

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ELNORA M. CALIMLIM, M.D.,	:	LS0710171MED
RESPONDENT.	:	

[Division of Enforcement Case # 06 MED 257]

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

Elnora M. Calimlim, M.D.
18930 Tanala Drive
Brookfield, WI 53045

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Elnora M. Calimlim, M.D., Respondent, date of birth November 9, 1945, was licensed by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 32789, which was first granted November 20, 1991. Respondent’s license was at all times limited to the practice of radiation oncology.
2. Respondent elected not to renew her registration with the Board when it expired on November 1, 1993 and for that reason has not been allowed to exercise the rights and privileges conferred by her license since that date.
3. Respondent's last address reported to the Department of Regulation and Licensing is 18930 Tanala Drive, Brookfield, WI 53045.
4. On May 26, 2006, following a jury trial in United States District Court for the Eastern District of Wisconsin case number 04-Cr-248, Respondent was found guilty and convicted of:
 - a. One Count of Conspiracy to Obtain Labor and Services by Threats of Harm and Physical Restraint, a violation of 18 U.S.C. §§ 371 & 1589.
 - b. One Count of Obtain the Labor and Services of a Filipino National by Threats of Serious Harm to and Physical Restraint, a violation of 18 U.S.C. §§ 1589, 1594 & 2.

c. One Count of Concealing an Alien From Detection For the Purpose of Private Financial Gain, a violation of 8 U.S.C. §§ 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(I).

d. One Count of Conspiracy to Conceal an Alien From Detection For the Purpose of Private Financial Gain, a violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(I).

5. The allegations by the government in that case included that:

a. In 1985, Respondent and her spouse, who is also a physician licensed in Wisconsin, arranged to have Ms. A, who was then 19 years of age, brought from the Philippines to the United States to work as a live-in maid and nanny for their children.

b. Before coming to the United States, Ms. A and her family lived in a small one-room house with no plumbing or electricity, in a poor, farming region of the Philippines.

c. In the Philippines, Ms. A had worked as a housekeeper for Respondent's father, who was also a physician. To bring Ms. A into the United States to work for Respondent and Respondent's spouse, Respondent's father obtained a passport and visa for Ms. A by falsely stating that Ms. A was accompanying him to the United States so she could have a medical exam. Ms. A's passport was given to Respondent and was kept from Ms. A.

d. Ms. A believed that she was coming to work for Respondent and her spouse for five years so that she could send money back home to help her family. From her arrival in 1985 through September 29, 2004, Ms. A was employed as a domestic worker responsible for caring for Respondent's children, cleaning the house and preparing the family meals. Ms. A lived in a room in the basement of Respondent's residence.

e. Ms. A was promised a salary that would be kept in an account. Ms. A did not have access to the account or know of its whereabouts. In 1985, Respondent opened up a bank account into which to deposit Ms. A's wages. Respondent told Ms. A that she could not have a bank account in her name because she was an illegal alien. The account was closed two years later, one day after Ms. A's visa expired.

f. Ms. A earned approximately \$150 per month for the first 10 years and \$400 per month thereafter. Most, but not all, of the money Ms. A earned was paid directly to Ms. A's parents. In 19 years, Ms. A's parents received about \$18,000. Respondent and her spouse kept no accurate records of how much they paid Ms. A.

g. For 19 years, Respondent and her spouse coerced Ms. A to work long hours, seven days a week for little money. They threatened Ms. A with deportation and imprisonment if she disobeyed them, and kept her inside their home, not allowing her to socialize, communicate freely with the outside world, or leave the house unsupervised. Ms. A was required to hide in her basement bedroom whenever non-family members were present in the house.

h. When Ms. A broke a tooth and had pain, she was not allowed to be seen by a dentist. Ms. A had gynecological problems which caused her pain, but was not allowed to be seen by a gynecologist.

6. On November 16, 2006, Respondent was sentenced to 48 months in federal prison followed by 3 years of supervision on each of the four counts, with the terms to run concurrently. The imprisonment commenced on January 17, 2007.

7. Respondent has appealed the convictions and the appeal is presently pending in the Seventh Circuit Court of Appeals.

8. 18 U.S.C. §§ 371 & 1589, 18 U.S.C. §§ 1589, 1594 & 2, 8 U.S.C. §§ 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(I) and 8 U.S.C. § 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(I) are laws the circumstances of which substantially relate to the circumstances of the practice of medicine.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by having violated, and been convicted of, laws the circumstances of which substantially relate to the circumstances of the practice of medicine, has committed unprofessional conduct as defined by Wis. Admin. Code § Med

10.02(2)(z) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Elnora M. Calimlim, M.D., of her license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED.

2. If Respondent's appeal is successful and one or more of the convictions is reversed, Respondent may petition the Board to reinstate her license to practice medicine and surgery in the state of Wisconsin.

a. If all counts are reversed, the Board shall reinstate Respondent's license.

b. If fewer than all counts are reversed, it shall be in the discretion of the Board whether to reinstate Respondent's license, and whether to place any limitations on the license, if the Board does decide to reinstate the license.

c. In exercising its discretion, the Board shall consider, among other things:

1) Whether the reversal was of one or more convictions.

2) The basis for the reversal of the conviction or convictions.

d. If Respondent believes that the Board's refusal to reinstate her license is inappropriate or that any limitation imposed or maintained by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

e. Because Respondent's registration has been expired for more than five years, if Respondent's license is reinstated and Respondent seeks to renew her registration with the Board, the Board shall make such inquiry as it finds necessary to determine whether Respondent is competent to practice under the license in this state, and shall impose any reasonable conditions on reinstatement of the license, including oral examination, as the Board deems appropriate and Respondent shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants. [Wis. Adm. Code § Med 14.06(2)(b)]

3. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Gene Musser MD
A Member of the Board

10/17/07
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JEFFERSON NARCISO CALIMLIM, M.D.,	:	LS _____ MED
RESPONDENT.	:	

[Division of Enforcement Case # 06 MED 257]

It is hereby stipulated and agreed, by and between Jefferson Narciso Calimlim, M.D., Respondent; Dean Strang o Hurley, Burish & Stanton, attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department c Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 06 MED 257). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation 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, 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 consideration of this attempted resolution.
6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
8. 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 accordance with standard Department procedure.
9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Jefferson Narciso Calimlim, M.D.
Respondent
3267 S. 16th Street, Suite 101
Milwaukee, WI 53215

Date

Dean Strang
Hurley, Burish & Stanton
Attorneys for Respondent
P.O. Box 1528
Madison, WI 53701-1528

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

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PROCEEDINGS AGAINST	:	
	:	STIPULATION
ELNORA M. CALIMLIM, M.D.,	:	LS _____ MED
RESPONDENT.	:	

[Division of Enforcement Case # 06 MED 257]

It is hereby stipulated and agreed, by and between Elnora M. Calimlim, M.D., Respondent; Dean Strang, Hurley, Burish & Stanton, attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

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

Elnora M. Calimlim, M.D.
Respondent
18930 Tanala Drive
Brookfield, WI 53045

Date

Dean Strang
Hurley, Burish & Stanton
Attorneys for Respondent
P.O. Box 1528
Madison, WI 53701-1528

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
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Date