

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
STEVEN R. BRANDENBURG, R.PH., : ORDER 0007148  
RESPONDENT. :

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Division of Legal Services and Compliance Case Nos. 20 PHM 179 and 21 PHM 002

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

Steven R. Brandenburg, R.Ph.  
Milwaukee, WI 53220

Wisconsin Pharmacy Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Wisconsin Pharmacy Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following Findings of Fact, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Steven R. Brandenburg, R.Ph. (Respondent), (Year of Birth 1974) is licensed in the state of Wisconsin as a pharmacist, having license number 12688-40, first issued on August 22, 1997, and current through May 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Milwaukee, Wisconsin 53220.

2. On January 13, 2021, the Board issued an Interim Order in 20 PHM 179 suspending Respondent's license to practice pharmacy in the state of Wisconsin.

3. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a medical facility (Facility), located in Grafton, Wisconsin.

4. On two separate occasions, December 24 and 25, 2020, Respondent while working at the Facility, removed COVID-19 vaccine from refrigeration with the intent of rendering the vaccine ineffective. The Facility discharged Respondent shortly thereafter.

5. Both cases at issue (20 PHM 179 and 21 PHM 002) originated from complaints involving the facts in paragraph 4.

6. On January 19, 2021, in Ozaukee County Circuit Court Case Number 2021CM000007, Respondent was charged with Attempt Criminal Damage to Property, a misdemeanor, in violation of Wis. Stat. § 943.01(1).

7. On January 21, 2021, in U.S. District Court, Eastern District of Wisconsin, Case Number 21-CR-25, Respondent was charged with two counts of Tampering with Consumer Products, a felony, in violation of Title 18, United States Code, Section 1365(a)(1).

8. On or about January 22, 2021, in U.S. District Court, Eastern District of Wisconsin, Case Number 21-CR-25, Respondent entered into a Plea Agreement voluntarily pleading guilty to the charges in paragraph 7.

9. In resolution of these matters, Respondent consents to the entry of the following Conclusions of Law and Order

#### CONCLUSION OF LAW

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

2. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist which harmed or could have harmed a patient pursuant to Wis. Admin. Code. § Phar 10.03(2).

3. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by violating a federal or state statute or rule which substantially relates to the practice of the Respondent pursuant to Wis. Stat. § 450.10(1)(a)2.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)

#### ORDER

1. The attached Stipulation is accepted.

2. The license of Respondent to practice pharmacy in the state of Wisconsin (license number 12688-40 ) is REVOKED.

3. In the event Respondent petitions the Board for reinstatement of his license to practice Pharmacy, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of these matters in the amount of \$1,485.00.

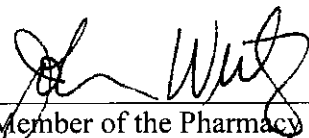
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

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

WISCONSIN PHARMACY EXAMINING BOARD

By:   
A Member of the Pharmacy Examining Board

4 March 2021  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
STEVEN R. BRANDENBURG, R.PH. : STIPULATION  
RESPONDENT. : ORDER 0007148  
 :

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Division of Legal Services and Compliance Case Nos. 20 PHM 179 and 21 PHM 002

Respondent Steven R. Brandenburg, R.PH., license number 12688-40, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

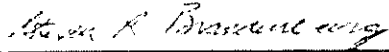
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
  - the right to a hearing on the allegations against Respondent, 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 Respondent;
  - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
  - the right to testify on Respondent's own behalf;
  - 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Jason Baltz.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (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.

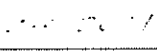
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.


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

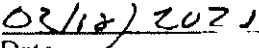
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


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

  
\_\_\_\_\_  
Steven R. Brandenburg, R.Ph., Respondent  
Milwaukee, WI 53220  
License no. 12688-40

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jason Baltz, Attorney for Respondent  
Law Office of Jason D Baltz  
12924 Cobblestone Ct.  
Mequon, WI 53097

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Gretchen Mrozinski, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

2/8/2021  
\_\_\_\_\_  
Date