

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
MARK ANDERSON & ASSOCIATES, INC., :  
RESPONDENT. : ORDER 0000878

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Division of Enforcement Case No. 09PHM026

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

Mark Anderson & Associates, Inc.  
303 S. McKay Ave.  
Spring Valley, WI 54767

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

Wisconsin Pharmacy Examining Board  
Department of Regulation & 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 Pharmacy Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Mark Anderson & Associates, Inc. is duly licensed as a prescription drug wholesale distributor in the state of Wisconsin (license # 212-45). This license was first granted on August 10, 1983. This license expires on May 31, 2012.

2. Respondent's address of record with the Wisconsin Pharmacy Examining Board is 303 S. McKay Avenue, Spring Valley, Wisconsin 54767.

3. At all times relevant to this action, Respondent was operating as a prescription drug wholesale distributor in Spring Valley, Wisconsin.

4. Respondent explains it was unaware of the requirement for an after hour alarm until March 12, 2009.

5. On March 12, 2009, a Department of Regulation and Licensing investigator conducted an inspection of Respondent's prescription drug wholesale distribution facility in Spring Valley and discovered that it did not have an alarm system installed as required by Wisconsin law.

6. On March 26, 2009, Respondent installed an alarm system at their prescription drug wholesale distribution facility in Spring Valley.

#### CONCLUSIONS OF LAW

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

2. Respondent's conduct of failing to have an alarm system installed at their prescription drug wholesale distribution facility, as described in paragraph 5, above, constitutes a violation of Wis. Admin. Code § PHAR 13.10(4) and Wis. Stat. §§ 450.10(1)(a)2 and 6.

#### ORDER

IT IS HEREBY ORDERED that:

1. That Mark Anderson and Associates, Inc. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, pay a FORFEITURE in the amount of ONE THOUSAND dollars (\$1,000). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

3. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of TWO-HUNDRED-FIFTY dollars (\$250). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the address previously listed above.

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs or payment of the forfeiture as ordered, the Respondent's license (#212-45) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or forfeiture.

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

Wisconsin Pharmacy Examining Board

By:

  
A Member of the Board

6/1/4  
Date