

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR AN	:	
ADMINISTRATIVE INJUNCTION INVOLVING :	:	
	:	INJUNCTION
GIDEON A. AKUNJI,	:	
RESPONDENT.	:	ORDER 0000561

Division of Enforcement Case No. 07 UNL 113

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

Gideon A. Akunji
6323 Georgia Ave. NW
Washington, DC 20011

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

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

PROCEDURAL HISTORY

On November 2, 2010, a disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Petition for Administrative Injunction with the administrative law judge. Prior to the hearing on the Petition, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Secretary. The Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Gideon A. Akunji, Respondent, is not licensed to practice as a pharmacist in the State of Wisconsin nor has he submitted an application to practice as a pharmacist in the State of Wisconsin.
2. Respondent is licensed to practice pharmacy in Washington, DC, pursuant to license number PH2939, which is in good standing and expires on February 28, 2011.
3. Respondent is the managing pharmacist of Phamily Pharmacy, 6323 Georgia Ave. NW., Washington, DC 200115, where he has been employed during all times relevant to this matter. Phamily Pharmacy is an out-of-state pharmacy not licensed by the Wisconsin Pharmacy Examining Board.
4. On March 6, 2007, the store Respondent managed dispensed hydrocodone to a consumer in Wisconsin, based on a prescription written by an online physician who did not have a legitimate physician-patient relationship with the patient for whom the prescriptions were issued.
5. Pursuant to Wis. Stat. § 961.16(2)(a)7, hydrocodone is a controlled substance for which a prescription is required pursuant to Wis. Stat. § 961.38(1).
6. Managing pharmacists are responsible for the professional operations of pharmacies pursuant to Wis. Stat. § 450.09(1)(a).
7. Wis. Stat. § 450.03(1) provides no person may engage in the practice of pharmacy or use the title "pharmacist" or sell, give away or barter drugs in Wisconsin, or attempt or assist such acts, unless the person is licensed as a pharmacist by the Board.
8. Out of state pharmacists who are licensed in another state may be licensed in Wisconsin pursuant to Wis. Stat. § 450.05.
9. Wis. Stat. § 450.06(1) provides no pharmacist may dispense at any location which is not licensed as a pharmacy by the Board.
10. Pursuant to Wis. Stat. § 450.065, no pharmacy located in another state may ship, mail or otherwise deliver a prescription drug to a person in Wisconsin unless the pharmacy is licensed in Wisconsin.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has authority to issue this Administrative Injunction as a special order under Wis. Stat. § 440.21 and Wis. Admin. Code Ch. RL 3.

ORDER

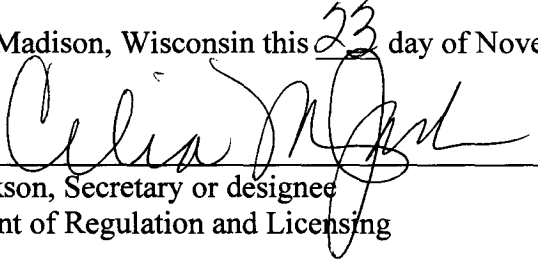
IT IS HEREBY ORDERED that Respondent Gideon A. Akunji is enjoined and prohibited from engaging in the practice as a pharmacist in Wisconsin unless and until he is duly licensed as a pharmacist in Wisconsin.

Respondent Gideon A. Akunji is further enjoined and prohibited from holding himself out as authorized to practice as a pharmacist in Wisconsin unless and until he is duly licensed as a pharmacist in Wisconsin.

Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation per Wis. Stat. § 440.21(4)(a).

IT IS FURTHER ORDERED that if the Secretary determines that there is probable cause to believe that respondent has violated any terms of this final decision and order, the Secretary may order that the violations covered by this decision and order be referred to any appropriate prosecutorial unit for review for possible criminal charges.

Issued at Madison, Wisconsin this 23 day of November, 2010.



Celia Jackson, Secretary or designee
Department of Regulation and Licensing