

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KEITH J. ZELHOER, R.PH.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0003251**

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Division of Legal Services and Compliance Case No. 13 PHM 035

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

Keith J. Zelhofer, R.Ph.  
3030 Essen Road  
Green Bay, WI 54311

Wisconsin Pharmacy Examining Board  
P.O. Box 7190  
Madison, WI 53707-7190

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Keith J. Zelhofer, (dob September 6, 1955), is licensed in the State of Wisconsin to practice pharmacy, having license number 9623-40, first issued on June 13, 1979, with registration current through May 31, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3030 Essen Road, Green Bay, Wisconsin 54311.

2. At all times relevant to this case, Respondent worked as Pharmacy Manager at Copps Food Center Pharmacy, in Green Bay, Wisconsin.

3. The Division of Legal Services and Compliance received a report that during May 2013 Respondent obtained controlled substances without a valid prescription.

4. Respondent has for reasons unrelated to the report elected to retire from the practice of pharmacy.

#### 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 pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the license by Keith J. Zelhofer (license no. 9623-40) to practice pharmacy in the state of Wisconsin and the right to renew that license is hereby accepted.

3. In the event that Respondent petitions the Wisconsin Pharmacy Examining Board for licensure to practice pharmacy in the future, the Board may in its discretion enter an order denying such application without further notice or hearing. Whether to grant a license subject to any limitations or restrictions is to be determined in the sole discretion of the Board.

4. If Respondent elects to reapply for licensure in the future, he shall first pay COSTS of this matter in the amount of \$552.32.


5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

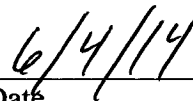
6. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by:

  
A Member of the Board

Date



STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KEITH J. ZELHOER,  
RESPONDENT.

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STIPULATION

0003251

Division of Legal Services and Compliance<sup>1</sup> Case No. 13 PHM 035

Respondent Keith J. Zelhofer and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (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.


<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

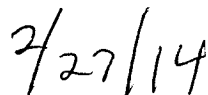
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

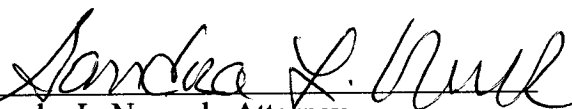
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

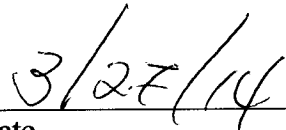
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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

  
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Keith J. Zelhofer, Respondent  
3030 Essen Road  
Green Bay, WI 54311  
License no. 9623-40

  
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Date

  
\_\_\_\_\_  
Sandra L. Nowack, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

  
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Date