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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST JOHN SOCEKA, R.Ph., RESPONDENT.	: : : : :	FINAL DECISION AND ORDER

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

John Soceka
5750 Meadowood Dr.
Madison, WI 53711

Attorney J. Thomas Haley
310 N. Midvale Blvd.
Madison, WI 53711

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

Department of Regulation & 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 disposition 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. That John Soceka, Respondent herein, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the state of Wisconsin.

2. That John Soceka holds a license as a pharmacist, number 8111, granted February 3, 1971.

3. That the Respondent's date of birth is December 28, 1945, and his current address is 5750 Meadowood Drive, Madison, Wisconsin 53711.

4. From November, 1980, until May 28, 1985, Respondent was the managing pharmacist at a community pharmacy in Madison, Wisconsin.

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5. From November 21, 1981, through April 3, 1985, Respondent dispensed the following medications to T.R.:

Date	Script Number	Prescribing Practitioner	Quantity	Drug
11/21/81	219421	Huffer	30	Darvon N-100
11/23/81	8157	Zurkowski	12	Dilaudid 2 mg
11/25/81	219454	(?)	?	Darvocet
12/10/81	8169	Bryan	6	Dilaudid 2 mg
12/19/81	8175	Hartjes	6	Dilaudid 2 mg
12/28/81	220620	Bryan	?	Talwin 50 mg
12/31/81	220721	Bryan	25	Darvon N-100
01/05/82 (Refill)	220620	Bryan	?	Talwin 50 mg
01/09/82	220960	Ridley	20	Valium 5 mg
01/09/82	220961	Ridley	90	Tussionex
02/18/82 (Refill)	220960	Ridley	20	Valium 5 mg
05/03/82	224842	Madson	50	Valium 5 mg
05/03/82	8265	Madson	50	Dilaudid 2 mg
05/11/82	8269	Madson	50	Dilaudid 2 mg
05/15/82	225294	Springer	180	Tussionex
05/18/82	225347	Madson	100	Valium 10 mg
05/21/82	8276	Madson	100	Dilaudid 2 mg
05/25/82	225294	Springer	180	Tussionex
05/27/82	225663	Madson	100	Valium 10 mg
05/27/82	8283	Madson	100	Dilaudid 2 mg
06/14/82	8290	Madson	100	Dilaudid 2 mg
06/14/82	226181	Madson	100	Valium 10 mg
06/18/82	8292	Madson	100	Dilaudid 4 mg
06/24/82	8299	Madson	30	Dilaudid 2 mg
07/09/82	226962	Madson	100	Valium 10 mg
07/12/82	8306	Madson	100	Dilaudid 4 mg
09/24/82	8359	Madson	50	Talwin
09/24/82	299585	Madson	30	Tetracycline 250
09/24/82	229586	Madson	210	Tussionex Susp
09/30/82	229781	Madson	100	Valium 10 mg
10/07/82 (Refill)	229586	Madson	210	Tussionex Susp
10/08/82	8373	Madson	25	Dilaudid 4 mg
10/09/82 (Refill)	229585	Madson	30	Tetracycline 250
10/11/82	8377	Madson	100	Talwin 50
10/12/82	8378	Madson	25	Dilaudid 4 mg
10/13/82	8381	Madson	30	Morphine 30 mg
10/21/82	230537	Madson	100	Valium 10 mg
10/21/82	8388	Madson	100	Hydromorphone 2 mg (generic Dilaudid)
10/25/82	230667	Madson	480	Tussionex
10/29/82 (Refill)	230667	Madson	480	Tussionex

Date	Script Number	Prescribing Practitioner	Quantity	Drug
10/29/82	8400	Madson	50	Morphine 30 mg
11/04/82	8403	Madson	60	Hydromorphone 2 mg
11/05/82	8404	Madson	28	Morphine 30 mg
11/09/82	8407	Madson	30	Hydromorphone 4 mg
11/09/82	8406	Madson	100	Hydromorphone 3 mg
11/15/82	8412	Madson	50	Morphine 30 mg
11/15/82 (Refill)	230537	Madson	100	Valium 10 mg
12/07/82 (Refill)	230537	Madson	100	Valium 10 mg
12/07/82 (Refill)	230667	Madson	480	Tussionex
10/29/83	244078	Twecton	15	Mucostatan Ointment
12/21/83	245811	Bussan	40	APAP #3
01/09/84	246321	Bussan	40	APAP #3
08/24/84	253267	Kozlov	60	Centrax 10 mg
09/14/84 (Refill)	253267	Kozlov	30	Centrax 10 mg
09/19/84 (Refill)	253267	Kozlov	60	Centrax 10 mg
09/28/84 (Refill)	253267	Kozlov	60	Centrax 10 mg
09/28/84	254169	Koewler	120 cc	Tussionex
09/28/84	254170	Koewler	20	Dimetap Ext
10/29/84	8905	Cesarec	30	Talwin NX
11/10/84	256041	Rosenkranz	Pint	Tussionex
11/27/84	256729	Kozarek	20	Clonidine
11/29/84	08933	Sheard	100	Dilaudid 4 mg
12/08/84	257107	Berlage	15	Clondine 2 mg
12/21/84	257576	Rosenkranz	Pint	Tussionex
01/05/85	258016	Jayne	6 oz	Tussionex
01/21/85	258534	Garlech	12	(?)
01/28/85	258641	Rosenkranz	240 cc	Tussionex Susp
01/28/85	08979	Shook	8	Dilaudid 2 mg
03/02/85	8998	Zarbock	120	Dilaudid 4 mg
03/29/85	9019	Cummens	60	Dilaudid 4 mg
04/03/85	9021	Hadjokas	16	Dilaudid 4 mg

6. At some point in time, the Respondent should have known that T.R. was a drug abuser.

7. On March 2, 1984, Respondent sold 100 hypodermic syringes to T.R. Said purchase was recorded in the pharmacy's Hypodermic Syringe Needle Sales Record. The intended use of the syringes was listed as "hobby."

8. On an unknown number of occasions in 1983-85, the pharmacy for which the Respondent was managing pharmacist sold hypodermic syringes to T.R., sometimes in boxes of 100 syringes. T.R. purchased from Respondent an average of 800 syringes per year. It was the policy of the pharmacy for which Respondent was managing pharmacist to require purchasers of hypodermic syringes to sign the Sales Record on the first purchase only.

9. From January 8, 1982, through January 12, 1985, Respondent dispensed the following medications to R.H.:

Date	Script Number	Prescribing Practitioner	Quantity	Drug
02/28/79	7251	N.O. Callaway	30	Methaqualone 300 mg
04/03/79	7302	N.O. Callaway	30	Methaqualone 300 mg
01/08/82	8189	Bussan	20	Dilaudid 2 mg
06/28/82	08293	Madson	15	Dilaudid 2 mg
08/12/82	8323	Hanson	45	Dilaudid 4 mg
08/12/82	228133	Hanson	45	Tetracycline 200 mg
08/23/82	8340	Herman	12	Dilaudid 4 mg
08/25/82	228566	Vig	Pint	Tussionex
08/25/82	8343	Mayer	8	Talwin 50
09/07/82	228914	Duerst	100	PRL Generic
09/15/82	8351	Madson	95	Talwin 50
09/22/82 (Refill)	228914	Duerst	100	PRL Generic
09/22/82	229524	Marty	90	Tussionex
10/06/82	8371	Bostwick	?	Dilaudid 4 mg
10/06/82	230005	Bostwick	30	Soma 35
10/06/82	230006	Bostwick	28	Erythro 250
10/07/82	8372	Hamlan	15	Dilaudid 4 mg
10/12/82	8379	Bostwick	30	Dilaudid 4 mg
10/14/82	230298	Madson	100	Valium 10 mg
10/14/82	8383	Madson	100	Talwin 50
10/15/82	230371	Zolot	60	PBZ 50
10/23/82	8395	Tony	12	Dilaudid
10/26/82	8397	Madson	100(34)	Dilaudid 4 mg
10/26/82	230715	Madson	100	Valium 10 mg
11/10/82	8409	Schaeffer	10	Dilaudid 4 mg
11/13/82	8411	Madson	100	Dilaudid 4 mg
11/13/82 (Refill)	230298	Madson	100	Valium 10 mg
11/19/82	8416	Madson	100	Dilaudid 2 mg
11/23/82	8418	Madson	75	Dilaudid 3 mg
11/29/82	231859	Madson	100	Generic Marax
11/29/82	231860	Madson	100	Tussend
11/29/82	8423	Madson	100	Hydromorphone 2 mg
12/03/82 (Refill)	230715	Madson	100	Valium 10 mg
12/03/82	08425	Madson	100	Hydromorphone 2 mg
12/03/82	232064	Madson	100(56)	Hycodan
12/04/82	231859	Madson	100	Generic Marax

Date	Script Number	Prescribing Practitioner	Quantity	Drug
(Refill)				
12/08/82	232064	Madson	100(56)	Hycodan
(Refill)				
12/13/82	8433	Madson	30	Hydromorphone 2 mg
12/14/82	232064	Madson	100(56)	Hycodan
(Refill)				
12/14/82	231860	Madson	100	Tussend
(Refill)				
12/20/82	8436	Madson	100	Hydromorphone 4 mg
12/28/82	8442	Madson	120	Hydromorphone 4 mg
01/03/83	232064	Madson	100(56)	Hycodan
(Refill)				
01/05/83	231859	Madson	100	Generic Marax
(Refill)				
01/05/83	233123	Madson	1	Proventil (Inhaler)
01/05/83	8443	Madson	100	Hydromorphone 4 mg
01/17/83	8445	Madson	120	Hydromorphone 4 mg
01/17/83	231859	Madson	100	Generic Marax
(Refill)				
01/25/83	233123	Madson	1	Proventil (Inhaler)
(Refill)				
01/25/83	232064	Madson	100(56)	Hycodan
(Refill)				
01/26/83	233123	Madson	1	Proventil (Inhaler)
(Refill)				
01/26/83	230715	Madson	100	Valium 10 mg
(Refill)				
01/26/83	8425	Madson	100	Hydromorphone 2 mg
(Refill)	NOTE: This is a Schedule II refill.			
01/28/83	232064	Madson	100(56)	Hycodan
(Refill)				
02/02/83	8443	Madson	100	Hydromorphone 4 mg
(Refill)	NOTE: This is a Schedule II refill.			
02/02/83	231860	Madson	100	Tussend
(Refill)				
02/08/83	232064	Madson	100(56)	Hycodan
(Refill)				
02/08/83	230715	Madson	100	Valium 10 mg
(Refill)				
02/08/83	230298	Madson	100	Valium 10 mg
(Refill)				
02/08/83	231860	Madson	100	Tussend
(Refill)				
02/10/83	231860	Madson	100	Tussend
(Refill)				
02/14/83	234708	Madson	120	Hycodan
02/17/83	234708	Madson	120	Hycodan
(Refill)				

Date	Script Number	Prescribing Practitioner	Quantity	Drug
02/17/83	231854	Madson	100	Generic Marax
(Refill)				
02/19/83	231860	Madson	100	Tussend
(Refill)				
02/23/83	235012	Madson	120	Talwin 50
02/23/83	235013	Madson	120	Valium 10 mg
02/25/83	235013	Madson	120	Valium 10 mg
(Refill)				
02/25/83	234708	Madson	120	Hycodan
(Refill)				
03/07/83	235439	Mayer		Erythromycin
03/07/83	235440	Madson	120	Hycodan
03/07/83	8481	Mayer	16	Talwin
03/11/83	235013	Madson	120	Valium 10 mg
(Refill)				
03/11/83	235440	Madson	120	Hycodan
(Refill)				
03/14/83	235440	Madson	120	Hycodan
(Refill)				
03/22/83	235440	Madson	120	Hycodan
(Refill)				
03/23/83	235013	Madson	120	Valium 10 mg
(Refill)				
03/28/83	235013	Madson	120	Valium 10 mg
(Refill)				
03/28/83	235440	Madson	120	Hycodan
(Refill)				
04/02/83	235013	Madson	120	Valium 10 mg
(Refill)	NOTE: Dr. Madson died 04/01/83.			
04/02/83	236390	Vig	30	Tedral SA
04/02/83	236391	Vig	40	Tetracycline 250 mg
04/02/83	236392	Vig	24	Tussionex
04/02/83	236397	Herm	40	Ilosone
04/02/83	236398	Herm	24	Hycodan
04/04/83	236406	Starky	Unknown	Hycodan
04/04/83	236407	Starky	30	EES
04/04/83	236408	Hesse	12	Tussionex
04/04/83	236404	Hesse	6	Vibramycin
04/04/83	236410	Unknown	Unknown	E-Mycin
04/04/83	236411	Unknown	Unknown	Phenergan Exp
04/16/83	237007	Jeffries	Unknown	Hycodan
04/16/83	237006	Jeffries	Unknown	Erythro
04/20/83	237161	Lief	30	Erythro
04/20/83	237162	Lief	36	Hycodan
04/27/83	237449	Bruhn	24	Hycodan
04/28/83	237450	Innowile	Unknown	Amoxicillin 250
04/28/83	237451	Innowile	24	Hycodan
04/30/83	231859	Madson	100	Generic Marax
(Refill)				
04/30/83	237599	Kief	30	Ampicillin 250

Date	Script Number	Prescribing Practitioner	Quantity	Drug
04/30/83	237600	Kief	6 oz	Hycodan
05/05/83	237821	Brown	36	Hycodan tablets
05/11/83	238045	Bergman	Unknown	Ampicillin 250
05/11/83	238044	Bergman	12	Tussionex
05/25/83	238638	Wheaton	12	Tussionex
05/31/83	238827	Heersma	21	Hycodan
06/10/83	231860	Madson	100	Generic Marax
(Refill)	NOTE: Dr. Madson died 04/01/83.			
06/10/83	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
06/25/83	239849	Anschveti	4 oz	Hycodan
06/25/83	239850	Anschveti	20	E-Mycin 250
07/09/83	231859	Madson	100	Generic Marax
(Refill)	NOTE: Dr. Madson died 04/01/83.			
07/11/83	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
07/19/88	240544	Marty	24	Tussionex
Unknown	240544	Marty	24	Tussionex
(Refill)				
08/02/83	233123	Marty	1	Proventil (Inhaler)
(Refill)				
08/11/83	233123	Marty	1	Proventil (Inhaler)
(Refill)				
08/11/83	231859	Madson	100	Generic Marax
(Refill)	NOTE: Dr. Madson died 04/01/83.			
08/16/83	241509	Marty	4 oz	Tussionex
08/16/83	241510	Marty	40	Marax
08/24/83	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
09/03/83	242199	Gander	24	Ampicillin 250
09/03/83	242200	Gander	2 oz	Tussionex
09/16/83	241510	Marty	40	Marax
(Refill)				
09/16/83	242636	Marty	100	Generic Marax
09/16/83	242637	Marty	3 oz	Tussionex
09/22/83	243007	Marty	120	Tussionex as
09/22/83	243006	Marty	Unknown	Generic Marax
09/28/83	243006	Marty	Unknown	Erythro 250
09/28/83	243007	Marty	4 oz	Tussionex
09/29/83	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
10/17/83	243006	Marty	Unknown	Generic Marax
(Refill)				
10/17/83	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
12/20/83	245780	Vig	30	E-Mycin 333 mg
12/20/83	245781	Vig	4 oz	Tussionex Susp
01/09/84	242636	Marty	100	Generic Marax
(Refill)				

Date	Script Number	Prescribing Practitioner	Quantity	Drug
01/09/84	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
01/16/84	246525	Vig	4 oz	Tussionex
03/02/84	242636	Marty	100	Generic Marax
(Refill)				
03/02/84	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
04/16/84	249388	Brahn	40	Ampicillin 250
04/16/84	249389	Brahn	42	Tussionex
04/18/84	8778	Shook, DDS	4	Dilaudid 2 mg
05/08/84	8791	Steph W Rater DDS	20	Hydromorphone 4 mg
05/08/84	250029	Ellingstad	40	Tetracycline 250
05/08/84	250030	Ellingstad	24	Tussionex
05/08/84	243006	Marty	Unknown	Generic Marax
(Refill)				
05/10/84	8796	M.M. Tuttle, DDS	10	Hydromorphone 4 mg
05/21/84	243006	Marty	Unknown	Generic Marax
(Refill)				
05/21/84	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
06/09/84	251039	Albarca	24	Tussionex
06/11/84	251065	Becker	20	Generic EES
06/11/84	8819	Becker	15	Dilaudid 4 mg
06/13/84	8824	Liebl	18	Methadone 10 mg
07/17/84	243006	Marty	Unknown	Erythro 250
(Refill)				
07/26/84	8856	O'Connell	15	Percodan
08/31/84	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
08/31/84	243006	Marty	Unknown	Generic Marax
(Refill)				
09/14/84	8878	Liebl	18	Dolophine 10 mg
09/14/84	253757	Liebl	36	Tussionex
09/14/84	8884	Liebl	18	Dolophine 10 mg
09/17/84	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
10/04/84	254338	Scott	24	Tussionex Tab
10/10/84	08890	Thielke	30	Hydromorphone 4 mg
10/10/84	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
10/10/84	243636	Marty	100	Generic Marax
(Refill)				
10/26/84	8903	Liebl	18	Dolophine 10 mg
10/31/84	233123	Madson	1	Proventil (Inhaler)
(Refill)	NOTE: Dr. Madson died 04/01/83.			
10/31/84	242636	Marty	100	Generic Marax
(Refill)				
11/21/84	8929	Lampman	8	Dilaudid 4 mg
Unknown	256509	Lampman	30	E-Mycin 250

Date	Script Number	Prescribing Practitioner	Quantity	Drug
11/29/84	08935	Schroeder	20	Dilaudid 2 mg
01/04/85	8964	Liebl	18	Dolophine 6 mg
01/12/85	258281	Priest	4 oz	Lindane

10. At some point in time, the Respondent should have known that R.H. was a drug abuser.

11. Respondent, as managing pharmacist, failed to keep proper records and allowed the improper recording on R.H.'s patient profile card of the renewal of two Schedule II controlled substances, Hydromorphone, 2 mg, and Hydromorphone, 4 mg, when such prescription orders were not actually renewed.

12. Respondent, as managing pharmacist, permitted certain prescription medications to be dispensed or renewed to R.H. and permitted R.H.'s patient profile card to state that such prescriptions were pursuant to prescription orders of Dr. W.L. Madson (see paragraph 9 above). Dr. Madson died April 1, 1983, and Respondent knew, or should have known, that Dr. Madson was deceased at the time the pharmacy for which he was the managing pharmacist renewed the prescriptions. The renewals were for the following drugs: generic Marax and Proventil (inhaler). The pharmacy for which the Respondent was the managing pharmacist renewed the prescription for Proventil (inhaler) on five occasions falling more than one year past the last possible date of a written or verbal renewal from the deceased physician.

13. On an unknown number of occasions from 1982 through 1985, the pharmacy for which the Respondent was managing pharmacist sold hypodermic syringes to R.H., who the Respondent should have known was a drug abuser. R.H. purchased from the pharmacy an average of 100-200 syringes every two weeks. R.H. did not purchase insulin from the pharmacy.

14. From September 3, 1983, through January 28, 1985, the pharmacy for which the Respondent was managing pharmacist dispensed the following medications to J.H., who at some point in time the Respondent should have known was a drug abuser:

Date	Script Number	Prescribing Practitioner	Quantity	Drug
09/03/83	242201	Janicek	100	Valium 5 mg
10/26/83	243968	Armstrong	120	Lioresal
11/04/83	8645	Tumerman	100	Dilaudid 2 mg
11/04/83	244301	Tumerman	100	Valium 5 mg
11/04/83	244302	Tumerman	100	Bacloten 10 mg
11/11/83	8651	Syty	100	Dilaudid 2 mg
11/12/83	244562	Syty	120	Bacloten 10 mg
11/12/83	244561	Tumerman	12	Septra DS
11/12/83	244574	Syty	120	Valium 5 mg
12/08/83	8673	Selfridge	90	Dilaudid 2 mg

Date	Script Number	Prescribing Practitioner	Quantity	Drug
01/03/84	8696	Gay	120	Dilaudid 2 mg
01/05/84	246175	Garmon	24	Cephradine
01/05/84	246176	Gay	120	Valium 5 mg
01/05/84	246202	Chan	120	Lioresal
01/05/84	246203	Chan	60	Valium 5 mg
01/06/84	246257	Garmon	120	Gen Synalgos DC
01/12/84	246439	Timmerman	4 oz	Tussend Elixir
01/16/84	08710	Drabinawicz	30	Dilaudid 2 mg
01/19/84	8712	Gay	120	Dilaudid 2 mg
01/21/84 (Refill)	246203	Chan	60	Valium 5 mg
02/06/84 (Refill)	246176	Gay	120	Valium 5 mg
02/09/84	8727	Gay	120	Dilaudid 2 mg
02/09/84	247326	Gay	Unknown	Colace
02/09/84	247327	Gay	120	Diazepam 5
02/22/84	247327	Gay	120	Diazepam 5
02/29/84	247327	Gay	120	Diazepam 5
02/29/84	8738	Croclan	100	Dilaudid 2 mg
02/29/84	247853	Croclan	120	Valium 5 mg
03/05/84	8746	Gay	120	Dilaudid 2 mg
03/08/84	248260	Gay	4 oz	Tussionex
03/09/84	248320	Hisgen	120	Valium 5 mg
03/09/84	8752	Hisgen	120	Dilaudid 4 mg
03/21/84 (Refill)	247327	Gay	120	Diazepam 5
04/11/84 (Refill)	247327	Gay	120	Diazepam 5
05/01/84	249834	Agpoon	8 oz	Tussionex
05/09/84	8793	Jones-Nosacek	15	Dilaudid 4 mg
06/15/84	8825	Marquis	12	Dilaudid 4 mg
08/18/84	252972	Alsempzer	240	Tussionex Susp
11/07/84	255907	Klockow	30	Valium 5 mg
11/07/84	08912	Klockow	30	Dilaudid 4 mg
11/28/84	256743	Carlson	100	Valium 5 mg
11/28/84	08932	Carlson	50	Dilaudid 4 mg
12/07/84	8944	Carlson	50	Dilaudid 4 mg
12/19/84 (Refill)	256743	Carlson	100	Valium 5 mg
12/22/84	8954	Nordin	8	Dilaudid
01/04/85	08963	Steneman	60	Dilaudid 4 mg
01/04/85	257962	Steneman	60	Valium 5 mg
01/04/85	257963	Steneman	60	Lioresal
01/28/85	08977	Sullivan	50	Dilaudid 4 mg
01/28/85	258746	Sullivan	100	Valium 5 mg

15. On an unknown number of occasions in 1984-85, the pharmacy for which Respondent was managing pharmacist sold hypodermic syringes to J.H. J.H. purchased from Respondent 500-1000 needles/syringes during an 18-month period (1984-85).

16. On May 8, 1985, James Krudwig, Investigator for the Department of Regulation and Licensing, obtained from Respondent's pharmacy original patient profile cards for three patients: T.R., R.H., and J.H. Mr. Krudwig then photocopied the original patient profile cards that date and returned the original patient profile cards to Respondent on May 9, 1985.

17. On May 9, 1985, Mr. Krudwig questioned Respondent regarding his dispensing of Dilaudid and other controlled substances over the prior 3-4 year period to the three (3) patients listed in paragraph 16 above.

18. On May 10, 1985, Mr. Krudwig again visited Respondent's pharmacy in Madison, Wisconsin. On that date, Mr. Krudwig noted that the original patient profile cards of T.R., R.H., and J.H. had been changed. Respondent had added to the cards, in pencil, the method by which he had allegedly verified the prescriptions, some of which had been dispensed as much as three and a half years previously.

19. On May 10, 1985, James Krudwig, Investigator for the Department of Regulation and Licensing, requested the Respondent provide the original Schedule II prescription orders for medications dispensed in 1980-85. Although these prescription orders had been reviewed by Mr. Krudwig previously, the Respondent claimed on May 10, 1985, that he could not locate any prescription orders prior to March 5, 1985.

20. The Schedule V Sales Register of Consumer's Pharmacy was examined for the period December 13, 1983, to February 29, 1984 (approximately 78 days). The sales register indicated 13 instances involving sales in violation of the 48-hour rule. Four of these sales were made by the Respondent. Said sales were as follows:

Date of Sale	Name of Customer	Drugs Sold
01/03/84	J.C.	Novahistine DH
01/04/84	J.C.	Cheracol
12/17/83	G.B.	Novahistine DH
12/17/83	G.B.	Novahistine DH
12/22/83	G.B.	Cheracol
12/23/83	G.B.	Cheracol
01/13/84	G.B.	Cheracol
01/14/84	G.B.	(no drug listed)
01/17/84	G.B.	Cheracol
01/18/84	G.B.	Cheracol

Date of Sale	Name of Customer	Drugs Sold
01/31/84	D.F.	Terpin Hydrate with codeine
02/01/84	D.F.	Cheracol
12/17/83	A.K.	Cheracol
12/17/83	A.K.	Terpin Hydrate with codeine
01/13/84	A.K.	Terpin Hydrate with codeine
01/14/84	A.K.	Terpin Hydrate with codeine
02/01/84	A.K.	Terpin Hydrate with codeine
02/02/84	A.K.	Terpin Hydrate with codeine
12/17/83	D.M.	Novahistine DH
12/17/83	D.M.	Novahistine DH
12/26/83	D.M.	Novahistine DH
12/27/83	D.M.	Novahistine DH
01/24/84	T.S.	Cheracol
01/25/84	T.S.	Cheracol
12/17/83	N.L.W.	Terpin Hydrate with codeine
12/17/83	N.L.W.	Terpin Hydrate with codeine

21. Respondent as managing pharmacist was responsible for the professional operations of the pharmacy. Respondent established a procedure which did not adequately monitor whether Schedule V controlled substances were dispensed and sold in good faith as a medicine, or whether said substances were dispensed and sold other than for a medical purpose or for purposes of evading the Uniform Controlled Substances Act.

22. The Schedule V sales register of Respondent's pharmacy was examined for the period December 13, 1983, to February 29, 1984. The sales register indicated 30 individuals who made from 6 to 34 purchases of Schedule V controlled substances during the 78-day period. Said sales were as follows:

Name of Customer	Total Purchases	Frequency Average
A.K.	34 in 77 days	2.3 days
D.R.	31 in 78 days	2.5 days
Ms. G.	30 in 75 days	2.5 days
G.B.	29 in 76 days	2.6 days
D.M.	28 in 76 days	2.7 days
D.F.	23 in 75 days	3.3 days
T.S.	22 in 77 days	3.5 days
P.S.	08 in 29 days	3.6 days
D.L.	21 in 75 days	3.8 days
P.W.	19 in 75 days	3.9 days
K.W.	06 in 25 days	4.2 days

Name of Customer	Total Purchases	Frequency Average
M.L.	12 in 51 days	4.3 days
D.P.	16 in 71 days	4.4 days
L.R.	08 in 35 days	4.4 days
E.C.	09 in 40 days	4.4 days
L.F.	16 in 72 days	4.5 days
S.V.	17 in 77 days	4.5 days
W.S.	07 in 35 days	5.0 days
T.P.	15 in 75 days	5.0 days
S.A.	14 in 78 days	5.6 days
K.G.	09 in 52 days	5.8 days
D.S.	11 in 66 days	6.0 days
J.F.	07 in 42 days	6.0 days
S.B.	12 in 76 days	6.3 days
C.S.K.	11 in 73 days	6.6 days
W.S.G.	08 in 61 days	7.6 days
B.T.	08 in 69 days	8.6 days
S.G.	07 in 62 days	8.9 days
L.P.	06 in 55 days	9.2 days
W.M.	07 in 73 days	10.4 days

23. James Krudwig, Investigator, Department of Regulation and Licensing, visited Respondent's pharmacy on May 9, 1985, and obtained from Respondent the then-current Schedule V controlled substances sales register which listed sales from October 1, 1983, through May 3, 1985. Mr. Krudwig then photocopied all page entries for the period December 13, 1983, through May 3, 1985. On May 10, 1985, the original sales register was returned to Respondent.

24. On May 11, 1987, Mr. Krudwig contacted Respondent's former pharmacy to again obtain the original Schedule V sales register for the period October 1, 1983, through May 3, 1985. The present pharmacy manager was unable to locate any of the Schedule V sales registers for the period November, 1980, through May, 1985, during the time period the Respondent had been pharmacy manager.

25. On May 9, 1985, the investigator examined the stock shelves and discovered a considerable number of outdated/expired drugs.

26. Respondent last practiced pharmacy on January 10, 1986.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 450.10(1) and Wis. Adm. Code Ch. Phar 10.

2. The Wisconsin Pharmacy Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraphs 5-8 of the Findings of Fact above and such conduct is contrary to Wis. Stats. sec. 450.10(1) [formerly sec. 450.02(7) (Laws of 1981)] and Wis. Adm. Code secs. Phar 7.01(1)(a) [formerly sec. 1.19(1) (Register, August, 1979, No. 284)], 8.04(1) [formerly sec. 6.04(1) (Register, August, 1979, No. 284)], former sec. 1.09 (Register, August, 1979, No. 284), and 10.03 [formerly sec. 5.03 (Register, January, 1980, No. 289)] in that as a pattern of practice he dispensed to T.R. controlled substances, other prescription drugs and hypodermic syringes of a type and in a frequency which indicated a disregard for his responsibility to ensure they were dispensed for a legitimate medical purpose, thus engaging in pharmacy practice which constituted a danger to the health, welfare or safety of patient or public and in a manner which substantially departed from the standard of care ordinarily exercised by a pharmacist.

4. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraphs 9-11 of the Findings of Fact above and such conduct is contrary to Wis. Stats. secs. 450.10(1) [formerly sec. 450.02(7) (Laws of 1981)] and 161.38(2) and Wis. Adm. Code secs. 7.01(1)(a), 8.04(1), 8.06(1), and 10.03(1), (3), and (4) [formerly sec. 5.03(1), (3), and (4) (Register, January, 1980, No. 289)] in that he recorded renewals for two Hydromorphone prescription orders when such prescriptions were not actually renewed.

5. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraphs 9-13 of the Findings of Fact above and such conduct is contrary to Wis. Stats. sec. 450.10(1) [formerly sec. 450.02(7) (Laws of 1981)] and Wis. Adm. Code secs. Phar 7.01(1)(a) [formerly sec. 1.19(1) (Register, August, 1979, No. 284)], 7.03, 8.04(1) [formerly sec. 6.04(1) (Register, August, 1979, No. 284)], and 10.03 [formerly sec. 5.03 (Register, January, 1980, No. 289)] in that as a pattern of practice he dispensed to R.H. controlled substances, other prescription drugs and hypodermic syringes of a type and in a frequency which indicated a disregard for his responsibility to ensure they were dispensed for a legitimate medical purpose, and which indicated a violation of prescription renewal limitations, thus engaging in pharmacy practice which constituted a danger to the health, welfare or safety of patient or public and in a manner which substantially departed from the standard of care ordinarily exercised by a pharmacist.

6. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraphs 14-15 of the Findings of Fact above and such conduct is contrary to Wis. Stats. sec. 450.10(1) [formerly sec. 450.02(7) (Laws of 1981)] and Wis. Adm. Code secs. Phar 7.01(1)(a) [formerly sec. 1.19(1) (Register, August, 1979, No. 284)], 8.04(1) [formerly sec. 6.04(1) (Register, August, 1979, No. 284)], and 10.03 [formerly sec. 5.03 (Register, January, 1980, No. 289)] in that as a pattern of practice he dispensed to J.H. controlled substances, other prescription drugs and hypodermic syringes of a type and in a frequency which indicated a disregard for his responsibility to ensure they were dispensed for a legitimate medical purpose, thus engaging in pharmacy practice which constituted a danger to the health, welfare or safety of patient or public and in a manner which substantially departed from the standard of care ordinarily exercised by a pharmacist.

7. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraphs 16-18 of the Findings of Fact above and such conduct is contrary to Wis. Stats. secs. 450.10(1) and 450.11(7)(c), and Wis. Adm. Code secs. Phar 10.03(8) and (11) in that he added to patient records when he knew his pharmacy practice was under investigation by the Department of Regulation and Licensing.

8. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraph 19 of the Findings of Fact above and such conduct is contrary to Wis. Stats. secs. 450.10(1), 450.11(2) [formerly sec. 450.02(10) (Laws of 1981)], and 161.38, and Wis. Adm. Code secs. Phar 8.02(2) [formerly sec. 6.02(2) (Register, August, 1979, No. 284)], 8.03(1) [formerly sec. 6.03(1) (Register, August, 1979, No. 284)], and 10.03(1) and (4) [formerly sec. 5.03(1) and (4) (Register, January, 1980, No. 289)] in that he failed to maintain prescription orders for at least five years from the date of dispensing.

9. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraph 20 if the Findings of Fact above and such conduct is contrary to Wis. Stats. secs. 450.10(1) [formerly sec. 450.02(7) (Laws of 1981)], 161.23(5) and 161.38(4), and Wis. Adm. Code secs. Phar 10.03(1), (3), and (4) in that he dispensed and supplied Schedule V controlled substances in violation of the 48-hour rule and as prohibited by law.

10. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraph 21 of the Findings of Fact above and such conduct is contrary to Wis. Stats. secs. 450.10(1) [formerly sec. 450.02(7) (Laws of 1981)], 161.23 and 161.38(4) and Wis. Adm. Code secs. Phar 8.02 and 10.03(1), (3), (4), and (14) in that as a pattern of practice he failed to ensure and determine that Schedule V controlled substances were dispensed and sold in good faith as a medicine.

11. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraph 22 of the Findings of Fact above and such conduct is contrary to Wis. Stats. secs. 450.10(1) [formerly sec. 450.02(7) (Laws of 1981)], 161.23(1), and 161.38(4) and Wis. Adm. Code sec. Phar 10.03, and that as a pattern of practice he failed to ensure that Schedule V controlled substances were dispensed in good faith as a medicine, thus engaging in pharmacy practice which constituted a danger to the health, welfare or safety of patient or public and in a manner which substantially departed from the standard of care ordinarily exercised by a pharmacist.

12. Respondent engaged in unlawful and unprofessional conduct as set forth in paragraphs 23-24 of the Findings of Fact above and such conduct is contrary to Wis. Stats. sec. 450.10(1) and Wis. Adm. code secs. Phar 8.02 and 10.03(1) and (4) in that he failed to maintain the Schedule V controlled substances sales register for at least five years from the date of dispensing.

Therefore, it is hereby ORDERED:

That the Stipulation of the parties, attached hereto, is accepted.

IT IS FURTHER ORDERED:

1. That the Wisconsin Pharmacy Examining Board accepts the voluntary surrender of John Soceka's license as a pharmacist.

2. That the Respondent may not reapply for licensure until on or after January 1, 1991. In the event Respondent makes an application for relicensure before said date, the Wisconsin Pharmacy Examining Board may deny Respondent's application or reinstate his license upon terms and conditions as deemed appropriate by the Board. In the event Respondent makes an application for relicensure before January 1, 1991, the decision regarding reinstatement or, if applicable, the terms and conditions thereof, will be in the sole discretion of the Wisconsin Pharmacy Examining Board, and Respondent shall not have the right to a hearing thereon.

3. That the above Findings of Fact, Conclusions of Law and Order constitute a Final Decision and may be considered by the Board if the Respondent reapplies for a license.

4. If, at any time, the Respondent reapplies for a license, the Respondent must provide evidence satisfactory to the Board that he is physically and psychologically capable of safely practicing as a registered pharmacist. Such evidence shall at minimum consist of the following:

A. A petition from the Respondent indicating why he is seeking the reinstatement of his license and why he feels capable of returning to practice as a pharmacist;

B. A report from a physician or a psychiatrist who has examined Respondent at a time proximate to the date of the petition for reinstatement, indicating the Respondent has no health problems, including drug or alcohol dependency or any mental or emotional disorders which would prevent him from safely and competently practicing as a registered pharmacist. If any disorders are diagnosed, the report must identify whether any counseling or therapy is recommended. The report should also identify any prescribed drugs being taken by the Respondent and the effect of each drug on the Respondent's behavior;

C. A letter from the Respondent's current employer, if the Respondent is employed in any capacity, evaluating the Respondent's work performance;

D. Three letters of reference from individuals other than Respondent's current employer, evaluating Respondent's general character and suitability to practice pharmacy.

5. That if the Respondent reapplies for license at any time, the Board may require the Respondent to be retested as deemed necessary; as a minimum requirement for retesting if the Respondent reapplies for licensure less than two (2) years from the date of this Order, the Respondent shall take and pass the Jurisprudence (related to state and federal requirements) examination by a minimum score of 75.0 before relicensure. If the Respondent reapplies for licensure more than two (2) years from the date of this Order, the Respondent, as a minimum requirement for retesting, shall take and pass each of the following examinations by a minimum score of 75.0 before relicensure [as outlined in Wis. Adm. Code sec. 3.04(2)]:

A. State Practice of Pharmacy;

B. Jurisprudence, related to state and federal requirements

6. That upon reinstatement, the Board may grant Respondent a license to practice pharmacy under terms and conditions as deemed appropriate by the Board. Said conditions and limitations may include, but not be limited to, the following: restrictions on practice as a "managing pharmacist" or a "pharmacist-in-charge"; employer reports; accountability audits; change in employment status reports; and such other conditions as the Board may deem appropriate.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

PHARMACY EXAMINING BOARD

By: _____ 5/16/89
A Member of the Board Date

MJB:lmp
DOEATTY-545

RECEIVED
MAY 1 1989
Dept. of Regulation & Licensing
Division of Enforcement

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOHN SOCEKA, R.PH., RESPONDENT.	:	

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation of John Soceka's licensure by the Division of Enforcement (case file 84 PHM 31). Mr. Soceka consents to the resolution of this investigation by stipulation and without the issuance of a formal disciplinary complaint and hearing.

2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by clear, satisfactory and convincing evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. The Respondent does not wish to contest the allegations and statements found in the attached Final Decision and Order, and hereby voluntarily surrenders his license to practice pharmacy in the State of Wisconsin.

4. The Respondent, the Respondent's attorney, and the Complainant urge the Pharmacy Examining Board to adopt this Stipulation and the attached Final Decision and Order in this matter.

5. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then neither of the parties shall be bound by any of the terms.

6. The attached Final Decision and Order may be made and entered in this matter by the Wisconsin Pharmacy Examining Board, without prior notice to any party.

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APR 28 1989
Dept. of Regulation & Licensing
Division of Enforcement

7. All parties agree that Counsel for the Department of Regulation and Licensing, Division of Enforcement, and the Board Advisor appointed in this matter may appear before the Wisconsin Pharmacy Examining Board in either open or closed session without the presence of the Respondent to argue in favor of acceptance of this stipulation and the entry of the attached Final Decision and Order and to answer any questions the Board may have.

8. The Respondent's current licensure documents are attached to this Stipulation.

4/12/89
Date

Michael J. Berndt, Attorney
Division of Enforcement

4/26/89
Date

John Soceka, Respondent

4/26/89
Date

J. Thomas Haley
Attorney for Respondent

MJB:lmp
DOEATTY-544

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APR 28 1989
Dept. of Regulation & Licensing
Division of Enforcement

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)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Pharmacy Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Pharmacy Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is May 17 ,1989.

WLD:dms
886-490

227 49 Petitions for rehearing in contested cases (1) A petition for rehearing shall not be a prerequisite for appeal or review Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order This subsection does not apply to s. 17 025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law

(3) Rehearing will be granted only on the basis of.

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch 125, decisions of the department of employe trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s 227.52 shall be entitled to judicial review thereof as provided in this chapter

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held Unless a rehearing is requested under s 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s 227 48 If a rehearing is requested under s 227 49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss 77 59 (6) (b), 182 70 (6) and 182 71 (5) (g) The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s 227 57 upon which petitioner contends that the decision should be reversed or modified The petition may be amended, by leave of court, though the time for serving the same has expired The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1 The tax appeals commission, the department of revenue.

2 The banking review board or the consumer credit review board, the commissioner of banking.

3 The credit union review board, the commissioner of credit unions.

4 The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.