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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	LS0312102PHM
GILLIAM R. SANFORD R.PH.,	:	
RESPONDENT.	:	

FINAL DECISION AND ORDER

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

Gilliam R. Sanford, R.Ph.
1330 Red Pine Drive
Eau Claire, WI 54701

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 Pharmacy Examining 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. Gilliam R. Sanford, R.Ph., Respondent, date of birth July 31, 1968, is licensed by the Wisconsin Pharmacy Examining Board as a pharmacist in the state of Wisconsin pursuant to license number 13210, which was first granted February 25, 2000.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1330 Red Pine Drive, Eau Claire, WI 54701.

3. On August 6, 2001, Respondent was charged in Eau Claire County Wisconsin Circuit Court case number 01CF000456 with violating §§ 948.07, Stats. The Criminal Complaint alleged that on June 11, 2001, Respondent, while sitting in the front seat of a vehicle, exposed his penis to a 16-year-old girl who was walking by and asked her to enter the vehicle.

4. On October 30, 2001, a preliminary hearing was held and the court made a finding of probable cause Respondent had committed a felony. On October 31, 2001, an Information was filed against Respondent. The Information stated that, on June 11, 2001, Respondent had committed the following offenses:

a. COUNT I (Child Enticement): Violating § 948.07, Stats., a Class BC felony, for exposing a sex organ to a child, who has not reached the age of 18 years, and attempting to cause the child to go into a vehicle.

b. COUNT II (Exposing a Sex Organ to a Child): Violating § 948.10(1), Stats., a Class A misdemeanor, by unlawfully and for purposes of sexual arousal, exposing a sex organ to a child.

5. On April 7, 2003, Respondent entered into a plea agreement, by which:

a. Respondent pled no contest and was then found guilty and convicted of violating § 948.10(1), Stats., (Exposing Genitals to a Child), a Class A misdemeanor.

b. The felony count of Child Enticement-Expose Sex Organ, in violation of § 948.07(3), Stats., was dismissed.

6. Sentence was withheld and Respondent was placed on probation for two years. In lieu of 30 days in jail, Respondent was ordered to perform 240 hours of community service. Conditions of probation included:

Counseling as directed by probation officer.
No contact with victim or family.
Restitution for victim care, if any.

7. § 948.10(1) Stats., is an offense the circumstances of which substantially relate to the practice of pharmacy.

8. Respondent's probation officer required Respondent to enter sex offender treatment. Respondent was required to attend group treatment. He was also required to begin individual sex offender treatment, which was first offered at the Ron McGuire Family Therapy Center and subsequently at the Callier Clinic. Respondent has complied with his probation officer's directions regarding treatment.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to § 450.10(1)(b), Stats.

2. The Wisconsin Pharmacy Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by having been convicted of an offense the circumstances of which substantially relate to the practice of pharmacy, has committed unprofessional conduct as defined by § 450.10(1)(a)2 and is subject to discipline pursuant to § 450.10(1)(b)1 and 3, Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Gilliam R. Sanford, R.Ph., is hereby REPRIMANDED for the above conduct.

2. Respondent shall comply with all treatment or counseling directed by his probation officer.

3. While employed as a pharmacist, Respondent shall not be in the presence of a female patient in any area where Respondent is not observable by others, unless another employee is also present.

4. Respondent shall, within 14 days of the date of this Order, provide his supervisor, at any current place of employment as a pharmacist, with a copy of this Final Decision and Order. Respondent shall provide his supervisor, at any future place of employment as a pharmacist, with a copy of this Final Decision and Order, prior to commencing that employment.

5. Respondent may at any time petition the Board and seek modification or ending of any limitation. The decision whether to grant the petition shall be in the sole discretion of the Board. If Respondent believes that the Board's refusal to modify or end a limitation imposed or maintained by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or

capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

6. All petitions, requests, reports and payments required by this Order shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax (608) 266-2264

Telephone (608) 267-3817

7. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,200.00, pursuant to § 440.22(2), Stats.

8. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice as a pharmacist in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order; the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

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".

Dated at Madison, Wisconsin this 10th day of December, 2003.

Susan L. Sutter, R.Ph.

Chair

Pharmacy Examining Board