

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

Kenneth A. Bressers, R.Ph.,  
RESPONDENT.

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FINAL DECISION AND ORDER

94 PHM 075

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

Kenneth A. Bressers, R.Ph.  
658 West 9th Avenue, Upper  
Oshkosh, Wisconsin 54901

Wisconsin 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. Respondent, Kenneth A. Bressers, date of birth August 3, 1952, is and was at all times relevant to the facts set forth herein a registered pharmacist licensed in the State of Wisconsin pursuant to license #8878, originally granted on December 4, 1975.

2. On February 11, 1991, in the Circuit Court for Milwaukee County, Wisconsin, the Respondent was convicted, on his plea of no contest, more specifically an Alford plea in which the Respondent denied his guilt but agreed there was evidence upon which guilt could be found, of two counts of Conspiracy to Commit Burglary and two counts of Attempted Receiving of Stolen Property.

3. The Respondent was sentenced to a total of eight years in prison, with the sentence being stayed and the Respondent being placed on probation. As conditions of probation, the Respondent was ordered to be incarcerated in the House of Correction for one year with work release and medical release privileges, was ordered to perform a total of 300 hours of community service, to pay court costs of \$200 and to make restitution in an amount to be determined. A copy of the Judgment of Conviction is attached as Exhibit A and a copy of the Amended Criminal Complaint is attached as Exhibit B.

4. On March 1, 1994, in the Circuit Court for Milwaukee County, Wisconsin, the Respondent was convicted, on his plea of guilty, of one count of Commercial Gambling.

5. The Respondent was sentenced to prison for a period of 18 months and assessed costs of \$50. The Respondent was subsequently allowed to participate in an Intensive Sanctions program in lieu of 18 months in prison. A copy of the Judgment of Conviction is attached as Exhibit C.

6. The circumstances of the above convictions substantially relate to the practice of pharmacy.

#### CONCLUSIONS OF LAW

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

2. That by being convicted of the above crimes, the Respondent has violated §450.10(1)(b)3., Wis. Stats. Such conduct constitutes unprofessional conduct within the meaning of the Wisconsin Administrative Code and statutes.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the Respondent, Kenneth A. Bressers, R.Ph., is Reprimanded.

IT IS FURTHER ORDERED, that the license of the Respondent is Limited as follows for a period of five years from the date of this order:

1. The Respondent must disclose the above criminal convictions to any current or future employer prior to commencing employment and, as part of this disclosure, must provide a copy of this order to the employer.
2. The Respondent may not be a pharmacy owner as defined by Chapter Phar 1, Wisconsin Administrative Code.

IT IS FURTHER ORDERED, that pursuant to §227.51(3), Wis. Stats., and ch. RL 6, Wis. Adm. Code, if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this 10<sup>th</sup> day of October, 1995.

WISCONSIN PHARMACY EXAMINING BOARD

by: George F. Chutkan  
a member of the Board

State of Wisconsin, Plaintiff

-vs-

KENNETH BRESSERS, Defendant

8-3-52

Defendant's Date of Birth

## JUDGMENT OF CONVICTION

- ☐ Sentence to Wisconsin State Prisons
- ☒ Sentence Withheld, Probation Ordered
- ☒ Sentence Imposed & Stayed, Probation Ordered

COURT CASE NUMBER F-890665

The defendant entered plea(s) of: ☐ Guilty ☐ Not Guilty ☒ No ContestThe ☒ Court ☐ Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR (F OR M)	CLASS (A-E)	DATE(S) CRIME COMMITTED
CONSP. TO COMMIT BURG. 939.31 and 943.10		F	C	All on or about 6-15-88
CONSP. TO COMMIT BURG. 939.31 and 943.10		E	C	11-11-88
ATT. REC. STOLEN PROP. 939.32 and 943.34(2)		F	E	2-17-89
ATT. REC. STOLEN PROP. 939.32 and 943.34(3)		F	C	2-24-89

The defendant is convicted on 11th day of Feb. 19 91.The defendant is sentenced on 18th day of June 19 91.

IT IS ADJUDGED that the defendant is convicted as found guilty, and:

- ☒ is sentenced to the ~~WISCONSIN STATE PRISON~~ WSP for 5 Yrs on Ct 1, and
- ☒ is placed on probation for 8 Years on all cts, concurrent. 3 Yrs on Ct 4, con
- ☒ is to pay: to Ct 1

fine of ..... \$ .....

attorney fees of ..... \$ .....

court costs of ..... 50.00 as to each count

restitution of ..... Yes, in amt determ by Dept.

TOTAL \$ .....

- ☒ is to pay mandatory victim/witness surcharge(s):

felony 4 counts ..... \$ .....

misdemeanor ..... counts ..... \$ .....

TOTAL \$ .....

- ☒ is to be incarcerated in the ~~County Jail~~ House of Correction for a period of One Year as to Cts 1 and 4, concurrent.

WSP

- ☒ is granted work/~~study~~ release privileges. for employment and medical purposes. 1991

Deft to maintain employment; deft to continue supporting family

- ☒ other: deft to do a total of 300 hours community service

IT IS ADJUDGED that none days sentence credit are due pursuant to s. 973.155. All State and County credits shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of Milwaukee, Wisconsin.

NAME OF JUDGE

JEFFREY A. WAGNER

PLAINTIFF'S ATTORNEY

E. MICHAEL MC CANN (DF)

DEFENSE ATTORNEY

MARK STERN

BY THE COURT:

*Jeffrey A. Wagner*

Circuit Court Judge

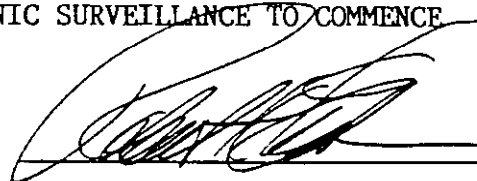
JUN 16 1991

Circuit Court Judge

Date Signed

JANUARY 9, 1992: HON. JEFFREY A. WAGNER PRESIDING, BRANCH 38

AS TO THE WORK RELEASE CONDITION OF PROBATION, COURT ORDERS ELECTRONIC  
SURVEILLANCE FOR EMPLOYMENT AND CHILD CARE. ELECTRONIC SURVEILLANCE TO COMMENCE  
ON 03-02-92

A handwritten signature in black ink, appearing to be "J. A. Wagner", is written over a horizontal line.

STATE OF WISCONSIN

CIRCUIT COURT  
CRIMINAL DIVISION

MILWAUKEE COUNTY

State of Wisconsin,

Plaintiff,

AMENDED  
CRIMINAL COMPLAINT

v.

Case No. F-89-0665

Kenneth Bressers,  
(d.o.b. 8-3-52),

Defendant,

Crimes: Count #1 Conspiracy to Commit Burglary  
Count #2 Conspiracy to Commit Burglary  
Count #3 Conspiracy to Commit Burglary  
Count #4 Attempted Receiving Stolen Property  
Count #5 Attempted Receiving Stolen Property

Statute Violated: Count #1 939.31 and 943.10  
Count #2 939.31 and 943.10  
count #3 939.31 and 943.10  
Count #4 939.32 and 943.34(2)  
Count #5 939.32 and 943.34(3)

Complaining Witness: Diane Stutika

The above named complaining witness, being first duly sworn,  
says that:

Count #1

On and about June 15, 1988 in Milwaukee County, Wisconsin, the above-named defendant, with intent that a crime (i.e. a burglary at the Sheryl Michalski residence, 7729 W. Bradley Road, City and County of Milwaukee, Wisconsin) be committed, agreed with another for the purpose of committing that crime and one or more of the parties to the conspiracy did an act to effect its object, some of the conspirators actually committed a burglary at the Michalski residence, contrary to Wisconsin Statutes section 939.31 and 943.10.

Count #2

During and about September 1988 in Milwaukee County, Wisconsin, the above-named defendant, with intent that a crime (i.e. a burglary at the Joan Spencer residence, 8849

Exhibit B

AMENDED CRIMINAL COMPLAINT

State v. Kenneth Bressers F-89-0665

Page 2

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Glenwood Drive, Greendale, Milwaukee County, Wisconsin) be committed, agreed with others for the purpose of committing that crime and one or more of the parties to the conspiracy did an act to effect its object, some of the conspirators went to the Spencer residence in order to commit the planned burglary, contrary to Wisconsin Statutes section 939.31 and 943.10.

Count #3

On and about November 11, 1988 in Milwaukee County, Wisconsin, the above-named defendant, with intent that a crime (i.e. a burglary at the Kathryn Madole residence, 8505 Rae Court, Greendale, Milwaukee County, Wisconsin) be committed, agreed with others for the purpose of committing that crime and one or more of the parties to the conspiracy did an act to effect its object, i.e., some of the conspirators actually committed a burglary at the Madole residence, contrary to Wisconsin Statutes section 939.31 and 943.10.

Count #4

On or about Friday, February 17, 1989 at the jewelry store located at 8405 W. Forest Home Avenue, City of Greenfield, County of Milwaukee, State of Wisconsin, the above-named defendant attempted to intentionally receive stolen property valued in excess of \$500, i.e., various pieces of jewelry including two rings which were appraised at a combined value of \$1,148, contrary to Wisconsin Statutes section 939.32 and 943.34(2).

Count #5

On or about Friday, February 24,, 1989 at the defendant's residence, 5225 Raven Drive, Village of Greendale, County of Milwaukee, State of Wisconsin, the above-named defendant attempted to intentionally receive stolen property valued in excess of \$2,500, i.e., a ring which was appraised at \$7,000, contrary to Wisconsin Statutes section 939.32 and 943.34(3).

STATEMENT OF PENALTIES

Upon conviction of the charge of Conspiracy to Commit Burglary as stated above in count #1, a conspiracy to commit

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AMENDED CRIMINAL COMPLAINT

State v. Kenneth Bressers F-89-0665

Page 3

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a Class C Felony, the penalty for the defendant may be a fine of not more than \$10,000 or imprisonment for not more than ten years or both such fine and imprisonment.

Upon conviction of the charge of Conspiracy to Commit Burglary as stated above in count #2, a conspiracy to commit a Class C Felony, the penalty for the defendant may be a fine of not more than \$10,000 or imprisonment for not more than ten years or both such fine and imprisonment.

Upon conviction of the charge of Conspiracy to Commit Burglary as stated above in count #3, a conspiracy to commit a Class C Felony, the penalty for the defendant may be a fine of not more than \$10,000 or imprisonment for not more than ten years or both such fine and imprisonment.

Upon conviction of the charge of Attempted Receiving Stolen Property as stated above in count #4, an attempt to commit a Class E felony, the penalty for the defendant may be a fine of not more than \$5,000 or imprisonment for not more than one year or both such fine and imprisonment.

Upon conviction of the charge of Attempted Receiving Stolen Property as stated above in count #5, an attempt to commit a Class C felony, the penalty for the defendant may be a fine of not more than \$5,000 or imprisonment for not more than five years or both such fine and imprisonment.

STATEMENT OF PROBABLE CAUSE

Complainant, a peace officer and an investigator with the Milwaukee County District Attorney's Office, bases this complaint upon her belief of the information which is set forth in this section of the complaint. She obtained this information by examining official police reports which were prepared in the regular course of police business by police officers and which record witness statements and other evidence obtained by the police at or near the time that those reports were prepared. She has also personally been involved in the investigation of the above-stated charges. On the basis of complainant's examination of the above-described records and her personal participation in the investigation of the above-stated charges, together with complainant's personal experience, knowledge, and common sense, complainant is informed and believes as stated below.

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AMENDED CRIMINAL COMPLAINT

State v. Kenneth Bressers F-89-0665

Page 4

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1. Roberto Acevedo, an adult individual, contacted the City of Milwaukee Police Department and advised the police that he and other persons had been involved in a series of burglaries in which a large amount of jewelry had been stolen. Acevedo advised the police that the stolen jewelry that was taken in those burglaries was turned over to the defendant Ken Bressers, with whom Acevedo was personally acquainted. Acevedo stated that some of those burglaries had been done at the specific direction of the defendant.
  2. Acevedo stated that at the time stated above in count #1 the defendant directed Acevedo and Todd Crider to break into the residence of Sheryl Michalski at the address stated above in count #1. Acevedo knew Michalski as she had previously worked for the defendant in connection with the defendant's jewelry business. The defendant told Acevedo and Crider to steal items of jewelry and jewelry tools from Michalski's residence. Acevedo then drove Crider to Michalski's residence which was located at the address stated above in count #1. Acevedo waited outside while Crider went into the Michalski residence. Crider returned a short time later with jewelry and other items from the residence. Acevedo turned those items over to the defendant. The defendant paid Acevedo cash for those items.
  3. The above-mentioned Todd Crider admitted to complainant that at the time and location stated above in count #1 he broke into Sheryl Michalski's residence and stole jewelry and other items out of the residence. Crider stated that the defendant Ken Bressers, with whom Crider was personally acquainted, had directed him and Roberto Acevedo to commit that burglary.
  4. Sheryl Michalski reported to the police that at the time stated above in count #1 she was living in the residence at the address stated above in count #1. She was away from that residence for a portion of the date stated above in that count. Upon returning to that residence she discovered that in her absence someone had entered her residence and removed various items of her property, including jewelry and jewelry tools from her residence. She did not consent to the entry of her
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AMENDED CRIMINAL COMPLAINT

State v. Kenneth Bressers F-89-0665

Page 5

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residence or the removal of those items of her property from that residence by whoever it was that did so. Michalski advised the police that some time before this break in at her residence she had terminated her employment for the above-named defendant Ken Bressers. She had worked for the defendant in connection with his jewelry business.

5. Roberto Acevedo further told the police that at the time stated above in count #2, defendant Ken Bressers directed him, Todd Crider, and another person to break into the residence at the address stated above in count #2. The defendant told Acevedo and the others to steal jewelry out of that residence. The defendant told Acevedo that he (Bressers) knew there were large pieces of jewelry in that residence because he had appraised that jewelry for the person who lived in the residence. Acevedo and the others then drove to the area of that residence in order to do the break in as directed by the defendant. Acevedo waited while the others went up to the residence. Acevedo actually drove those persons to the residence on several different occasions. An entry was never made into the residence because on each occasion it appeared that someone was in the residence.
  6. Todd Crider admitted to complainant that at the time stated above in count #2, he, Acevedo, and another person went to the area of the residence located at the address stated above in count #2 in order to break into that residence as directed by the defendant. Crider stated that they went up to the residence on a couple of different occasions but never actually entered the residence because each time they approached the residence it appeared that there was someone inside the residence.
  7. Joan Spencer, an adult victim, reported to complainant that at the time stated above in count #2, she was living at the residence located at the address stated above in that count. She advised complainant that she did own a number of large pieces of jewelry. Spencer advised complainant that she had taken that jewelry to the defendant's jewelry store in order to have it appraised. Spencer stated that she did not consent to the entry of her residence or the removal of any of those items of jewelry from her residence by the
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AMENDED CRIMINAL COMPLAINT

State v. Kenneth Bressers F-89-0665

Page 6

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defendant or anyone acting at the direction of the defendant.

8. Acevedo further advised the police that at the time stated above in count #3, the defendant directed Acevedo to break into the residence at the address stated above in count #3. Acevedo then drove to the area near that residence with Todd Crider. Acevedo waited outside while Crider went into the residence. Crider came back a short time later with jewelry that Crider had gotten out of the residence. Acevedo took that jewelry and turned it over to the defendant.
  9. Todd Crider admitted to the complainant that at the time stated above in count #3, he and Acevedo drove to the area of the residence located at the address stated above in count #3 in order to break into that residence and steal jewelry. Crider admitted that he went into the residence and took items of jewelry from the residence.
  10. Kathryn Madole, an adult citizen victim, reported to the police that at the time stated above in count #3, she was living in the residence at the address stated above in that count. She was away from that residence during a portion of that day. Upon returning to the residence later in the day she observed that in her absence someone had broken into her residence and stolen numerous items of her jewelry from the residence. She did not consent to the entry of the residence or the removal of that property from the residence by whoever it was that had done so.
  11. Kathryn Madole further advised the police that shortly after the above-described burglary at her residence she went to a rummage sale at State Fair Park in West Allis, Wisconsin and observed that some of the items of her jewelry that had been stolen in the above-described burglary were on display for sale. She contacted the police. The police talked with the merchant who was displaying those jewelry items belonging to Madole. That merchant, Bea Bliwas, told the police that she had received those items of jewelry from Ken Bressers.
  12. The police then contacted the defendant Ken Bressers. The defendant admitted that he had given those items of
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jewelry to Bliwas. The defendant claimed to the police that he had received those items of jewelry from a man who came into his store and asked the defendant to sell them on consignment.

13. The police also interviewed Christopher Howard, an employee of defendant Ken Bressers. Howard told the police that shortly before the police had interviewed defendant Bressers in connection with the jewelry recovered from State Fair Park as described above, the defendant had told Howard that there had been some sort of problem at State Fair Park and that some of Bliwas' jewelry items had been confiscated. Howard then heard the defendant state that he was going to write up a "fake slip" to explain how he (Bressers) had gotten the jewelry. Howard also advised the police that a person named Roberto would often come in to see the defendant and meet with the defendant behind closed doors in the defendant's office.
  14. Leon Bosetti, a City of Milwaukee police officer, was involved in an undercover investigation of the purchasing of stolen jewelry by the above named defendant Kenneth Bressers. During the course of that investigation Bosetti was introduced to the defendant by Roberto Acevedo. Bosetti then became acquainted with the defendant. Bosetti kept his identity as a police officer secret from the defendant. Bosetti led the defendant to believe that he (Bosetti) was a burglar and jewel thief.
  15. During the early afternoon on the date stated above in count #4, Bosetti and Acevedo met with the defendant at the defendant's jewelry store which is located at the address stated above in Count #4. At that time the three of them engaged in a conversation relating to the procedures by which the defendant would purchase jewelry that had been stolen by Bosetti. Acevedo told the defendant that Bosetti would steal jewelry in the course of burglaries and then give that stolen jewelry to Acevedo. Acevedo told the defendant that he would then take that jewelry to the defendant and sell it to him. Bosetti personally reiterated to the defendant that when he (Bosetti) "ripped off" houses he would pass the jewelry that he got on to Acevedo, who would then bring it to the defendant. The defendant acknowledged that he
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AMENDED CRIMINAL COMPLAINT

State v. Kenneth Bressers F-89-0665

Page 8

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understood the arrangement and stated that he would be willing to buy that stolen jewelry from Acevedo. Bosetti personally heard the defendant make that acknowledgement and agreement.

16. At the time and location stated above in count #4, Bosetti had a number of pieces of jewelry with him. He had been given those items by City of Milwaukee police detective Ronald Kuehn.
  17. Detective Kuehn had taken those items from the Milwaukee Police inventory of recovered stolen property that has not been identified and claimed by its rightful owner. Before turning those items over to Bosetti he took two rings from that group to Jeanne M. Risch, whom Kuehn knows to be a certified gemologist, for an appraisal. Risch examined those rings and appraised them at \$665 and \$483 respectfully. Kuehn then added those rings back to the other jewelry items he had obtained from police inventory and turned the entire group over to Bosetti. Bosetti had those items with him at the time and location stated above in count #4.
  18. At the time and location stated above in count #4, and while Bosetti, Acevedo, and the defendant were all together, Bosetti represented that all the items in that group, including the two appraised rings, were items that he had stolen. He turned those items over to Acevedo so that Acevedo could sell them to the defendant as the three of them had just discussed.
  19. Acevedo later reported to the police that after he and Bosetti and the defendant had the above described discussions, he sold the above described group of jewelry items, including the two appraised rings, to the defendant. That transaction took place in the defendant's office at the time and location stated above in count #4.
  20. Subsequent to the transaction described in count #4, City of Milwaukee police detective Ken Leger took another expensive ring out of the police inventory of recovered but unclaimed stolen property. The ring was gold and was adorned with a large emerald and several small diamonds. Leger took that ring to Richard Walters, whom he knows to be a jeweler experienced and
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AMENDED CRIMINAL COMPLAINT

State v. Kenneth Bressers F-89-0665

Page 9


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qualified in the appraisal of precious stones and metals. Walters examined that ring. On the basis of his eight years of experience, Walters appraised that ring to be worth \$7,000.

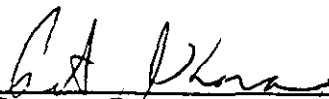
21. Leger then turned that emerald ring over to Bosetti. Bosetti and Acevedo then attempted to sell that ring to the defendant under the above discussed arrangement. Acevedo arranged for himself and Bosetti to meet with the defendant at the defendant's residence. Bosetti turned the ring over to Acevedo and the two of them met with the defendant later on the afternoon of the date stated above in count #5 at the location stated in that count. Pursuant to the prior agreement, Bosetti waited outside while Acevedo and the defendant went into the defendant's residence. A short time later Acevedo came out and reported that the defendant had purchased the above described emerald ring from him. Acevedo turned over a couple of hundred dollars in cash which the defendant had given him as a down payment. Bosetti knows that Acevedo did not have that money with him when he entered the defendant's residence because Bosetti had searched Acevedo before he (Acevedo) had gone into the house.
  22. Acevedo reported to the police that at the time and location stated above in count #5, he showed the defendant the above described emerald ring. He told the defendant that Bosetti had stolen the ring in a burglary on the preceding day. The defendant agreed to buy the ring and gave him a couple of hundred dollars as a down payment on the purchase price. He gave the defendant the ring.
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23. Shortly after the above described transaction, the police took the defendant into custody. When the defendant was searched while in custody, the above described emerald ring was found on his person.

Signed under oath on November 16, 1989.

  
\_\_\_\_\_  
Diane Stutika  
Complaining Witness

SUBSCRIBED AND SWORN TO BEFORE  
ME AND APPROVED FOR FILING ON  
NOVEMBER 16, 1989.

  
\_\_\_\_\_  
Peter J. Kovac  
Assistant District Attorney

State of Wisconsin, Plaintiff

-vs-

BRESSERS, KENNETH A., Defendant08/03/52

Defendant's Date of Birth

TYPE OF CONVICTION (Select One)

☒ Sentence to Wisconsin State Prisons

Sentence Withheld, Probation Ordered

Sentence Imposed &amp; Stayed, Probation Ordered

COURT CASE NUMBER 94CF000269

The defendant entered plea(s) of: ☒ Guilty ☐ Not Guilty ☐ No ContestThe ☒ Court ☐ Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR (F OR M)	CLASS (A-E)	DATE(S) CRIME COMMITTED
Commercial Gambling	945.03(3)	F	E	12/17/91

IT IS ADJUDGED that the defendant is convicted on March 1, 1994 as found guilty, and:

☒ on July 1, 1994 is sentenced to prison for Eighteen (18) months with credit for 1 day.

☐ on is sentenced to intensive sanctions for

☐ on is sentenced to county jail/HOC for

☐ on is placed on probation for

## CONDITIONS OF SENTENCE/PROBATION

Obligations (Total amounts only)

## Fine

(includes jail assessments; drug assessments; penalty assessments)

## Court Costs

(includes service fees; witness fees; restitution surcharge; domestic abuse fees; subpoena fees; automation fees)

TO BE DETERMINED\*

## Attorney fees

Restitution TO THE VICTIM TO BE DETERMINED\*

## Other

Mandatory victim/witness surcharge(s) \$50.00\*  
felony 1 counts  
misdemeanor counts

Jail: To be incarcerated in the county jail/HOC for

Confinement Order For Intensive Sanctions sentence only - length of term:

## Miscellaneous

\*All to be paid from 25% of prison pay.

IT IS ADJUDGED that -1- days sentence credit are due pursuant to s.973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of WAUPUN, County of Dodge.NAME OF JUDGE  
Victor ManianDISTRICT ATTORNEY  
David FleissDEFENSE ATTORNEY  
Mark Stein

BY THE COURT:

Circuit Court Judge/Clerk/Deputy Clerk

kg July 5, 1994  
Date Signed

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

Kenneth A. Bressers, R.Ph.,  
RESPONDENT.

STIPULATION  
94 PHM 075

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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.

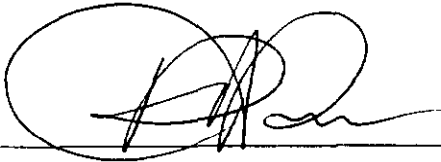
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation 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 agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and views of the case acquired during the investigation.

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

9. 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 the Monthly Disciplinary Report issued by the department. A summary of the order will be published in the Wisconsin Regulatory Digest issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.



Kenneth A. Bressers, R.Ph., Respondent

9-28-95

Date



Michael J. Berndt, Attorney  
Division of Enforcement

10/9/95

Date

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN PHARMACY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

October 12, 1995

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)