54) and any business or business entity controlled by him, are ENJOINED AND PROHIBITED from the sale or delivery of any prescription drug, personally or through employees, agents, and contractors, and from doing any act which is permitted to be conducted only by a licensee of the Pharmacy Examining Board, unless and until he is properly credentialed to do so.

**Violation** of this special order may result in a **forfeiture** of up to \$10,000 for each day of violation, § 440.21(4)(a), Wis. Stats.

Issued at Madison, Wisconsin this 24<sup>th</sup> day of October, 2000.

Marlene A. Cummings, Secretary  
Department of Regulation & Licensing