WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

THOMAS C. WILKE, R.PH., RESPONDENT.

0004396

Division of Legal Services and Compliance Case No. 14 PHM 144

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

Thomas C. Wilke, R.Ph. 7907 Mary Ellen Pl. Wauwatosa, WI 53213

Wisconsin Pharmacy Examining Board P.O. Box 8366 Madison, WI 53708-8366

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 Pharmacy 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 Thomas C. Wilke, R.Ph., (dob May 2, 1954) is licensed in the state of Wisconsin to practice pharmacy, having license number 9832-40, first granted on June 18, 1980 and current through May 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7907 Mary Ellen Place, Wauwatosa, Wisconsin 53213.
- 2. At all times relevant to this proceeding, Respondent practiced at and was the owner of a pharmacy located in Milwaukee, Wisconsin.

- 3. The Department received information indicating that Respondent was diverting medication for personal use.
- 4. Respondent is retiring from the practice of pharmacy and wishes to voluntarily surrender his license.
- 5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1), 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 PERMANENT SURRENDER of the license to practice pharmacy issued to Respondent Thomas C. Wilke, R.Ph., (license number 9832-40) is hereby accepted.
- 3. In the event that Respondent petitions the Pharmacy Examining Board for reinstatement as a pharmacist in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.
- 4. Respondent shall not engage in the practice of pharmacy and shall not hold himself out as one authorized to do so.
- 5. Within fourteen (14) days of the date of this Order, Respondent shall return all indicia of licensure 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 7190, Madison, WI 53707-7190
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 BOAND

bv:

Member of the Board

Date /

STATE OF WISCONSIN BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

STIPULATION

THOMAS C. WILKE, R.PH., RESPONDENT.

0004396

Division of Legal Services and Compliance Case No. 14 PHM 144

Respondent Thomas C. Wilke, R.Ph., 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. Respondent is represented by Attorney Arthur Thexton.
- 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.

- 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 or Respondent's attorney, 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.

Thomas & Weike	9/19/2015
Thomas C. Wilke, R.Ph., Respondent	Date
7907 Mary Ellen Pl	
Wauwatosa, WI 53213	
License no. 9832-40	
	10/12/1

Arthur-Theston, Attorney for Respondent Gimbel Reilly Guerin & Brown LLP 330 E. Kilbourn Ave. Two Plaza East, Ste. 1170 Milwaukee, WI 53202-3146

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Cody Wagner, Prosecuting Attorney Department of Safety and Professional Services Division of Legal Services and Compliance P.O. Box 7190 Madison, WI 53707-7190 10/13/15

10/2/ 15 Date