STATE OF WISCONSIN
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

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Governor Scott Walker **Secretary Dave Ross**

CONTROLLED SUBSTANCES BOARD
Contact: Dan Williams (608) 266-2112
Room 121C, 1400 East Washington Avenue, Madison
August 29, 2013

Notice: *The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.*

FULL BOARD MEETING
9:00 P.M.

OPEN SESSION - CALL TO ORDER – ROLL CALL

A. **Approval of Agenda(1-2)**

B. **Approval of Meeting Minutes of April 25, 2013(3-8)**

C. **Request for Emergency Scheduling(9-10)**
   1) Shawano County**(11-32)**
   2) Rocky County**(33-36)**
   3) Brown County
   4) UR144, XLR11, AKB48

D. **Legislative/Administrative Rule Matters – Discussion and Consideration (37-38)**
   1) CSB 2 Status
   2) CSB 3 Status
   3) Executive Order 61

E. **Administrative Updates**
   1) Paperless Update
   2) Staff Update

F. **Special Use Authorization Application Signatures – Discussion and Consideration(39-40)**
   1) Form - #2184**(41-48)**

G. **Legal Research Results on DEA Interpretation of Registration Requirements for Mobile Transfer of Controlled Substances for Use Other than at the Original Registered Site – Discussion and Consideration(49-50)**

H. **2013 Goals – Discussion and Consideration(51-52)**

I. Items Received After Preparation of the Agenda:
   1) Introductions, Announcements and Recognition
   2) Presentations of Petition(s) for Summary Suspension
   3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
   4) Presentation of Proposed Final Decision and Order(s)
   5) Informational Item(s)
   6) Division of Legal Services and Compliance (DLSC) Matters
   7) Education and Examination Matters
   8) Credentialing Matters
   9) Class 1 Hearings
   10) Practice Questions/Issues
   11) Legislation/Administrative Rule Matters
   12) Speaking Engagement(s), Travel, or Public Relation Request(s)

J. Informational Item(s)

K. Legal Counsel Matters

L. Public Comments

M. PDMP Update – Discussion**(53-54)**

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

N. Deliberation of Items Received After Preparation of the Agenda:
   1) Deliberation on Class 1 Hearings
   2) Application Issues and/or Reviews
   3) Professional Assistance Procedure (PAP)
   4) Monitoring Matters
   5) Proposed Stipulations, Final Decisions and Orders
   6) Administrative Warnings
   7) Review of Administrative Warning
   8) Orders Fixing Costs/Matters Related to Costs
   9) Proposed Final Decisions and Orders
   10) Petitions for Summary Suspension
   11) Petitions for Re-hearings
   12) Education and Examination Matters
   13) Credential Issues
   14) Supervisor Approvals
   15) Appearances from Requests Received or Renewed
   16) Motions

O. Division of Legal Services and Compliance
   1) Case Status Report
   2) Case Closings

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Voting on Items Considered or Deliberated on in Closed Session, if Voting is Appropriate

ADJOURNMENT

CONTROLLED SUBSTANCES BOARD
MEETING MINUTES
APRIL 25, 2013

PRESENT: Yvonne Bellay, DVM; Alan Bloom; Doug Englebert, R. Ph.; Martin Koch; Rocky LaDien, R.Ph.

STAFF: Dan Williams, Executive Director; Matthew Niehaus, Bureau Assistant; Other Departmental Staff

CALL TO ORDER

Doug Englebert, Chair, called the meeting to order at 9:05 p.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- Item "F" (open session) **ADD** the agenda item titled "F-3: UR-144 and XLR11 "

MOTION: Yvonne Bellay moved, seconded by Martin Koch, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 11, 2012

- Page 2 **REPLACE** the "position with regard to their regarding the November 5, 2012" with "position with regard to their November 5, 2012"

MOTION: Alan Bloom moved, seconded by Rocky LaDien, to approve the minutes of December 11, 2012 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, to recognize the appointment of liaisons and election of officers as outlined below. Motion carried unanimously.

Election of Officers

Chair

NOMINATION: Alan Bloom nominated Doug Englebert for the Office of Chair. Nomination carried by unanimous vote.

Dan Williams called for other nominations three (3) times.

Doug Englebert was elected as Chair.

Vice Chair

NOMINATION: Martin Koch nominated Alan Bloom for the Office of Vice Chair. Nomination carried by unanimous vote.

Dan Williams called for other nominations three (3) times.

Alan Bloom was elected as Vice Chair.

Secretary

NOMINATION: Alan Bloom nominated Yvonne Bellay for the Office of Secretary. Nomination carried by unanimous vote.

Dan Williams called for other nominations three (3) times.

Yvonne Bellay was elected as Secretary.

Appointment of Liaisons

SUA Liaisons: Alan Bloom, Yvonne Bellay
Legislative Liaisons: Doug Englebert, Martin Koch

MOTION: Alan Bloom moved, seconded by Martin Koch that the Board delegates authority to the Chair or designated Board member to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair or Board member has the ability to delegate this signature authority to the Executive Director for purposes of facilitating the completion of assignments during or between meetings. The Chair or Board member delegates the authority to the Executive Director, to sign the name of the

Chair or Board member on documents as necessary. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Yvonne Bellay, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Martin Koch, to authorize the SUA liaisons to review and make approval decisions regarding SUA applications. Furthermore, the Board authorizes DSPS staff to sign SUA permits on behalf of the Board. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Rocky LaDien, to authorize the SUA liaisons to approve required training or credentialing on behalf of the Board. Motion carried unanimously.

DR. JOSEPH THULIN

MOTION: Yvonne Bellay moved, seconded by Rocky LaDien, that the Board, after discussion with Dr. Joseph Thulin from the Medical College of Wisconsin, concurs with the procedure outlined as meeting the intent of Veterinary Examining Board Wis. Stats. 453 and Wis. Admin. Code Chapter VE 7 related to delegation of veterinary or medical acts for the use of controlled substances by the Medical College. Motion carried unanimously.

RESULTS ON REASARCH REGARDING APPLICATION SIGNATURE REQUIREMENTS

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, that DSPS staff draft a scope statement to address the requirement of signature of applicants on SUA applications. The Board designates the Board Chair to sign the scope statement on the requirement of signature of applicants on SUA applications for publication and to sign for implementation after publication. Motion carried unanimously.

DRAFT

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, for the Board to maintain a running list of items for consideration for any future rule changes. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Martin Koch, to adopt the following as the running list of 2013 goals:

1) Requirement of signature of applicant on the SUA application
2) Emergency and permanent scope for emergency scheduling of UR-144, AKB48, and XLR11
3) CSB 2
4) CSB 3 – Limited SUA Permit
5) CSB 3 – Rejection of SUA Requests

Motion carried unanimously.

SPECIAL USE AUTHORIZATION (SUA MATTERS)

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, to request DSPS staff draft emergency and permanent scope statements for emergency scheduling of UR-144, AKB48, and XLR11. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, to delegate authority to the Board Chair to sign the scope statements on UR-144, AKB48, and XLR11 for publication and to sign for implementation after publication. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Rocky LaDien, to table discussion and consideration of the request from the Brown County District Attorney to emergency schedule 2C-C-NBOMe until additional information is provided to the Board. Motion carried unanimously.

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, to request Board legal counsel to research the impact of the DEA's interpretation of the Controlled Substances Act on the granting of an SUA for purposes of transportation of controlled substances to a site other than the registered premises. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

DRAFT

MOTION: Martin Koch moved, seconded by Rocky LaDien, to approve the scope statement on CSB 2 and to designate the Board Chair as the Board's representative to sign the scope statement after publication. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Martin Koch, to approve the scope statement on CSB 3 regarding denial of special use authorization permit and to designate the Board Chair as the Board's representative to sign the scope statement after publication. Motion carried unanimously.

MOTION: Alan Bloom moved, seconded by Yvonne Bellay, to approve the amended scope statement on CSB 3 regarding granting a limited special use authorization permit and to designate the Board Chair as the Board's representative to sign the scope statement after publication. Motion carried unanimously.

MOTION: Martin Koch moved, seconded by Rocky LaDien, that the Board will examine CSB code chapters in response to Executive Order 61 in preparation for its next meeting. Motion carried unanimously.

ADJOURNMENT

MOTION: Alan Bloom moved, seconded by Martin Koch, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:28 p.m.

DRAFT

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State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: **Dan Williams**	2) Date When Request Submitted: **8/6/13** Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

Wisconsin Controlled Substances Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
8/29/13	☒ Yes ☐ No	**Request for Emergency Scheduling – Discussion and Consideration**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes by ☐ No	N/A

10) Describe the issue and action that should be addressed:

See attached letters of request.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.

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Office of the District Attorney
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311 N. Main Street
Shawano, WI 54166

July 9, 2013

WISCONSIN DEPARTMENT OF SAFETY
AND PROFESSIONAL SERVICES
CONTROLLED SUBSTANCES BOARD
1400 E WASHINGTON AVE
P O BOX 8935
MADISON WI 53708-8935

RE: State of Wisconsin v. Jessie L. Bierman
Shawano County Case No. 2013CF140
Request for Emergency Scheduling Review of a Controlled Substance Pursuant to Section 961.25 and 961.11(4m)

To Whom It May Concern:

The Shawano County District Attorneys Office is currently prosecuting Jessie L. Bierman for Delivery of a Controlled Substance pursuant to Section 961.41(1)(e)1 and the controlled substance involved in this matter is believed to be analogs of a controlled substance listed in Chapter 961 of the Wisconsin Statutes. (See copy of Second Amended Criminal Complaint Count 1 attached). During the course of the investigation, the substance that was seized from Mr. Bierman was sent to the Wisconsin State Crime Laboratory in Wausau for analysis to determine whether or not the substance was a controlled substance listed within the Wisconsin Uniform Controlled Substance Act. The crime lab analyzed the substance that was seized from Mr. Bierman on May 8, 2013. (See page 9 of Criminal Complaint attached). The analyst's opinion states that the presence of alpha-Pyrrolidinavolerophenone (PVP) was identified in the material seized from Mr. Bierman. The analyst also opined that the chemical structure of PVP is similar to that of 3,4-Methylenedioxypyrovalerone (MDPV) which is controlled under Section 961.14(7)(m) of the Wisconsin Uniform Controlled Substances Act. In addition attached is a copy of the Drug and Chemical Evaluation section regarding MDPV

from May 2013 from the Drug Enforcement Administration showing the chemical composition of MDPV. MDPV became a permanently controlled substance on July 9, 2012. In addition attached is the Application and Affidavit for Search Warrant by the United States Postal Inspector who assisted the Shawano County Sheriff's Department with respect to the Bierman investigation. Within the context of this document which starts on Page 10 of the attachment to the Criminal Complaint and concludes on Page 19, the Postal Inspector gives a history of the manner in which the Drug Enforcement Administration and Congress had passed certain acts making the substance MVP and A-PVP restricted controlled substances within the Controlled Substance Act for the federal government. This information is provided beginning in paragraph 4 on page 12 through paragraph 6 subparagraph c. ending on page 14 of the Affidavit for the Search Warrant.

Pursuant to Section 961.25 of the Wisconsin Statutes the District Attorneys Office shall file no later than 60 days after the commencement of the prosecution concerning a controlled substance analog, i.e., PVP and MDPV in this case, information relevant to emergency scheduling under 961.11(4m). My understanding in my review of the statutes is that the Controlled Substances Board, upon acceptance of the information provided by the District Attorney shall hold a hearing regarding whether or not the controlled substance in question should be added to the Uniform Controlled Substances Act. It is my understanding that the Controlled Substances Board has the sole authority in determining whether or not any controlled substance not already included within the Act shall be included in the Act for prosecution of this case and any future cases regarding this substance. Therefore, the undersigned counsel is requesting that the Controlled Substance Board pursuant to Section 961.25 Wis. Stats. consider the information contained in the attached documents for emergency scheduling as contemplated under Section 961.11(4m). The undersigned counsel is also prepared to appear before the board to answer any questions regarding this request and also to provide other substantive information and possibly other witnesses so that the board can make an informed decision regarding this request. Please notify me of the specific procedure that needs to be followed to have this request considered or any additional information you may require in making your determination regarding this matter. Thank you for your time and consideration in this matter.

Sincerely,
OFFICE OF THE DISTRICT ATTORNEY

Gregory A. Parker

Gregory A. Parker
District Attorney
Menominee-Shawano Counties
State Bar #1021721

GAP/cmr

Enclosures

cc: Assistant Attorney General Karie D. Cattanach w/Enc.

State of Wisconsin **Circuit Court** **Shawano County**

STATE OF WISCONSIN

Plaintiff,

-VS-

JESSIE L BIERMAN
429 HIGH ST
BIRNAMWOOD, WI 54414
DOB: 10/28/1983
Sex/Race: M/W
Eye Color: Blue
Hair Color: Brown
Height: 5 ft 11 in
Weight: 155 lbs
Alias:

Defendant,

DA Case No.: 2013SH000647
Assigned DA/ADA: Gregory A Parker
Agency Case No.: 13-05049
Court Case No.: 2013CF000140

ATN: 59001000101228

SECOND
AMENDED CRIMINAL COMPLAINT
REMOVED REPEATER PENALTY IN COUNTS 1-3

Joe Neumeier, of the Shawano County Sheriff's Department, being first duly sworn, states that:

Count 1: DELIVERY OF METHYLENEDIOXYPYROVALERONE, SECOND AND SUBSEQUENT OFFENSE

The above-named defendant on or about Monday, April 15, 2013, in the Village of Birnamwood, Shawano County, Wisconsin, did deliver a controlled substance, to-wit: Methylenedioxypyrovalerone, in an amount of 3 grams or less, contrary to sec. 961.41(1)(e)1, 939.50(3)(f), 961.48(1)(b), 973.046(1g) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars ($25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

And further, invoking the provisions of sec. 961.48(1)(b) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possession of Narcotic Drugs on 11/17/11, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1g), the court may impose a deoxyribonucleic acid analysis surcharge of $250.

Count 2: MAINTAINING A DRUG TRAFFICKING PLACE, SECOND AND SUBSEQUENT OFFENSE

The above-named defendant on or about Monday, April 15, 2013, in the Village of Birnamwood, Shawano County, Wisconsin, did keep a dwelling which is resorted to by persons using controlled substances in violation of chapter 961 Wis. Stats., contrary to sec. 961.42(1), 939.50(3)(i), 961.48(1)(b), 973.046(1g) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars ($10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And further, invoking the provisions of sec. 961.48(1)(b) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possession of Narcotic Drugs on 11/17/11, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1g), the court may impose a deoxyribonucleic acid analysis surcharge of $250.

Count 3: POSSESSION OF A CONTROLLED SUBSTANCE - 2ND AND SUBSEQUENT OFFENSE, SECOND AND SUBSEQUENT OFFENSE

The above-named defendant on or about Tuesday, May 07, 2013, in the Village of Birnamwood, Shawano County, Wisconsin, having previously been convicted of a criminal offense relating to controlled substances, did knowingly possess a controlled substance, Methylenedioxypyrovalerone, contrary to sec. 961.41(3g)(d), 939.50(3)(i), 961.48(1)(b) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars ($10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And further, invoking the provisions of sec. 961.48(1)(b) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possession of Narcotic Drugs on 11/17/11, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 4: DISTRIBUTE HAZARDOUS SUBSTANCE, REPEATER

The above-named defendant on or about Monday, April 15, 2013, in the Village of Birnamwood, Shawano County, Wisconsin, did transfer a hazardous substance from one

person to another; Methylenedioxypyrovalerone; "Hazardous substance" also includes any substance or mixture of substances that has the capacity to produce personal injury or illness to a person who abuses the substance and includes any household product, contrary to sec. 941.316(3), 939.50(3)(i), 939.62(1)(b), 973.046(1g) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars ($10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of at least three (3) or more misdemeanors or one (1) or more felonies during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1g), the court may impose a deoxyribonucleic acid analysis surcharge of $250.

Count 5: POSSESS WITH INTENT TO ABUSE A HAZARDOUS SUBSTANCE, REPEATER

The above-named defendant on or about Tuesday, May 07, 2013, in the Village of Birnamwood, Shawano County, Wisconsin, did possess a hazardous substance with the intent to abuse the hazardous substance, contrary to sec. 941.316(2)(a), 939.51(3)(a), 939.62(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars ($10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least three (3) or more misdemeanors or one (1) or more felonies during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

Count 6: MISDEMEANOR BAIL JUMPING, REPEATER

The above-named defendant on or about Tuesday, May 07, 2013, in the Village of Birnamwood, Shawano County, Wisconsin, having been charged with a misdemeanor and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond in Dodge County case 13CT44 by committing a new crime, contrary to sec. 946.49(1)(a), 939.51(3)(a), 939.62(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars ($10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least three (3) or more misdemeanors or one (1) or more felonies during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

Count 7: MISDEMEANOR BAIL JUMPING, REPEATER

The above-named defendant on or about Tuesday, May 07, 2013, in the Village of Birnamwood, Shawano County, Wisconsin, having been charged with a misdemeanor and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond in Langlade County case 13CT10 by committing a new crime, contrary to sec. 946.49(1)(a), 939.51(3)(a), 939.62(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars ($10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least three (3) or more misdemeanors or one (1) or more felonies during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

PROBABLE CAUSE:

Joe Neumeier, being first duly sworn on oath swears that he has had an opportunity to review the attached police reports and documents supporting this complaint, attached and incorporated herein, which are kept in the normal and ordinary course of business which your complainant believes to be truthful and reliable and have proven so on numerous occasions in the past and believes them to be accurate and reliable.

This complainant states that according to the Wisconsin Circuit Court Access, commonly known as CCAP, those records indicate that the defendant, Jessie L. Bierman, DOB: 10/28/83, has the following criminal convictions:

1) Winnebago County case 11CF658 – Possession of Narcotic Drugs. Conviction date 11/17/11.

This complainant states that he believes the records of CCAP to be true and

Accurate in that they are records that are kept in the ordinary course of business, and it is within the ordinary course of business to keep said records, and further believes that this conviction is unreversed and still of record, therefore, making the defendant a habitual criminal as.

Complainant further states that he has reviewed the records of Wisconsin Circuit Court Access, commonly known as CCAP, which show that the defendant, Jessie L. Bierman, DOB: 10/28/83, has pending charges in Dodge County case 13CT44, Operate with Restricted Controlled Substance (3rd) and Possess Drug Paraphernalia, filed on 02/08/13, and placed on a cash bond on 04/24/13 in the amount of $200.00. Further, the defendant has pending charges in Langlade County case 13CT10, Operate with Restricted Controlled Substance (3rd), filed on 02/11/13, and placed on a signature bond on 03/12/13 in the amount of $500.00.

Said bonds are believed to have the condition that the defendant shall commit no new crimes. Based on the allegations above the defendant is in violation of said bond. Complainant states that he also believes the records of CCAP to be true and accurate in that they are records that are kept in the ordinary course of business to keep said records of this judicial district.

All of the above incidents occurred in Shawano County, Wisconsin.

Subscribed and sworn to before me,
and approved for filing on:

This 14th day of May, 2013,

Gregory A Parker
Assistant/District Attorney

Complainant

Statement of Detective Keith Sorlie
Shawano County Sheriff's Department
RE: S13-5049
Investigation into the Use of Bath Salts

Shortly after April 15, 2013, I received an e-mail from Deputy Adam Heynen. In that e-mail Heynen advised that he had investigated a disturbance complaint at the Jessie Bierman residence, which is located at 429 High St. in Birnamwood. Heynen advised that he spoke with a female subject who had identified herself as Lacey Brogan. Heynen stated that Brogan stated that Bierman had been keeping Brogan at the residence against her will and that Bierman had been injecting Brogan with bath salts. Heynen also informed me that Brogan stated that Bierman was getting bath salts through the mail and that they were coming from Poland.

As a result of that information, I contacted Postal Inspector Matthew Schmitz. I advised him that we had received information that Bierman was receiving bath salts through the U.S. Postal Service. Schmitz advised that he would have a watch placed on Bierman's PO Box.

In the early part of May, 2013, I received a telephone call from Schmitz. Schmitz advised that Bierman had received a package at his PO Box. Schmitz further advised that the package had come from a company that was known for selling bath salts through the mail. Schmitz stated that he had personally worked a case where the person running this company had delivered bath salts through the mail to a person in Langlade County. Schmitz advised that he would be attempting to get a search warrant for the package based on the past information concerning this company and the company's owner. Schmitz and I made arrangements to meet to open the package on Tuesday, May 7, 2013, provided Schmitz was able to secure a search warrant for the package. Schmitz further advised that Bierman had been in contact with postal employees inquiring about the status of the package.

On May 7, 2013, at approximately 8 AM, I met with Schmitz and Postal Inspector Derek Thieme at the Shawano County Sheriff's Office. At that time Schmitz showed me the package, which was addressed to Jessie Bierman, 429 High St., Birnamwood WI 54414-9244. Schmitz also showed me a search warrant for the package. We opened the package and inside the package we found to clear plastic baggies that contained a cream colored powder. Both of the baggies were marked with "APVP." We weighed the baggies. Both baggies weighed 12 grams. I secured one of the baggies as evidence. The other baggie was placed back in the package and the package was resealed.

The baggie that I secured as evidence was sealed in an evidence bag. The sealed bag was given to Evidence Technician Ann Holcomb, who transported the bag to the Wisconsin State Crime Lab in Wausau.

Schmitz retained possession of the package containing the other baggie. Schmitz took the package to the Birnamwood Post Office and a phone call was made to Bierman to notify him that the package had arrived. Schmitz and Thieme stayed at the Birnamwood Post Office to confirm that the package was delivered to Jessie Bierman. I took a position where I could watch Bierman's house. Deputy Joe Neumeier took a position down the street from Bierman's residence.

At approximately 11:30 AM, I observed a male party that I believed was Jessie Bierman walk out of the residence at 429 High St. I believed the subject was Bierman because the subject was approximately the same height and weight as Bierman and because I have had contact with Bierman in the past. I observed the subject walk east from Bierman's residence toward the Post Office. I observed that the male subject was wearing blue jeans and a light colored shirt. I notified all other officers that I believed Bierman was on his way to the Post Office. At approximately 11:36 AM, Schmitz notified all officers that Bierman was in the Post Office and was picking up the package. I switched positions so that I could observe the front of the Post Office. Shortly after Schmitz notified officers that Bierman was in the Post Office, Schmitz notified officers that Bierman had

received the package and was walking out of the Post Office. I observed the same male subject that I had observed leaving Bierman's residence leaving the Post Office. I watched as the subject walked back towards Bierman's residence. I notified Neumeier that the subject was approaching the house. Neumeier advised me that he would be out with the subject.

Neumeier, Schmitz, Thieme and I made contact with the subject. I recognize the subject from past contacts as Jessie Bierman. I introduced myself and the other officers. As I spoke with Bierman, I observed that he was carrying the package that we had opened earlier at the Sheriff's Office. I advised Bierman that he was being taken into custody and that he was going to be transported to the Shawano County Sheriff's Office for questioning. Neumeier placed Bierman in handcuffs. Neumeier conducted a search of Bierman's person. During that search Neumeier recovered personal items from Bierman's pockets. One of those items was the wrapping for a hypodermic needle. I took possession of the package that contained the plastic baggie and contents. I also took possession of the items found in Bierman's pockets.

Bierman was placed in Neumeier's squad car. While Bierman was in the squad car I approached Bierman and asked him for permission to search Bierman's residence. Bierman stated that we could not searches residence. Bierman stated that his son would be coming home from school at the end of the day. Bierman asked us to make contact with the female subject who was still in Bierman's residence so that we could make arrangements for the care of Bierman's child. I asked Bierman for the name of the female subject in the residence in Bierman stated that he did not know her name. Bierman was then transported to the Shawano County Sheriff's office. I attempted to make contact with the female subject in Bierman's house. I knocked on the front door the house and ring the doorbell but no one came to the door. I made contact with the Shawano County Department of Social Services to see to the care of the child.

I returned to the Sheriff's Office. When I arrived there, Schmitz and I conducted an interview with Bierman. The interview was conducted in the interview room at the Sheriff's Office and was recorded.

I read Bierman his rights. Bierman agreed to speak with officers.

I advised Bierman that Brogan had accused Bierman of keeping her at Bierman's residence against her will. I asked Bierman how he knew Brogan. Bierman stated that Brogan had been staying at the residence for three or four days. He stated that he had known Brogan for a few years and stated that he had been introduced to Brogan by one of Brogan's ex-boyfriends. Bierman stated that when the police arrived at his residence on April 15, he had been in the basement with Cody Nicholson and Adam Crum. Bierman stated that Brogan had been in the upstairs portion of the residence and was not being restrained. I asked Bierman if Brogan was using bath salts at the time of the incident. Bierman stated that she had been using bath salts. Bierman stated that he did not inject Brogan with bath salts but stated that Brogan had used bath salts of her own free will. Bierman stated that he had observed Brogan smoke bath salts off of a piece of tinfoil and had observed Brogan inject bath salts into her arm. I asked Bierman if Brogan had called the police because she was paranoid from the use of the bath salts and Bierman stated that he thought this was possible. I asked Bierman where in the house Brogan had used bath salts. Bierman stated that Brogan had used bath salts in the bathroom and in the basement. I asked Bierman if he had used bath salts with Brogan. He stated that he thought he had used with her a couple of times. I asked Bierman if Nicholson and Crum had used bath salts and Bierman stated that they did not. I asked Bierman where the bath salts that he and Brogan used came from. Bierman stated that he supplied the bath salts.

Asked Bierman to tell me where he was getting the bath salts. Bierman explained that he was ordering bath salts off of the computer at the library. Bierman stated that he got bath salts from a company on the Internet and that the bath salts were advertised as research chemicals. Bierman stated that the chemicals cost $25-$30 a gram. Bierman stated that if you order larger quantities the price per gram goes down. Bierman stated that he had

ordered 20 grams and that he had paid $300 for that order. Bierman stated that he paid for the order with a prepaid debit card that he got from Wal-Mart. Bierman stated that he believed that the website where he orders the chemicals is rc4u.co. Bierman stated that he has ordered from this company three times and that each time was approximately the same amount.

Bierman stated that he pays for the chemicals from his army disability check. Bierman stated that he receives $700 a month from the Army and that the money comes around the first of the month. Bierman stated that currently this is the only money coming into the household. Bierman stated that no one pays him for the chemicals but that he allows his friends to use the chemicals at his house.

I asked Bierman to tell me how he uses the chemicals. Bierman stated that he usually injects the chemicals. I asked Bierman to describe what happens to him when he is using the chemicals. Bierman stated that the chemicals make him feel more awake. Bierman stated that after the high wears off he feels tired. I asked Bierman if the chemicals cause him to hallucinate and Bierman stated that they did not. I asked Bierman if the chemicals make him sleep a lot after the high wears off and he stated that they did not. I told Bierman that I had observed a warning label on the plastic baggies and asked him how he knew it was okay to use the chemicals the way he did. Bierman stated that he knew the chemicals were okay to use because he had heard from other people that it was okay to use them. Bierman stated that he had been using bath salts for a couple of months. He also indicated that he had been using heroin approximately one year ago, but stated that he had quit using heroin.

Bierman was advised that we were going to attempt to get a search warrant for his residence. I asked him if there were any items there that could be dangerous to police officers. Bierman stated that there was a needle in the garbage in the kitchen. Bierman stated that he had used the needle yesterday. Bierman was asked if more than one person used each needle in the house. Bierman stated that they did not share needles. He stated that he gets clean needles from the Needle Exchange in Wausau.

Bierman was either unwilling or unable to tell us who else in the area uses bath salts, to tell us who introduced him to bath salts, and to tell us who supplied him with bath salts before he started ordering the salts online.

When the interview was concluded, I turned Bierman over to the jail staff.

I maintained control of the items that were taken from Bierman at the time of his arrest. I placed the US Postal package and the needle wrapper in evidence. I turned the other items over to the jail staff so that they could be included with Bierman's property and returned to him upon release.

It should be noted that I received the results of the test conducted on the cream colored powder that was conducted by the Wisconsin Crime Lab in Wausau. The test results showed that the powder contained alpha-Pyrrolidinovalerophenone (PVP). I spoke with Schmitz by telephone about the results and he stated that PVP is a substance that is substantially similar in chemical structure to the Schedule I hallucinogen methylenedioxyprovalerone (MDPV).

This statement is true and correct to the best of my knowledge.

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Detective Keith Sorlie

20 US/535 3 of 3

CONFIDENTIAL REPORT OF LABORATORY FINDINGS
DJ-LE-103 rev 4-12

Wisconsin Department of Justice
Division of Law Enforcement Services
State Crime Laboratory - Wausau
7100 Stewart Avenue
Wausau, WI 54401-8410
(715) 846-8626
FAX (715) 848-5833

Submitting Agency:

Sheriff Randall Wright
Attn: Ann J. Holcomb
Shawano County Sheriff's Office
405 North Main Street
Shawano WI 54166

Date: May 08, 2013

Lab Case: W13-890

Agency No.: S13-5049

WM 5813

Laboratory Analyst:

Madison M. Kniskern
Madison M. Kniskern
Controlled Substances Unit

Case Name: Bierman, Jessie L. (S)

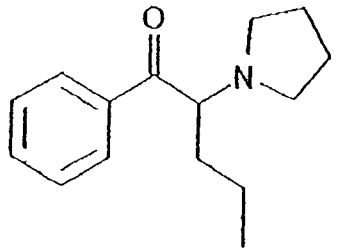
I do hereby certify this document, consisting of 1 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report. This report contains the conclusions of the above signed analyst.

J.B. Van Hollen
ATTORNEY GENERAL

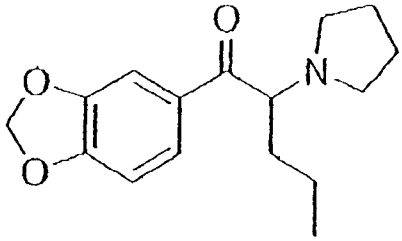
DESIGNEE

Supplemental Report

The presence of alpha-Pyrrolidinovalerophenone (PVP) was identified in the material from item A. In the opinion of this controlled substance analyst, the chemical structure of PVP is similar to that of 3,4-Methylenedioxypyrovalerone (MDPV), which is controlled by Section 961.14(7)(m) of the Wisconsin Uniform Controlled Substances Act. The structures of PVP and MDPV are pictured below to illustrate the structural similarity of the two compounds. The chemical structure of PVP is created by the removal of the methylenedioxy ring.



PVP



MDPV

This report is supplemental to the report issued by this analyst on May 7, 2013.

COPYING AND DISTRIBUTION OF THIS REPORT IS THE RESPONSIBILITY OF THE SUBMITTING AGENCY
The laboratory reserves the right to choose the items which will be tested and the methods which will be used to test them.

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

A USPS Priority Mail Small Flat Rate Box with Signature Tracking # 9410 8112 0108 0964 9839 89 addressed to "Jesse Bierman, 429 High St., Birnamwood WI 54414-9244" and containing the return address "N B Tween Inc., 22136 Westheimer Pkwy #717, Katy TX 77450."

Case Number: 13 M 624

USDC EDWI
FILED IN GREEN BAY DIV
MAY - 6 2013
AT ____ O'CLOCK ____ M
JON W. SANFILIPPO

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Priority Mail Small Flat Rate Box with Signature Tracking # 9410 8112 0108 0964 9839 89 addressed to "Jesse Bierman, 429 High St., Birnamwood WI 54414-9244" and containing the return address "N B Tween Inc., 22136 Westheimer Pkwy #717, Katy TX 77450."

currently located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

✓ evidence of a crime;
✓ contraband, fruits of a crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 841(a)(1), 843(b), and 844.

The application is based on these facts:

✓ Continued on the attached sheet, which is incorporated by reference.
☐ Delayed notice of ____ days (give exact ending date if more than 30 days:_____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature
Name and Title: Matt Schmitz, U.S. Postal Inspector

Sworn to before me, and signed in my presence.

Date May 6, 2013

City and State: Green Bay, Wisconsin

Judge's signature
THE HONORABLE JAMES R SICKEL
United States Magistrate Judge
Name & Title of Judicial Officer

Eastern Div. of Wis. Green Bay Division
I hereby certify that this is a true and correct copy of the original now remaining of record in my office.

JON W. SANFILIPPO, clerk

DATED: 05-6-13 by _____ Deputy

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AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

I. INTRODUCTION

1. I have been employed by the United States Postal Inspection Service for approximately nine years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.

2. This affidavit is submitted in support of an application for a search warrant for a 5.5 inch by 8.5 inch by 1.75 Priority Mail Small Flat Rate Box with Signature Tracking # 9410 8112 0108 0964 9839 89, mailed on April 30, 2013, from Alief, TX 77411. The mailing is addressed to "Jessie Bierman, 429 High St., Birnamwood WI 54414-9244" and contains the return address, "N B Tween Inc., 22136 Westheimer Pkwy #717, Katy TX 77450." The parcel weighs approximately 3 ounces and bears $7.35 in postage.

II. BACKGROUND

3. Recently, some individuals in the United States have begun to buy, sell, and/or ingest what is referred to as "bath salts." Many of these items are sold over the internet and in local retail shops

and are marketed as novelty items that are not to be used for human consumption. Bath salts are Central Nervous System stimulants and have no real value as a bath salt or other bath product. Through my experience in conducting investigations involving the possession and use of bath salts, I have learned that they are consumed by users intravenously, snorted, or smoked. Bath salt users generally report physical effects similar to methamphetamine and cocaine and adverse effects including paranoia, delusions, panic attacks, and psychotic episodes. I have also learned through my experience with investigations concerning bath salts that entities selling bath salts intentionally mislabel the "bath salt" and its chemical composition to evade detection by law enforcement. Also, these "bath salts" are often labeled "not intended for human consumption" in an attempt to circumvent federal and state controlled substance laws. Generally, bath salts are sold in half-gram or gram quantities.

4. In 1986, Congress established federal prohibitions against trafficking in controlled substance analogues by amending the Controlled Substances Act, 21 U.S.C. 801-971. The result was the Controlled Substance Analogue Enforcement Act of 1986 (CSAEA) which was designed to address "underground chemists who tinker with the molecular structure of controlled substances to create new drugs that are not scheduled." These new drugs are referred to as controlled substance analogues. New designer drugs are often created as alternatives to known illegal drugs because they may be marketed as being legal. The Controlled Substance Analogue Enforcement Act's purpose is to prevent the development of new drugs that are not scheduled, provide elasticity and prevent a specific listing of chemical analogues. *United States v. Klecker, 348 F.3d 69 (4th Cir. 2003).* Under the CSAEA, a controlled substance analogues is a substance:

   a. the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

   b. which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or

hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

c. with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. In other words, evidence must exist to show that the analogue was consumed by a person or was intended to be consumed by a person.

5. On October 21, 2011, the Drug Enforcement Administration (DEA) issued a final order to temporarily schedule three synthetic cathinones under the Controlled Substances Act (CSA). These substances are Mephedrone (4-methyl-N-methylcathinone), Methylone (3,4-methyleneledioxy-N-methylcath-inone) and MDPV (3,4-methylenedioxypyrovalerone). This action was based on a finding by the DEA Administrator that the placement of these synthetic cathinones and their salts, isomers, and salts of isomers into Schedule I of the CSA was necessary to avoid an imminent hazard to public safety. As a result, the full effect of the CSA and its implementing regulations including criminal, civil, and administrative penalties, sanctions and regulatory controls of Schedule I substances, will be imposed on the manufacture, distribution, possession, importation, and exportation of these synthetic cathinones.

6. During the course of this investigation I learned the following through a review of information produced by the Drug Enforcement Administration (DEA), the DEA's Chemical Evaluation Section, and through various sources on the internet:

a. Butylone: In approximately February, 2012, The DEA's Drug and Chemical Evaluation Section determined butylone is substantially similar in chemical structure to the Schedule I controlled substance methylone and that butylone is expected to have a substantially similar

effect on the Central Nervous System as that of methylone. When I queried Butylone on the internet I received information from several sources which identified Butylone as a derivative of MBDB, a drug which has been identified in bath salts.

b. Pentylone: In approximately February, 2012, the DEA's Drug and Chemical Evaluation Section determined pentylone is substantially similar in chemical structure to the Schedule I controlled substance methylone and that pentylone is expected to have a substantially similar effect on the Central Nervous System as that of methylone.

c. α-PVP: In approximately December, 2011, the DEA's Drug and Chemical Evaluation Section determined α-PVP is substantially similar in chemical structure to the Schedule I hallucinogen methylenedioxyprovalerone (MDPV) and that α-PVP and MDPV are expected to share substantially similar pharmacological effects.

III. INVESTIGATION

7. On April 15, 2013, Shawano County Sheriff's Detective Keith Sorlie told me the Shawano County Sheriff's Department had received information from a confidential source (CS) on or about the morning of April 15, 2013, that Jessie Bierman of 429 High St in Birnamwood, WI, was receiving "bath salts" via the US Mail. CS told the Shawano County Sheriff's Department that they were living with Bierman at 429 High St in Birnamwood and that Bierman orders the bath salts from Poland via the internet and has them sent through the US Mail to a PO Box Bierman uses in Birnamwood, WI. CS also reported that Bierman gives them bath salts to ingest and that CS has ingested these bath salts.

8. On April 15, 2013, I contacted the Wittenberg, WI Post Office regarding the above reported information. The Postmaster who supervises the Birnamwood delivery area is located at the Wittenberg Post Office and, therefore, information on individuals receiving mail in the Birnamwood

area would be held at the Wittenberg Post Office. I instructed the Wittenberg Post Office to contact me if a parcel addressed the Jesse Bierman arrived for delivery to his address in Birnamwood, WI. I learned from the Wittenberg Post Office that Bierman is known to occupy 429 High St, Birnamwood, WI, but receives his mail in PO Box 31 in Birnamwood, WI. I know from my knowledge of USPS operations that the U.S. Postal Service requires residents living in some small towns to receive their mail in a PO Box at the local Post Office rather than have their mail delivered to their street address. I also know that if a resident of a small town who regularly receives mail in a PO Box were to have a mailing addressed to them at their street address, the Post Office would deliver the mailing to their assigned PO Box and would not deliver it to their physical street address.

9. On April 25, 2013, I received information from the Wittenberg Post Office that they had received for delivery a Priority Mail Flat Rate Box addressed to "Jesse Bierman, 429 High St, Birnamwood, WI 54414" with a delivery address of "N B Tween Inc, 22136 Westheimer Pkwy #717, Katy TX 77450." I researched the return address "N B Tween Inc, 22136 Westheimer Pkwy #717, Katy TX 77450" using the internet and saw from a Google search that the website "corporationwiki" listed the Principal of "N B Tween Inc" as Trieu Duong and Director as Trieu Duong. I recognized the name "Trieu Duong" and recalled that this name was associated with a bath salt investigation I conducted in or about October and November, 2012, in the Eastern District of Wisconsin. In that investigation I developed information that a female in Antigo, WI, was suspected of receiving bath salts via the US Mail. Specifically, I learned that this female was receiving parcels that contained the return address, "US Jewel Supply, P.O. Box 1989, Alief Tx 77411." I had learned from my contact with the Alief, TX Post Office on October 10, 2012, that P.O. Box 1989 was rented and used by an individual they knew as Trieu Duong and that Duong had recently reported to them that she had been contacted by US Postal Inspectors regarding items she was mailing under the name US Jewel Supply. On October 10, 2012, during my investigation of US Jewel Supply, I learned from a query of the internet that Trieu Duong was listed as the administrator of the website,

"tranduongimports.com." On October 10, 2012, I queried "tranduongimports.com" and was taken to a website on which the first page read:

> "Thank you for choosing TDimports.com to purchase your research chemicals. Rest assured you will receive the highest quality chemicals when you buy from us. Your order will ship promptly (same day if possible). This is your one stop to buy A-pvp, buy MXE, buy 4-emc, buy 4-fa buy pentylone and buy butylone.
>
> WE ONLY SHIP TO BILLING ADDRESS
>
> Please note that you will be billed from usjewelsupply. usjewelsupply will be what shown on your statement. Also all package will be ship with US Jewel Supply as the return address.
>
> We are currently offering free shipping on all orders.
>
> 1 and 5 gram orders are shipped 1st class mail with delivery confirmation.
>
> $200, 10 gram, 20 gram, 50 gram order will be ship with signature confirmation.
>
> We are now offering the option to upgrade your 1 and 5 gram order to Priority Mail for only $4.90 and Express Mail for $18.95 for all orders."

During a review of the front page of this website I also saw a section labeled "Research Chemicals" which contained icons labeled "Buy 4-EMC Research Chemicals, Buy a-PVP Research Chemicals, Buy Butylone Research Chemicals, Buy MXE Research Chemicals, Buy Pentylone Research Chemicals, and Buy 4-FMA Research Chemicals." After identifying this website I researched the above "Research Chemicals" and located information provided by the Drug Enforcement Administration regarding the identification of some of these substances as analogues of Schedule I controlled substances (see paragraph 6 of this affidavit). I know from my experience in the investigation of "bath salts" that entities selling "bath salts" often label the substances as "plant food", "bath salts", or "research chemicals" in an attempt to legitimize their use and disguise their knowledge that the substances are being purchased for the purpose of being ingested.

10. On November 16, 2012, I executed a federal search warrant issued in the Eastern District of WI under case number 12-M-710 on a parcel related to the investigation of "US Jewel Supply" as described in paragraph 9 of this affidavit. During this search I found the package containing the return address of "US Jewel Supply, PO Box 1989, Alief Tx 77411," and mailed to an individual in Antigo, Wi contained a cream colored powder packaged in two (2) separate plastic bags that were both labeled "APVP," with the outer plastic bag also containing the label "Warning Toxic, Not for Human Consumption." The substance in both bags was tested by the US Drug Enforcement Agency laboratory in Chicago, IL in December, 2012, and found to contain the active ingredient "alpha-pyrrolidinopentiophenone," also known as α-PVP. During my investigation of US Jewel Supply I contacted the US Postal Inspection Service office in Houston, TX to refer the information I had learned in the event they wished to initiate an investigation.

11. On or about April 25, 2013, I contacted the U.S. Postal Inspection Service in Houston, TX, for additional information on US Jewel Supply and "Trieu Duong." I learned from Postal Inspectors in Houston, TX that Trieu Duong had discontinued operating under the business name "US Jewel Supply" and was now operating through the website, "rc4u.co." On April 25, 2013, I queried the web address "rc4u.co" and was directed to a website whose first page identified the company "rc4u" sold "research chemicals." Specifically, the first page of this website read, in part:

> "These products are for laboratory research only. NOT for administration to humans. NOT for human or veterinary diagnostic or therapeutic use. Harmful if ingested. Keep out of reach of children and animals.....Thank you for choosing RC4u.co to purchase your research chemicals. Rest assured you will receive the highest quality chemicals when you buy from us....NOTE: We only sell through referrals, if you never purchase from us before please email us with your referrals before putting in your order. Thank you.....We only ship priority so please DON'T ask us to ship express we will not ship express."

I also saw that this website advertised they sold the research chemicals, "4-EMC" and "α-PVP." I queried the research chemicals this website offered for sale and was directed to a page showing they sold 1, 5, 10, and 20 gram quantities of 4-EMC and α-PVP for $35.00, $130.00, $207.00, and $367.00, respectively. I also queried a page on this website that was labeled "About RC4U Research Chemicals" and saw it read, in part, "We supply products nationwide to researchers, major clinical diagnostic labs, research institutions, and universities." Finally, I queried a page on this website labeled "Terms and Conditions" and read, in part, "Your credit card will be charged with the name: US Jewel supply."

12. On May 3, 2012, I received information from the Wittenberg Post Office that a second Priority Mail Small Flat Rate parcel had arrived for delivery to "Jessie Bierman, 429 High St., Birnamwood, WI 54414" with the return address, "N B Tween Inc, 22136 Westheimer Pkwy #717, Katy TX 77450." I directed the Wittenberg Post Office to send me this parcel for further investigation. On May 6, 2013, I received this parcel at the US Postal Inspection Service office in Oneida, WI and saw it was addressed to "Jessie Bierman, 429 High St., Birnamwood, WI 54414" with a return address of "N B Tween Inc, 22136 Westheimer Pkwy #717, Katy TX 77450" and Signature Tracking # 9410 8112 0108 0964 9839 89. I noticed the size of the box was consistent in size to a parcel containing a typical amount of bath salts. I know from my investigative experience that individuals who receive bath salts via the US Mail commonly receive them in quantities of one or more grams.

13. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant issued by a Federal Court.

14. For these reasons there is probable cause to believe that Priority Mail Small Flat Rate Box with Signature Tracking # 9410 8112 0108 0964 9839 89 contains controlled substances and/or controlled substance paraphernalia. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 844.

Matt Schmitz
U.S. Postal Inspector

Subscribed and sworn to before me this 6 day of May, 2013.

The Honorable James R. Sickel
United States Magistrate Judge
Eastern District of Wisconsin

19

Drug Enforcement Administration
Office of Diversion Control
Drug & Chemical Evaluation Section

3,4-Methylenedioxypyrovalerone (MDPV)

(Street Names: "bath salts," "Ivory Wave," "plant fertilizer," "Vanilla Sky," "Energy-1")

May 2013
DEA/OD/ODE

Introduction

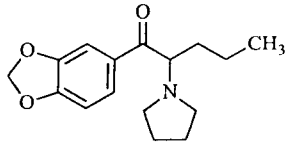
3,4-Methylenedioxypyrovalerone (MDPV) is a designer drug of the phenethylamine class. MDPV is structurally related to cathinone, an active alkaloid found in the khat plant, 3,4-methylenedioxymethamphetamine (MDMA), methamphetamine, and other schedule I phenethylamines. MDPV, like some other substances in this class, is a central nervous system (CNS) stimulant. MDPV is also reported to have hallucinogenic effects. Law enforcement evidence indicates that the abuse of MDPV in the United States is increasing. MDPV has been identified in products that are falsely marketed as "bath salts," "plant food," and "research chemicals" and is sold over the Internet and at local retail shops.

Licit Uses

MDPV is not approved for medical use in the United States.

Chemistry

MDPV (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone; Chemical Abstract Service Number 687603-66-3) is related in chemical structure to schedule I hallucinogenic substances (MDMA, MDEA) and to schedule I stimulants (cathinone, methcathinone). Its molecular formula is $C_{16}H_{21}NO_3$ and its molecular weight is 275 g/mol. MDPV has a high melting point (estimated at 200°C) and is a solid at room temperature. The chemical structure is shown below.



Pharmacology

MDPV has been shown to bind to recombinant human dopamine, norepinephrine and serotonin transporters and to inhibit uptake of the corresponding substrate neurotransmitter in vitro. MDPV has been shown to inhibit the rat brain synaptosomal uptake of dopamine and norepinephrine with high potency but has weak effects on serotonin uptake in vitro. It has been demonstrated that MDPV increases extracellular concentration of dopamine in rodent brain as measured by in vivo microdialysis technique.

MDPV has been shown to increase locomotor activity, heart rate and blood pressure in rodents. In drug discrimination tests, MDPV fully substitutes for methamphetamine in rats trained to discriminate methamphetamine from saline. In mice trained to discriminate MDPV from saline, methamphetamine and MDMA fully substituted MDPV. Intravenous self-administration studies have shown that rats readily and dose-dependently self-administer MDPV and extended access leads to escalation of drug intake similar to that reported for stimulants such as cocaine and methamphetamine.

MDPV has been reported to induce subjective effects in humans similar to those induced by cocaine, amphetamine, and MDMA. The subjective effects induced by substituted cathinones are feelings of empathy, stimulation, alertness, euphoria, and awareness of senses. Other effects reported from the use of MDPV were tachycardia, hypertension, vasoconstriction, and sweating. MDPV has also been reported to cause intense, prolonged panic attacks in users. Repeat users have reported bouts of psychosis and a craving or a strong desire or urge to use again. There have been reports of deaths in which MDPV was either implicated or ruled as the cause of death.

Users of MDPV anecdotally reported that they take 25 mg or less per session. The duration of the subjective effects is about two to three hours whereas the adverse effects have been reported lasting six to eight hours after administration.

User Population

User population information in the United States is very limited. There have been reports of MDPV being used predominantly by the youth population. MDPV data are not reported by any national drug study programs.

Illicit Distribution

MDPV has been identified in a seized product called "Ivory Wave". It has been sold as a "bath salt" in 500 mg packets with the label indicating "for novelty use only" or "not for human consumption" without any instructions for dosage. MDPV has also been identified in the products called "Vanilla Sky" and "Energy 1."

DEA's National Forensic Laboratory Information System (NFLIS) indicates that federal, state and local law enforcement officials encountered MDPV in 49 states and the District of Columbia since 2009. The number of MDPV reports increased from two in 2009 to 380 in 2010 and to 3,625 in 2011. In 2012, the number of MDPV reports decreased slightly to 3,377.

Control Status

On October 21, 2011, MDPV, its salts, isomers, and salts of isomers were temporarily controlled in Schedule I of the Controlled Substances Act. Control of these compounds became permanent on July 9, 2012, via passage of the Synthetic Drug Abuse Prevention Act of 2012 (Public Law 112-144, Title XI, Subtitle D).

Comments and additional information are welcomed by the Drug and Chemical Evaluation Section, Fax 202-353-1263, Telephone 202-307-7183, or E-mail ODE@usdoj.gov.

David J. O'Leary
Rock County District Attorney

Perry L. Folts
Deputy District Attorney

Office of District Attorney
Rock County Courthouse
51 South Main Street
Janesville, Wisconsin 53545
Phone 608-757-5615
FAX 608-757-5725

May 21, 2013

Wisconsin Department of
Safety and Professional
Services
Controlled Substance Board
P. O. Box 8935
1400 East Washington Avenue
Madison, WI 53708-8935

RE: State of Wisconsin vs. Kirk R C Mickelson
Case No. 2013CF000151
State of Wisconsin vs. Brianna R. Ketelsen
Case No. 2013CF150

To Whom It May Concern:

The Rock County District Attorney's Office is currently prosecuting the above-entitled individuals for possession with intent to deliver substances believed to be analogs of controlled substances listed in Chapter 961 of the Wisconsin Statutes. Two separate substances were sent to the Wisconsin State Crime Laboratory in Madison for analysis and given Lab Case No.: M13-229. Analyst Martin Koch subsequently determined that one of the substances contained 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (MAM-2201), and the other substance contained 1-(5-fluoropentyl)-30(4-methyl-1-naphthoyl)indole (MAM-2201). Although the substances are currently not controlled substances under Wisconsin law, Mr. Koch indicated in his report that EAM-2201 and MAM-2201 are "substantially similar in structure to 1-pentyl-3-(1-matphthoyl)indole, also known as JWH-018, which is a controlled substance under Section 961.14(4)(tL) of the Wisconsin Uniform Controlled Substances Act. Pursuant to Section 961.25 of the Wisconsin Statutes, I am requesting that the Controlled Substances Board make a determination that EAM-2201 and MAM-2201 are controlled substances analogs to JWH-018. I am enclosing the Crime Lab Report from Mr. Koch along with the criminal

complaints in the above-entitled cases for your review. Please contact me if any further information is required.

Sincerely,

Gerald A. Urbik
Assistant District Attorney

Enclosures
cc: Attorney Shanna Knueppel
Attorney Michael S. Murphy

CONFIDENTIAL REPORT OF LABORATORY FINDINGS
DJ-LE-103 rev 4-12

Wisconsin Department of Justice
Division of Law Enforcement Services
State Crime Laboratory - Madison
4626 University Avenue
Madison, WI 53705-2174
(608) 266-2031
FAX (608) 267-1303

Submitting Agency:

Sheriff Robert D. Spoden
Attn: Dep. Viengkhone Nouansacksy
Rock County Sheriff's Office
200 East US Highway 14
Janesville WI 53545

Date: May 06, 2013

Lab Case: M13-229

Agency No.: 13-0168

Laboratory Analyst:

Martin G. Koch
Controlled Substances Unit

DJ 5/6/13

Case Name: Mickelson, Kirk R.C. (S) / Ketelson, Briana R. (S)

I do hereby certify this document, consisting of 1 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report. This report contains the conclusions of the above signed analyst.

J.B. Van Hollen
ATTORNEY GENERAL

Sara Thomas
DESIGNEE

Item	Description / Source
A	A sealed paper bag (37711) containing a plastic shipping pouch containing the following: 1. a sealed doubled FoodSaver plastic bag containing a ziplock bag, wrapped in plastic film, containing 496.4 grams of grey powder; and 2. a sealed small round metal canister containing 0.050 gram of grey powder.
B	A sealed manila envelope (37713) containing an empty cigarette pack, and a small manila envelope containing a cellophane wrapper containing 2.853 grams of plant material.

Examinations of the grey powder from items A1 and A2 identified the presence of 1-(5-fluoropentyl)-3-(4-ethyl-1-naphthoyl)indole (EAM-2201).

Examinations of the plant material from item B identified the presence of 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (MAM-2201).

In the opinion of this Controlled Substances Analyst, EAM-2201 and MAM-2201 are substantially similar in structure to 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018, which is controlled by Section 961.14(4)(tL) of the Wisconsin Uniform Controlled Substances Act.

COPYING AND DISTRIBUTION OF THIS REPORT IS THE RESPONSIBILITY OF THE SUBMITTING AGENCY
The laboratory reserves the right to choose the items which will be tested and the methods which will be used to test them.

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State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted: **8/6/13**
Dan Williams	Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

WI Controlled Substances Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
8/29/13	☐ Yes ☒ No	**Legislative/Administrative Rules Matters – Discussion and Consideration**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes by ☐ No	N/A

10) Describe the issue and action that should be addressed:

Among other items, the Board will address:

<u>Executive Order 61</u>

- MOTION from April: Martin Koch moved, seconded by Rocky LaDien, that the Board will examine CSB code chapters in response to Executive Order 61 in preparation for its next meeting. Motion carried unanimously.

- **CSB2**
- **CSB3**
- **Request for Emergency Scheduling**

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) — Date

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State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted: **8/6/13**
Dan Williams	Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

WI CONTROLLED SUBSTANCES BOARD

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
8/29/13	☐ Yes ☐ No	**SUA application signatures – Discussion and Consideration**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes by ☐ No	N/A

10) Describe the issue and action that should be addressed:

At the April meeting the following Motion occurred as it relates to SUA permit application signatures.

> **MOTION:** Yvonne Bellay moved, seconded by Alan Bloom, that DSPS staff draft a scope statement to address the requirement of signature of applicants on SUA applications. The Board designates the Board Chair to sign the scope statement on the requirement of signature of applicants on SUA applications for publication and to sign for implementation after publication. Motion carried unanimously.

Upon further review, DSPS form #2184 sufficiently requires the applicant to sign off on that form. DSPS recommends that the Board does a Motion adopting DSPS form #2184. This will alleviate having to do a Rule change re: as to whom signs an affidavit.

> CSB 3.04 - SUA permit application.
> (1) Every applicant for an SUA permit shall:
> (a) Submit a completed application and any required checklists using forms provided by the board. A complete application shall include a detailed description of the anticipated uses for each identified controlled substance in Schedules I to V of ch. 961, Stats., including each identified controlled substance by name and schedule and the protocols for such uses.

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Wisconsin Department of Safety and Professional Services

Mail To: **P.O. Box 8935**
Madison, WI 53708-8935
FAX #: (608) 261-7083
Phone #: **(608) 266-2112**

1400 E. Washington Avenue
Madison, WI 53703
E-Mail: web@dsps.wi.gov
Website: http://dsps.wi.gov

CONTROLLED SUBSTANCES BOARD

APPLICATION FOR CONTROLLED SUBSTANCES SPECIAL USE AUTHORIZATION

***If new, leave authorization # and expiration date blank.** **All re-application SUA holders must complete this section – failure to complete will result in delay.**	Authorization Number* _____ Expiration date* _____

TYPE OR PRINT CLEARLY

1. Name of Person Applying for Authorization: _____

   Credential/Title of Applicant: _____

   Institution, research lab or business facility represented by or employing applicant:

   Name: _____

   Address: _____

   _____

   _____

   Telephone: ( ) _____ FAX #: ( ) _____

   Email: _____

2. Category of Authorization(s) that apply: ****Applications must be accompanied by appropriate checklist.**

Analytical Laboratory	[ ]	Narcotic Dog Training*	[ ]
Animal Translocation*	[ ]	Industrial/Commercial Processing	[ ]
Humane Society*	[ ]	Instructional Activities	[ ]
Research*	[ ]	Drug Movement for Training Purposes	[ ]
		Law Enforcement Animal Control Officer	[ ]

   Other special uses, specify: _____

3. DEA # _____

FEES

Per SUBCHAPTER II Section 961.335(3)
No fee is charged for permits issued to employees of state agencies or institutions. (Please check the appropriate box.)

☐ Authorization fee $25.00

For each new application or re-application there is a non-refundable fee required. Fees must be paid at the time the application for authorization is submitted.

☐ Amendment fee $5.00

Any amendment to the authorization prior to the expiration should be requested in writing. They must be accompanied by the amended fee and the appropriate materials (see Instruction Sheet Form #2275). This must include a statement describing the amendment request.

Make checks payable to: Department of Safety and Professional Services (DSPS)

For Receipting Use Only

Committed to Equal Opportunity in Employment and Licensing

Wisconsin Department of Safety and Professional Services

4.A. CONTROLLED SUBSTANCES Previously authorized to have in your possession. Your authorization will not be approved until this table is completed in its entirety.

***All drug/substance amounts must be given in weight if solid or volume and concentration if liquid. If a separate list is appended only list the controlled substances. If other non-controlled drugs are submitted your application may be delayed.**

Drug/Substance (no brand names)		**Amount Approved From Last Year For You To Have In Your Possession***		**Amount Inventory On Hand***	+	**New Amounts Need To Purchase***	=	**Total Amount Requested For Authorization*** (This must include inventory on hand and new purchases.)

***All drug/substance amounts must be given in weight if solid or volume and concentration if liquid. If a separate list is appended only list the controlled substances. If other non-controlled drugs are submitted your application may be delayed.**

4.B. NEW CONTROLLED SUBSTANCES: **Provide justification for any new substances**

Drug/Substance (no name brands)	**New Drug Substance Total Amount Requested For Authorization** (amounts must be given in weight if solid or volume and concentration if liquid)

In accordance to federal and state laws, all Special Use Authorization (SUA) holders are only allowed to have drug/substance amounts that have been previously authorized and approved by the Controlled Substances Board. Possession or use of any additional drug/substance amounts that are not authorized by the Controlled Substances Board is a violation of federal and state laws. An SUA may be revoked for this violation.

A Drug Enforcement Administration (DEA) registration pursuant to section 823 of the Controlled Substances Act (the Act) to manufacture, distribute, or dispense a controlled substance or a List I chemical may be suspended or revoked in accordance with section 824(a)(3) of the Act by the Attorney General [of the United States] upon a finding that the registrant has had his/her [State of Wisconsin Controlled Substances Board Special Use Authorization] suspended, revoked or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances or List I chemicals or has had the suspension, revocation, or denial of his registration recommended by competent State authority. Suspension or revocation of a DEA registration would entail surrender of the registration certificate, any unused DEA Forms 222, and all controlled substances in the possession of the registrant.

You must contact the Drug Enforcement Administration for authorization to destroy or otherwise properly dispose of all controlled substances.

5. **SECURITY:** Where will the controlled substances be stored and who will have access? The recommended procedure is a locked safe with access limited to those individuals shown on your application. If storage and use are at different locations, indicate below. ***See* Physical Security Requirements for Controlled Substances form # 2277**.

   Provide storage details _____

   _____

   _____

   List all individuals who will have access to controlled substances _____

   _____

   _____

6. From what source will the controlled substances be acquired?

   _____

7. The applicant must maintain current and accurate records on all receipts and dispositions of controlled substances obtained pursuant to the issuance of this authorization.

8. Any authorization or amendment to this application expires at the expiration of this permit. **Note the expiration date on the permit.**

9. This authorization is expressly subject to such regulations and review that may be required by the Controlled Substances Board.

10. Describe your use for each controlled substance(s) listed on section 4A and 4B.

- **Researchers: For approval of your authorization you must submit the below requirements and complete section 11.**

  All applicants must submit a detailed **one page** description of each research protocol that involves the use of controlled substances. **Do not send full IACUC or IRB applications in lieu of this requirement.**

  In addition to the protocol:

  Research involving animals, must provide a copy of Institutional Animal Care and Use Committee (IACUC) approval form and calculations that lead to requested amounts (Item 11).

  Research involving human subjects, must provide verification of Institutional Review Board (IRB) approval and calculations that lead to the requested amounts.

  Research that does not involve the use of animals must provide the calculations that lead to the requested amounts.

  Complete and submit Research checklist (Form #2836).

- **Humane Societies: For approval of your authorization you must submit the below requirements.**

  Humane Societies must estimate the number of animals and dosage per animal. Humane Society staff may not perform euthanasia until an approved euthanasia course has been completed. Provide a copy of course completions for all new staff listed in item 12 and 13. For a list of board approved courses go to http://drl.wi.gov.

  Complete and submit Humane Societies/Animal Translocation checklist (Form #2837).

  Complete and submit the Translocation and Euthanasia Annual Report (Form #2530).

- **Narcotic Dog Handlers/Trainers: For approval of your authorization you must submit the below requirements.**

  Handlers/trainers must enclose a letter from the sheriff/chief of police authorizing possession of controlled substances and willingness to accept responsibility for the controlled substances.

  The sheriff/chief must enclose verification of membership in a police dog association approved by the board – a list of approved memberships are listed on the checklist Form #2385.

  Complete and submit checklist for Dog Training (Form #2385).

- **Law Enforcement Animal Control Officers: For approval of your authorization you must submit the below requirements.**

  Law Enforcement Animal Control Officer must estimate the number of animals and dosage per animal. You may not perform euthanasia until an approved euthanasia course has been completed. Provide a copy of course completion for all new staff listed in item 12 and 13 of this application. For a list of board approved courses go to http://dsps.wi.gov.

  Complete the application for Controlled Substances Special Use Authorization (Form #2184).

  Complete and submit the Translocation and Euthanasia Annual Report (Form #2530).

  The officer must enclose a letter from the sheriff/chief of police authorizing possession of controlled substances and willingness to accept responsibility for the controlled substances.

  Complete and submit Humane Societies/Animal Translocation checklist (Form #2837).

  Bolted lock box in transportation vehicle.

  Storage of controlled substances must be in a secure, locked safe (see Physical Security Requirements Form #2277).

- **All Other Uses: For approval of your authorization you must complete the below requirement.**

  All other uses must provide a detailed description of the use of each controlled substance requested on the space provided below. If this section is left blank or if no attachment is included, your application will not be reviewed.

  _____

  _____

  _____

  _____

11. **RESEARCH PROTOCOL**

PROTOCOL CHART

Protocol #	**Expiration Date**	**Title of Protocol** (A one page description of protocol must accompany this table.)

For each individual protocol listed, you must provide the name and concentration of the drug, the dosage used per animal, the weight of the animal, the number of animals and the total amount of drug used. (Copy and submit this sheet if more than one protocol is being used.)

Example A: Dose (mg/kg) x Weight of Animal x Number of Animals = Amount of Drug required (mg)

DRUG DOSAGE INFORMATION

Drug			
Animal Species			
Total Number of Animals Per Year			
Average Weight (kg)			
Average Total Dose (mg/kg)			
Unit Size if liquid (mg/ml)			
Estimated Amount For Year; ml if liquid grams if solid			

Wisconsin Department of Safety and Professional Services

12. List all individuals participating in the functions for which the Authorization was approved. If not previously authorized, have each new person complete item 13 below.

Name: _____ Title: _____

_____ _____

_____ _____

_____ _____

PLEASE COMPLETE (ITEM 13) FOR EACH NEW AUTHORIZED INDIVIDUAL ONLY. (Duplicate page as necessary).

13. **ACKNOWLEDGMENT OF PARTICIPATION IN SPECIAL USE AUTHORIZATION #** _____

_____ _____

Name of New Individual Title

QUALIFICATIONS: _____

_____

I acknowledge participation in activities authorized under this Special Use Authorization and agree to comply with all Federal and State regulations governing such activities.

_____ _____

Signature of New Individual Date

14. Under penalty of Wisconsin Statute 961.43,* I declare that the statements contained herein are true and correct to the best of my knowledge and belief; and the authorization herein applied for is to cover only the person(s) indicated at the location specified and only for the controlled substances in the amounts authorized.

IMPORTANT: The applicant must maintain current and accurate records of all receipts and dispositions of controlled substances obtained pursuant to the issuance of the authorization.

_____ _____

Signature of Applicant (person listed in item 1) Date

* Under Wisconsin Statute 961.43, all statements must be true and correct:
"(1) It is unlawful for any person:
(a) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;....
(b) Any person who violates this section may be fined not more than $30,000 or imprisoned not more than four years or both."

Wisconsin Department of Safety and Professional Services

ALL APPLICANTS MUST COMPLETE THIS SECTION.

15. CERTIFICATION OF LEGAL STATUS.

I declare under penalty of law that I am (check one):

_____ a citizen or national of the United States, or

_____ a qualified alien or nonimmigrant lawfully present in the United States who is eligible to receive this professional license or credential as defined in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as codified in 8 U.S.C. §1601 et. seq. (PRWORA). For questions concerning PRWORA status, please contact the U.S. Citizenship and Immigration Services in the Department of Homeland Security at 1-800-375-5283 or online at http://www.uscis.gov.

AFFIDAVIT OF APPLICANT

I declare that I am the person referred to on this application and that all answers set forth are each and all strictly true in every respect. I understand that failure to provide requested information, making any materially false statement and/or giving any materially false information in connection with my application for a credential or for renewal or reinstatement of a credential may result in credential application processing delays; denial, revocation, suspension or limitation of my credential; or any combination thereof; or such other penalties as may be provided by law. I further understand that if I am issued a credential, or renewal or reinstatement thereof, failure to comply with the statutes and/or administrative code provisions of the licensing authority will be cause for disciplinary action.

_____ _____

Signature of Applicant (person listed in item 1) Date

State of Wisconsin

Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted:
Pamela Stach, Legal Counsel	**8/16/2013**
	Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 8 work days before the meeting for Paperless Boards ▪ 14 work days before the meeting for all others

3) Name of Board

Controlled Substances Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
8/29/2013	☒ No	**Discussion of Legal Research results on DEA Interpretation of Registration Requirements for Mobile Transfer of Controlled Substances for Use Other than at the Original Registered Site.**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session	☒ Yes Pamela Stach, Legal Counsel	

10) Describe the issue and action that should be addressed:

MOTION: Yvonne Bellay moved, seconded by Alan Bloom, to request Board legal counsel to research the impact of the DEA's interpretation of the Controlled Substances Act on the granting of an SUA for purposes of transportation of controlled substances to a site other than the registered premises. Motion carried unanimously.

11) Authorization

Signature of person making this request Date

Supervisor (if required) Date

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State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:	2) Date When Request Submitted: **8/20/13**
Dan Williams	Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:

WISCONSIN CONTROLLED SUBSTANCES BOARD

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
8/29/13	☐ Yes ☐ No	**2013 Board Goals – Discussion and Consideration**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☐ Yes by ☐ No	N/A

10) Describe the issue and action that should be addressed:

- Requirement of signature of applicant on the SUA application
- Emergency and permanent scope for emergency scheduling of UR-144, AKB48, and XLR11
- CSB 2
- CSB 3 – Limited SUA Permit
- CSB 3 – Rejection of SUA Requests

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Executive Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.

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State of Wisconsin
Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: **Chad Zadrazil, PDMP Project Manager**	2) Date When Request Submitted: **August 20, 2013** Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others

3) Name of Board, Committee, Council, Sections:
Controlled Substances Board

4) Meeting Date:	5) Attachments:	6) How should the item be titled on the agenda page?
August 29, 2013	☐ Yes ☒ No	**PDMP Update – Discussion**

7) Place Item in:	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:
☒ Open Session ☐ Closed Session ☐ Both	☒ Yes by **PDMP Staff** (name) ☐ No	**N/A**

10) Describe the issue and action that should be addressed:

We will give the Board an update on the Prescription Drug Monitoring Program (PDMP) and answer any questions from the members of the Board.

11) Authorization

Signature of person making this request — Date

Supervisor (if required) — Date

Bureau Director signature (indicates approval to add post agenda deadline item to agenda) — Date

Directions for including supporting documents:
1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.
3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

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