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FILE COPY

BEFORE THE STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID WOLKENSTEIN,
RESPONDENT

AND

SANGOR DRUG, INC.,
RESPONDENT

FINAL DECISION
AND ORDER

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

David Wolkenstein, R.Ph.
309 East Fairy Chasm Road
Bayside, Wisconsin 53217

Sangor Drug, Inc.
309 East Fairy Chasm Road
Bayside, 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 David Wolkenstein and Sangor Drug, Inc. as the respondents.

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 David Wolkenstein, Respondent, was at all times relevant to this proceeding duly licensed to practice as a registered pharmacist in the State of Wisconsin.
2. That Wolkenstein holds license #6786, granted on August 30, 1958.
3. That Wolkenstein's last reported address is 309 East Fairy Chasm Road, Bayside, Wisconsin 53217.
4. That Sangor Drug, Inc., Respondent, holds a license as a pharmacy, #4720, issued on June 3, 1966.
5. That Sangor Drug, Inc.'s last reported address is 800 West North Avenue, Milwaukee, Wisconsin 53205. Sangor Drug, Inc.'s mailing address is 309 Fairy Chasm Road, Bayside, Wisconsin 53217.
6. That Wolkenstein was an owner and operator of Sangor Drug, Inc., until September 25, 1984.
7. That on September 25, 1984, Wolkenstein was convicted upon a plea of guilty of one count of income tax evasion in violation of T. 26 U.S.C. s. 7201 and one count of racketeering in violation of T. 18 U.S.C. s. 1962(c) in the United States District Court for the Eastern District of Wisconsin.
8. That said convictions relate to Counts 17 and 20 of the Indictment which is attached as Exhibit A. Counts 1 through 16 and Count 21 were dismissed.
9. That Wolkenstein was sentenced to five years imprisonment on the income tax evasion count and eight years imprisonment on the racketeering count, said sentences to be served concurrently. Wolkenstein was also ordered to forfeit to the United States of America all rights with respect to Sangor Drug, Inc. A copy of the Judgment and Commitment Order is attached as Exhibit B and a copy of the Final Judgment of Forfeiture is attached as Exhibit C. Wolkenstein is currently imprisoned on said charges.
10. That the criminal convictions of Wolkenstein relate to his practice of pharmacy and to his activities with respect to Sangor Drug, Inc.

CONCLUSIONS OF LAW

1. That by being convicted of the above crimes, Wolkenstein has violated Wisconsin Administrative Code section Phar 10.03(2) and section 450.02(7), Stats.

2. That the Board has jurisdiction over the Respondent pursuant to Chapter 450, Stats.

Therefore, it is hereby ORDERED:

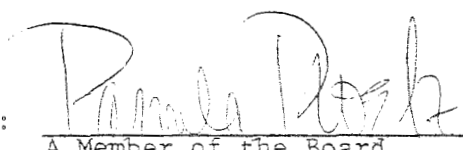
1. That in lieu of imposing discipline, the Board accepts the voluntary surrender of Wolkenstein's license as a pharmacist, #6786.

2. That the Board accepts the voluntary surrender of the pharmacy license of Sangor Drug, Inc., #4720.

3. That the Findings of Fact and Conclusions of Law in this matter constitute a Final Decision and may be considered by the Board should the Respondent reapply for licensure.

PHARMACY EXAMINING BOARD

BY:


A Member of the Board


Date

MB:1mp
086-803