

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
DALTON L. HOLMEN, R.Ph., : FINAL DECISION AND ORDER
RESPONDENT. : LS0704042PHM

Division of Enforcement Case # 05 PHM 016

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

Dalton L. Holmen, R.Ph.
913 N. Spring St. # 405
Beaver Dam, WI 53916

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Pharmacy Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Pharmacy Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Dalton L. Holmen, R.Ph., (DOB 01/26/1966) is duly licensed as a pharmacist in the state of Wisconsin (license # 40-11890). This license was first granted on January 12, 1993.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 913 N. Spring St. # 405, Beaver Dam, Wisconsin, 53916.
3. On Respondent's May 24, 2004 licensure renewal application, he signed a statement that he had completed the required continuing education.
4. On or about September 1, 2005, an investigator for the Division of Enforcement requested proof of Respondent's continuing education attendance for the 2003-2004 biennium. Respondent informed the investigator that he had completed only 16 of the required 30 credits.

5. The investigator requested that Respondent send in proof of the 16 credits he claimed to have completed. He did not do so.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §450.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-5 above constitutes a violation of Wis. Stat. §§ 450.085 and 450.10(1)(a)1 and subjects respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b).

ORDER

IT IS ORDERED:

1. Dalton L. Holmen, R.Ph. is REPRIMANDED.

2. Respondent must provide proof of successful completion of the missing thirty continuing education credits from the 2003-2004 biennium within ninety (90) days of the date of this order. Any continuing education taken to make up the missing credits from the 2003-2004 biennium may not be used to satisfy the requirements for any subsequent biennium.

3. Respondent must pay a FORFEITURE of Three Dollars (\$3.00) per day for each day since May 24, 2004, the date that Respondent signed his 2004 registration renewal, until Respondent provides proof of successful completion of the missing thirty credits from the 2003-2004 biennium. This forfeiture must be paid concurrently with the submission of proof of completion of the missing credits.

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Eight Hundred Dollars (\$800.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

5. In the event Respondent fails to timely submit proof of the completion of the thirty continuing education credits as set forth in paragraph 2 above, fails to pay any payment of the forfeiture as set forth in paragraph 3 above, or fails to pay costs as ordered, Respondent's license (# 40-11890) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Dated this 4th day of April, 2007.

PHARMACY EXAMINING BOARD

By: Gregory C. Weber
A Member of the Board

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
DALTON L. HOLMEN, R.Ph., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 05 PHM 016

Respondent Dalton L. Holmen, R.Ph., personally on his own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 05 PHM 016). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Pharmacy Examining 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. 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 Division of Enforcement 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Pharmacy Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Dalton L. Holmen, R.Ph.
913 N. Spring St. # 405
Beaver Dam, WI 53916

Date

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

Date