

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JOHN D. BELFIELD, P.T.
RESPONDENT.

96 PHT 002

FINAL DECISION AND ORDER

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

John D. Belfield, P.T.
2812 Joliet
Janesville, WI 53546

Wisconsin Physical Therapists Affiliated Credentialing 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 Physical Therapists Affiliated Credentialing 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. John D. Belfield, P.T., Respondent, date of birth October 25, 1933, is licensed by the Wisconsin Physical Therapists Affiliated Credentialing Board as a physical therapist in the state of Wisconsin, pursuant to license number 0001063, which was first granted February 23, 1971.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2812 Joliet, Janesville, Wisconsin 53546.
3. On November 20, 1995, Respondent was charged in Rock County Wisconsin Circuit Court case number 95CF001702J with one count of violating § 948.025(1), Stats., (Engaging in

repeated acts of sexual assault of the same child), a class B felony, for having repeated sexual contact with a child six years of age between July and November 3 of 1995.

4. On September 4, 1996, Respondent was convicted, upon his plea of guilty, of one count of violating § 948.025(1), Stats. (Engaging in repeated acts of sexual assault of the same child).

5. Violation of §948 025(1), Stats. is a crime substantially related to the practice of physical therapy.

CONCLUSIONS OF LAW

1. The Wisconsin Physical Therapists Affiliated Credentialing Board has jurisdiction over this matter pursuant to § 448.57(2), Stats.

2. The Wisconsin Physical Therapists Affiliated Credentialing Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. That Respondent is subject to discipline pursuant to § 448.57(2), Stats., for having engaged in unprofessional conduct as defined by Wis. Admin. Code § PT 7.02(18) by having been convicted of a crime which relates to practice under his license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that John D. Belfield's license to practice as a physical therapist in the State of Wisconsin is hereby **revoked**, effective immediately.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information"

Dated at Madison, Wisconsin this 14th day of January, 1997.



Chair
Physical Therapists Affiliated Credentialing Board

STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF THE DISCIPLINARY .
PROCEEDINGS AGAINST :
 : 96 PHT 002
JOHN D. BELFIELD, P.T. :
RESPONDENT. :


STIPULATION

It is hereby stipulated and agreed, by and between John D. Belfield, P.T., Respondent; and John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Respondent understands that by the signing of this Stipulation Respondent voluntarily and knowingly waives Respondent's rights, including: the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against Respondent; the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena; the right to testify; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
2. Respondent is aware of his right to seek legal representation prior to signing this Stipulation.
3. Respondent admits the allegations in this matter, and agrees to the adoption of the attached Final Decision and Order by the 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.
4. 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.
5. Attached to this Stipulation are Respondent's current wall and wallet registration certificates.

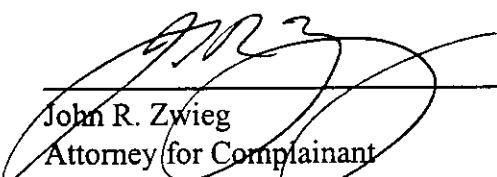
6 The parties to this Stipulation agree that the Respondent, Respondent's attorney, if any, the attorney for the Division of Enforcement, and the member of the Board who has been appointed as the investigative advisor may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

Dated this 23 day of November, 1996.



John D. Belfield, P.T.
Respondent

Dated this 21st day of November, 1996.



John R. Zwiig
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

In the Matter of the Disciplinary Proceedings Against

John D. Belfield, P.T.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

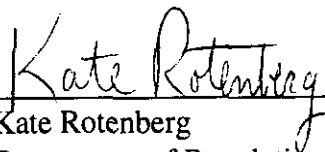
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On January 16, 1997, I served the Final Decision and Order dated January 14, 1997 upon the Respondent John D. Belfield, P.T. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 377 252.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:


John D. Belfield, P.T.
2812 Joliet
Janesville WI 53546



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 16th day of January, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

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:

STATE OF WISCONSIN PHYSICAL THERAPISTS AFFILIATED CRED. BOARD

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

The Date of Mailing this Decision is:

January 16, 1997

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.)