

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
ERIC S. EKMAN, D.D.S., : FINAL DECISION AND ORDER
RESPONDENT. : 93 DEN 163

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Eric S. Ekman
1302 Commonwealth Avenue
Duluth, MN 55808

Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Eric S. Ekman, (D.O.B. 6/17/52) is duly licensed in the State of Wisconsin as a dentist (license # 4223). This license was first granted on March 6, 1991.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 1302 Commonwealth Avenue, Duluth, MN 55808.

3. On September 24, 1993, a disciplinary order was entered by the Minnesota Board of Dentistry against the respondent, based upon the alcohol dependence admitted by respondent, which adversely affected the ability of respondent to safely practice dentistry.

3. Respondent is not currently practicing dentistry in Wisconsin, and has no present plans to do so. Respondent tenders a voluntary surrender of his license to practice as a dentist in the state of Wisconsin.

CONCLUSIONS OF LAW

By the conduct described above, Eric S. Ekman is subject to disciplinary action against his license to practice as a dentist in the State of Wisconsin, pursuant to Wis. Stats. sec. 447.07(3)(a) and (g), and Wis. Adm. Code secs. DE 5.02(2), (4) and(14).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER by Eric S. Ekman of his license to practice as a dentist in the state of Wisconsin is hereby accepted.

2. IT IS FURTHER ORDERED that if the Respondent shall ever re-apply for a license to practice as a dentist in the state of Wisconsin:

a. The Dentistry Examining Board may consider the Findings of Fact contained herein in determining whether to grant a license;

b. The Dentistry Examining Board may require proof that Respondent is not chemically dependent, as a reasonable accommodation to Respondent in considering the re-issuance of a license;

c. In the event that the Dentistry Examining Board considers re-licensure of the Respondent, the Board may impose such limitations and conditions upon the license as the Board deems appropriate at the time.

This Order shall be come effective upon the date of its signing.

DENTISTRY EXAMINING BOARD

By:

Thomas G. Brandt 5-4-94.
On behalf of the Board Date

jh
doc:

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
ERIC S. EKMAN, D.D.S.,	:	93 DEN 163
RESPONDENT	:	

It is hereby stipulated between Eric S. Ekman, personally on his own behalf, and by his attorney, Thomas F. Andrew, and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached. It is the intent of Respondent to tender a VOLUNTARY SURRENDER of his license to practice as a dentist in the state of Wisconsin.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Dentistry Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

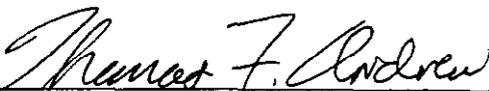
7. The Division of Enforcement joins respondent in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.



Eric S. Ekman, D.D.S.

March 9, 1994

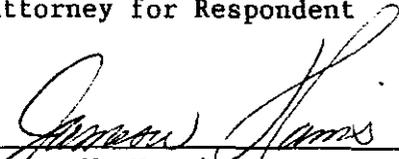
Date



Thomas F. Andrew
Attorney for Respondent

Feb 24, 1994

Date



James W. Harris, Attorney
Division of Enforcement

March 11, 1994

Date

jh

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

MAY 5, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)