

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DAVID R. MOCZYNSKI, R.PH., : ADOPTING STIPULATION
RESPONDENT. : 89 PHM 31

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

David R. Moczynski, R.Ph.
330 East Mason Street
Milwaukee, WI 53202

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

Department of Regulation and 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 decision 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 R. Moczynski, 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 David R. Moczynski holds a license as a pharmacist, number 7740, granted April 20, 1968.
3. That the Respondent's date of birth is August 14, 1944 and current address is 330 East Mason Street, Milwaukee, WI 53202.
4. On October 19, 1990, Respondent pleaded guilty to three criminal counts of dispensing cocaine, a Schedule II controlled substance under sec. 161.16(2)(b)(1). The foregoing violations occurred in October and December, 1985 and January 1986. On January 10, 1991, Respondent was sentenced to 6 months in a halfway house with work release privileges followed by 3 months house arrest, 3 years probation commencing concurrently, and imposition of a \$5,000.00 fine. As a condition of probation, Respondent was required to participate in a drug abuse program with urine drug testing and treatment, and 200 hours of community service. A copy of the order of the Federal District Court for the Eastern District of Wisconsin is attached hereto as Exhibit A.

5. From about 1984 through January 1986, Respondent Ordered cocaine from a drug distributor for his own use. Respondent has used cocaine without any legitimate prescription order of a practitioner from about 1984 to January 1986. A 1987 audit by the Drug Enforcement Administration revealed that 85 grams of cocaine had been dispensed without a prescription at Respondent's pharmacy. This diversion of cocaine was the basis for the criminal conviction described above.

6. Also on January 10, 1991, Respondent was cited for and plead guilty to 39 civil record keeping violations relating to controlled substances discovered in the 1987 audit by the DEA and was fined \$30,000.00 for those violations.

7. From 1968 to the present, Respondent has been part owner, operator and managing pharmacist of the Prescription Center Pharmacy, license #6127, in Milwaukee; Wisconsin.

8. On June 8, 1987 to July 5, 1988 Respondent voluntarily entered and participated in outpatient treatment for cocaine dependency at De Paul Rehabilitation Hospital in Milwaukee, Wisconsin. Respondent was discharged from that program because of lack of participation and because he simply appeared to be complying with treatment recommendations in order to maintain his license as a pharmacist. Respondent then entered outpatient treatment and monitoring through Addictive Disease Medical Consultants in September 1990 and has continued urine drug screen monitoring. Respondent presently continues urine drug screen monitoring as a condition of his probation through the Wisconsin Correctional Service, Outpatient Substance Abuse Program. All urine drug screens of Respondent through February 1993 have been negative, with no further report since of any positive drug screen.

9. Respondent, in consideration of this investigation and pursuant to the attached Stipulation, is willing to cooperate and abide by all requirements of the Pharmacy Examining Board for a resolution of this matter. Respondent has agreed to obtain a chemical dependency assessment at Milwaukee Psychiatric Hospital by Dr. William Benzer, and abide by treatment and monitoring recommendations, subject to the requirements of the Board.

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's having been in possession of and used cocaine in violation of sec. 161.41(3) and having violated record keeping laws relating to controlled substances are violations and offenses substantially related to the practice of pharmacy, and constitute unprofessional conduct under sec. 450.10(1)(a)2. and sec. Phar 10.03(1) and (3), Wis. Adm. Code. and subjects respondent to discipline under sec. 450.10(1)(b), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED that effective on the date of this Order, the pharmacist license of David R. Moczynski, Respondent, shall be SUSPENDED for a period of not less than three (3) years. The Board in its discretion may restore Respondent's license to full, unlimited status only upon petition by Respondent after completion of the aforesaid suspension period, and a showing that Respondent has complied with all terms and conditions of this Order, and a demonstration that Respondent may practice pharmacy without condition or limitation.

1. The suspension shall be STAYED for a period of three months, conditioned upon compliance with the conditions and limitations outlined in paragraph 2., below.

a. The Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on the Respondent for rehabilitation and practice during the prior three (3) month period.

b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that Respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the Respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

c. Upon a showing by Respondent of successful compliance for a period of three years with the terms of paragraph 2., below, the Board may grant a petition by the Respondent for return of full licensure.

d. The applications for extension under 1.a. and all required reports under 2.a-c. shall be due on the following dates:

Each and every December 1st, March 1st, June 1st,
and September 1st for the period that this Order
remains in effect, commencing December 1, 1993.

2. CONDITIONS OF STAY AND LIMITATIONS.

a. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes. Respondent shall have his physician report in writing to the supervising physician or therapist under paragraph 2.b.(1) all medications prescribed to the Respondent within 3 days of such prescribing.

b. Rehabilitation Program. Respondent shall arrange for and enter and remain in a rehabilitation program acceptable to the Board for

the treatment of chemical abuse and dependency. Such a program shall consist of the following elements and requirements:

(1) Respondent shall undergo and complete within 14 days of the date of this order a comprehensive evaluation and assessment for chemical abuse and/or dependency through Addictive Disease Medical Consultants and the McBride Center for Impaired Professionals, Milwaukee, Wisconsin, under the supervision and direction of Dr. Charles Engel, M.D., (hereinafter, "supervising physician or therapist"). The supervising physician or therapist shall be responsible for the Respondent's total assessment and rehabilitation program. Respondent shall immediately provide a copy of this order to his supervising physician or therapist. The supervising physician or therapist performing the assessment shall be provided with copies of the Division of Enforcement's investigative materials regarding this matter for review prior to the date of assessment. A full written report of the evaluation and assessment shall be provided directly to the Board by the supervising physician or therapist within 30 days of the date of this order. The chemical dependency assessment report shall include:

- (a) An evaluation of Respondent's level of cooperation in the assessment and influence thereof on the assessment's conclusions,
- (b) Diagnosis of Respondent's condition,
- (c) Recommendations for treatment,
- (d) Work restrictions if any, and
- (e) Prognosis for Respondent's success in rehabilitation.

The results of the evaluation and assessment shall be considered in establishing the elements and goals of Respondent's rehabilitation and treatment program, subject to the requirements of this order. Respondent shall participate in and comply with all recommendations for treatment, subject to the requirements of this order.

Following the evaluation and receipt of the report upon the evaluation, the Board, on its own initiative or request of the Division of Enforcement, may modify any of the terms of this order as the Board deems necessary and appropriate based upon the results of the evaluation. The Board shall afford an opportunity for hearing under the provisions of ch. RL 1. Wis. Adm. Code, to the Respondent if the Board modifies the terms of this Order under the terms of this paragraph.

(2) The rehabilitation program shall include and Respondent shall participate in individual and/or group therapy sessions upon a schedule as recommended by the supervising physician or therapist.

(3) Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for

recovering professionals, upon a frequency as recommended by the supervising physician or therapist. If AA/Na meetings are recommended, attendance of Respondent at such meetings shall be verified and reported monthly to the supervising physician or therapist.

(4) Respondent's rehabilitation program shall include and Respondent shall participate in a program of random, witnessed collection of urine and/or blood specimens for monitoring for the presence of all controlled substances, including in particular but not limited to cocaine or its metabolites, and alcohol in his blood and/or urine on a frequency of not less than eight times per month.

Following the evaluation and receipt of the report upon the evaluation required under paragraph 2.b.(1), and upon petition by Respondent, the Board in its discretion based upon the results of the evaluation and with due consideration for protection of the public under all the circumstances may modify the minimum frequency of random, witnessed urine screens to not less than 4 times per month. A denial of such a petition for modification under this subparagraph shall not be deemed a denial of license under sec. 227.01(3), or 227.42, Wis. Stats.. or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

All urine screens shall include testing and reporting of the specific gravity of the urine specimen.

The random drug and alcohol screening program shall include weekends and holidays for collection of specimens. Failure of the drug and alcohol screening program to be conducted on a random basis shall be deemed a violation of this Order and may result in denial of extension of Stay of Suspension, disapproval of the monitoring facility or program, or other action as deemed appropriate by the Board.

The Respondent shall appear and provide a specimen not later than 5 hours following a request for a specimen, but in no event later than the same calendar date that the request is made.

If the physician or therapist supervising the Respondent's plan of care, Respondent's employer, the Pharmacy Examining Board or the Department of Regulation and Licensing, Division of Enforcement deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens as requested or recommended. The supervising physician or therapist shall exceed the above stated minimum frequency for obtaining drug and alcohol screens to prevent ability of Respondent to predict that no further screens will be required for a given period because the minimum frequency for that period has been met.

The Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board. Respondent shall immediately provide a copy of this Order to the

monitoring facility conducting the collection of specimen and/or chemical analyses upon specimens for the random witnessed drug and alcohol screening program.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for analysis for all controlled substances and alcohol. Any specimen that yields a positive result for any controlled substance or alcohol shall be immediately subjected to a gas chromatography-mass spectrometry (hereinafter, "GC-MS") test to confirm the initial positive screen results. The monitoring facility shall agree to immediately file a written report directly with the Pharmacy Examining Board, the supervising physician or therapist, and the Respondent's supervising pharmacist upon any of the following occurrences: if the Respondent fails to appear for collection of a specimen as requested; or if a drug or alcohol screen and confirmatory GC-MS test prove positive; or if the specific gravity of a urine specimen is below 1.008; or if the Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order. Respondent shall arrange for quarterly reports from the monitoring facility directly to the Board and to Respondent's supervising physician or therapist providing the dates and results of specimen analyses performed. Such reports shall be due on dates specified in paragraph 1.d. above.

The monitoring facility shall further agree to keep a formal record of the chain of custody of all specimens collected and subjected to analysis. The facility shall further agree to preserve any specimens which yielded positive results for any controlled substance or alcohol, or specific gravity below 1.008, pending further written direction from the Board.

(5) Respondent shall arrange for quarterly reports from his supervising physician or therapist directly to the Board evaluating and reporting:

- (a) A summary of Respondent's progress in his rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,
- (b) Respondent's attendance in NA/AA meetings,
- (c) Respondent's participation in and results of his random witnessed urine and/or blood screening program.

Such quarterly reports shall be due on the dates specified under paragraph 1.d. of this Order.

(6) Respondent shall arrange for agreement by his supervising physician or therapist to report immediately to the Board any conduct or condition of Respondent that may constitute a danger to the public in his practice of pharmacy, and any occurrence that constitutes a failure on the part of the Respondent to comply with the requirements of this Order or treatment

recommendations by the supervising physician or therapist, including any indications of consumption of alcohol or unauthorized use of any controlled substances, notice of any positive blood and/or urine screen for alcohol or controlled substances, and any urine specimen that is below a specific gravity of 1.008.

c. Practice of Pharmacy: Limitations and Conditions. Any practice of Pharmacy by Respondent during the pendency of this Order shall be subject to the following terms and conditions:

(1) Respondent shall not practice as a pharmacist in any capacity unless he is in full compliance with the rehabilitation program as specified and approved under this Order.

(2) Respondent shall arrange for an independent firm, which shall be approved in advance by the Board, to conduct accountability audits of all schedule II controlled substances and all generic and brand name formulations of Fiorinal with codeine, diazepam, Valium and Xanax, every three months for the duration of this Order. The audit shall be conducted by and certified by a licensed pharmacist other than respondent. Each quarterly audit shall be sent to the Board directly by the certifying pharmacist on the due dates specified for quarterly reports in paragraph 1. d. above. Any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.

3. Respondent shall provide and keep on file with his supervising physician/therapist and all treatment facilities and personnel current releases which comply with state and federal laws, authorizing release of all his medical and drug and alcohol counseling, treatment and monitoring records to the Pharmacy Examining Board and the Department of Regulation and Licensing, Division of Enforcement, and permitting his supervising physician/therapist and treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation and all matters relating thereto with the Pharmacy Examining Board or its duly authorized representatives or agents. Copies of these releases shall be filed simultaneously with the Pharmacy Examining Board and the Division of Enforcement. Respondent shall also provide and keep on file with his probation and parole officer current releases authorizing release of all probation and parole information and reports regarding Respondent to the Pharmacy Examining Board and the Division of Enforcement, and authorizing his probation and parole officer to discuss with the Board or its authorized agents and representatives Respondents history, progress and status and all matters relating thereto. Copies of these probation and parole records releases shall be filed simultaneously with the Board and the Division of Enforcement.

4. The Respondent shall report to the Board any change of employment status, residence address or phone number within five (5) days of any such change.

5. Respondent shall pay costs of this investigation under Wis. Stats. section 440.22 in the amount \$741, to the Department of Regulation and Licensing, which costs shall be paid within 60 days following the date of this Order.

6. Respondent shall not own in whole or in part any interest in a pharmacy except The Prescription Center Pharmacy, Inc., 330 East Mason Street, Milwaukee, Wisconsin, during the period of time this Order remains in effect.

7. Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of two years, the Respondent may petition the Board, in conjunction with an application for extension of the stay of suspension, for modification of the conditions or limitations for stay of suspension. Any such petition shall be accompanied by a written recommendation of the Respondent's supervising physician or therapist expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under sec. 227.01(3), or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

8. Respondent shall be responsible for all costs and expenses of complying with this Order and for arranging any alternative means for covering such costs and expenses.

9. The Board in its discretion may conduct unannounced inspections and/or audits, and make copies, of pharmacy records and inventory at any pharmacy owned by Respondent or where Respondent is employed as a pharmacist.

10. Violation of any of the terms of this Order or of any law substantially relating to the practice of pharmacy may result in a summary suspension of the Respondent's license, the denial of an extension of the stay of suspension, the imposition of additional conditions and limitations, or the imposition of other additional discipline, including revocation of license.

11. This Order shall become effective immediately upon issuance by the Pharmacy Examining Board, except for provisions 2.a., which is effective the date of signing by Respondent.

Dated this 14 day of SEPTEMBER, 1993.

WISCONSIN PHARMACY EXAMINING BOARD

By: Charles H. Hinkel, R.Ph.
A Member of the Board

I, David R. Moczynski, have read and understood all parts of this Order and attached Stipulation, and pursuant to the attached Stipulation, hereby consent to the entry of the foregoing Final Decision and Order by the Wisconsin Pharmacy Examining Board.

9/8/93
Date

David R. Moczynski
David R. Moczynski, Respondent

9/8/93
Date

Stephen M. Glynn
Stephen M. Glynn
Attorney for Respondent

United States District Court

EASTERN District of WISCONSIN

UNITED STATES OF AMERICA

v.

DAVID MOCZYNSKI

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed Prior to November 1, 1987)

Case Number: 90-CR-190

U.S. District Court
Eastern Div. of Wis.

I hereby certify that this is a true and correct copy of the original now remaining of record in my office.

Steve Glynn

Defendant's Attorney

RON B. NEDILSKY

DATED: 5-29-92

[Signature] Deputy
Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 1, 2 & 3
- was found guilty on count(s) _____
- plea of not guilty _____

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:842(a)(1), 21:842(c)(2)(A) & 829(a)	Knowingly dispensing cocaine Sch II without written prescription from a practitioner	1/22/87	1, 2 & 3

The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).

Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS THE JUDGMENT OF THIS COURT THAT: Imposition of sentence is suspended as to cts. 1 & 2 and the defendant is placed on probation for a period of three (3) years with the special condition that the first 6 months be served in a halfway house with work release; followed by three (3) months house arrest with work release. Imposition of sentence is suspended as to ct. 3 and the defendant is fined \$5,000.00 with interest. As a special condition of probation defendant is to participate in a drug abuse program with testing and treatment as directed by probation until such time as you are released from program by the probation office. Defendant is to perform 200 hours of community service work as directed by the probation office.

EXHIBIT A

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant

- 1) shall not commit another federal, state or local crime
2) shall not leave the judicial district without the permission of the court or probation officer
3) shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
4) shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
5) shall support his or her dependents and meet other family responsibilities.
6) shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7) shall notify the probation officer within seventy-two hours of any change in residence or employment.
8) shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
9) shall not frequent places where controlled substances are illegally sold, used, distributed or administered.
10) shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
11) shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
12) shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
13) shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
14) as directed by the probation officer, shall notify third parties of risks that may be occasioned by defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
15) shall pay any fine or obligation imposed by this judgment.
16) shall not possess a firearm or destructive device.

[X] IT IS FURTHER ORDERED that the defendant shall pay a special assessment of \$ 75.00, for count(s) 1, 2 & 3, which shall be due [] immediately [X] as follows: to be paid by close of business 1/10/91 to the U. S. Clerk of Court.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

[] The court orders commitment to the custody of the Attorney General and recommends:

Defendant's Soc. Sec. No.: 397-42-4835

Defendant's Date of Birth: 8/14/44

Defendant's Mailing Address:

N19 W5342 Pierce Court

Gedarburg, WI 53012

Defendant's Residence Address:

January 10, 1991

Date of Imposition of Sentence

[Handwritten Signature]

Signature of Judicial Officer

Thomas J. Curran
United States District Judge

Name & Title of Judicial Officer

[Handwritten Signature]
January 16, 1991
Date

RETURN

I have executed this judgment as follows:

[Blank lines for execution details]

Defendant delivered on _____ to _____ at _____ with a certified copy of this judgment

United States Marshal

By _____ Deputy Marshal

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID R. MOCZYNSKI, R.Ph.,
RESPONDENT.

STIPULATION
89 PHM 31

It is hereby stipulated between David R. Moczynski, R.Ph., personally and by his Attorney, Stephen M. Glynn, and Robert T. Ganch, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of the license of the above named Respondent to practice as a pharmacist in the State of Wisconsin, investigative file #89 PHM 31. The Respondent consents to the resolution of this investigation by this Stipulation and without the issuance of a formal complaint.

2. The Respondent understands that by the signing of the Stipulation, the following rights are voluntarily and knowingly waived, including: the right to a hearing on the allegations against the Respondent, at which 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 the Respondent; the right to call witnesses on behalf of the Respondent and to compel their attendance by subpoena; the right of the Respondent to testify, the right to file objections to any proposed Decisions 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. The Respondent admits the facts and conduct described in the attached Findings of Fact and agrees to the adoption, entry and issuance of the attached Findings of Fact, Conclusions of Law and Order Adopting Stipulation by the Pharmacy Examining Board.

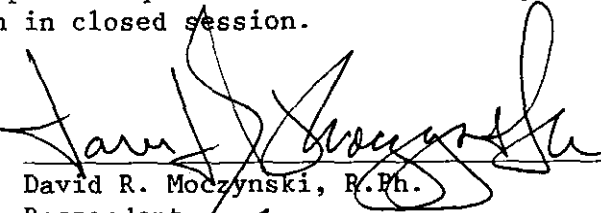
4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of the Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order Adopting Stipulation without further notice, pleading, appearance or consent of the parties.

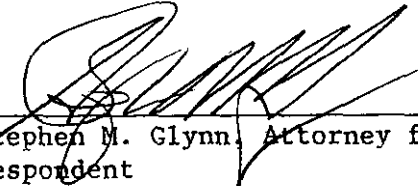
6. This Stipulation and the attached Final Decision and Order shall not prejudice the Pharmacy Examining Board from taking any further action regarding any conduct of the Respondent not stated in the attached Final Decision and Order.

7. The Division of Enforcement joins the Respondent in recommending the Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order Adopting Stipulation. All parties agree that the attorney for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor to this case may appear before the Pharmacy Examining Board in support of this Stipulation and attached Final Decision and Order. All parties further agree that the attorney for the Division of Enforcement and the Board Advisor for this case may respond to questions of the Pharmacy Examining Board during its deliberation in closed session.

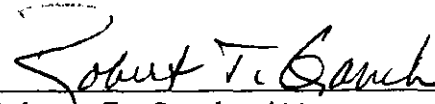
9/8/93
Date


David R. Moczynski, R.Ph.
Respondent

9/8/93
Date


Stephen M. Glynn, Attorney for
Respondent

September 9, 1993
Date


Robert T. Ganch, Attorney
Division of Enforcement

Wisconsin Pharmacy Examining Board

Sept. 14, 1993
Date


A member of the Board

RTG
ATY2/4566
8/2/93

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 September 16, 1993.