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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FRANKLIN RICHARD TURIM, R.PH.,
RESPONDENT.

FINAL DECISION
AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

Franklin Richard Turim
8990 North Seneca Road
Milwaukee, Wisconsin 53217

Pharmacy Examining Board
P. O. Box 8936
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing
Division of Enforcement
P. O. Box 8936
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with Franklin Richard Turim as the respondent.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the Pharmacy Examining Board.

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 Franklin Richard Turim, hereinafter called the Respondent, was at all times relevant to this Complaint duly licensed to practice as a registered pharmacist in the State of Wisconsin.

2. That the Respondent's license as a pharmacist is number 7082, issued on April 7, 1961.

3. That the Respondent's last reported address is 8990 North Seneca Road, Milwaukee, Wisconsin 53217.

4. That the Respondent was convicted of one misdemeanor violation of secs. 450.07(5) and 450.07(12), Stats., upon a plea of no contest on March 8, 1983, in the Circuit Court for Milwaukee County, Judge Lee E. Wells presiding.

5. That attached as Exhibit A is a copy of the criminal complaint upon which the Respondent and his corporation were convicted.

6. That attached as Exhibit B is a copy of the judgment of conviction regarding the Respondent. The judgment of conviction indicates that for purposes of the criminal sentencing, six allegations similar to the charge upon which the Respondent was convicted were considered by the court as "read ins." These similar allegations all involved the same patient.

7. That as a result of the above conviction, the Respondent was placed on probation for a period of 24 months and fined \$500. The Respondent was discharged early from probation on May 8, 1984..

8. That on March 8, 1984, the Respondent sold Turim's Pharmacy. The Respondent sold the pharmacy for personal reasons related to the above conviction. Following the sale of the pharmacy, the Respondent voluntarily removed himself from the practice of pharmacy for a period of three months for personal reasons related to the above conviction.

CONCLUSIONS OF LAW

1. That by being convicted of a crime, the circumstances of which substantially relate to the practice of pharmacy, the Respondent has violated Wis. Adm. Code sec. Phar 10.03(2).

2. That by being convicted of the above crime, the Respondent has committed a violation of Chapter 450, Stats.

3. That pursuant to sec. 450.02(7), Stats., the Pharmacy Examining Board has jurisdiction to take disciplinary action against the Respondent.

Therefore, it is hereby ORDERED:

1. The Respondent's license as a registered pharmacist shall be suspended for a period of 30 days. The first 15 days of the suspension shall be retroactive to March, 1984, and the remaining 15 days shall commence 20 days following the date of this Order.

2. It is further ordered that the license of the Respondent shall be limited as follows:

- a. The Respondent may not be the managing pharmacist of a pharmacy for a period of 12 months, commencing March 8, 1984.
- b. The Respondent may not own or be a part owner of a pharmacy for a period of 18 months, commencing March 8, 1984.

PHARMACY EXAMINING BOARD

By: Marcus "Bud" Nelson, R.Ph.
A Member of the Board

August 15, 1984
Date

MJB:cls
108-664