

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

CURTIS F. TRAVIS, D.D.S.,
RESPONDENT.

:
:
:
:

FINAL DECISION
AND ORDER

LS9805064DEN

Division of Enforcement
96 DEN 91

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

Curtis F. Travis, D.D.S.
1020 Menomonie St.
Eau Claire, WI 54703

Wisconsin Dentistry Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation And Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

The Wisconsin Dentistry Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Curtis F. Travis, D.D.S., personally, and by his attorney, John P. Richie; and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Dentistry Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Curtis F. Travis, D.D.S., 1020 Menomonie Street, Eau Claire, Wisconsin, 54703, was born on 11/16/58 and has been licensed and currently registered to practice dentistry in the state of Wisconsin since 7/23/85, license #3524.

2. On 7/16/96, a patient presented with a complaint of sensitivity and pain which she localized to the area around teeth #18 and #19. Dr. Travis took x-rays and performed a clinical examination of the patient. From the clinical examination and the x-rays, Dr. Travis identified incipient caries on the medial aspect of tooth #18 and margination of old amalgam fillings in tooth #19. Dr. Travis did not identify any lesions on tooth #21 from either the clinical examination or the x-rays. Dr. Travis' examination also did not identify any lesions on tooth #28. On 7/16/96, Dr. Travis treated teeth #18 and #19 with composite restorations.

3. In fact, on 7/16/96, tooth #21 had a carious lesion with pulpal exposure which was identifiable by clinical examination and by x-ray. Tooth #28 also had a carious lesion which was identifiable by clinical examination and by x-ray.

4. The patient continued to experience pain and ultimately required root canal therapy on tooth #21 which was performed by a subsequent treating dentist on 9/14/96. On 10/9/96, the subsequent treating dentist also performed a restoration on tooth #28.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction in this proceeding pursuant to sec. 447.07, Stats.

2. The Wisconsin Dentistry Examining Board has the authority to resolve this proceeding by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

3. Dr. Travis' conduct as set forth in the Findings of Fact was conduct in violation of sec. 447.07(3)(a), Stats., and Wis. Admin. Code sec. DE 5.02(5) in that on 7/16/96 he failed to diagnose the carious lesions in tooth #21 and tooth #28 when they were identifiable by clinical examination and on the x-rays.

4. The Wisconsin Dentistry Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Travis.

ORDER

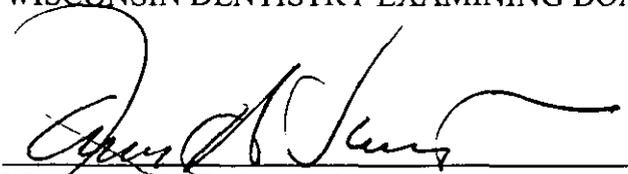
NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Curtis F. Travis, D.D.S., license #3524, is REPRIMANDED.

IT IS FURTHER ORDERED that Curtis F. Travis, D.D.S. will pay the costs of this proceeding in the amount of \$100.00 to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935, within 30 days of the date of this Final Decision And Order.

Dated at Madison, Wisconsin, this 6th day of MAY, 1998.

WISCONSIN DENTISTRY EXAMINING BOARD



Member, Wisconsin Dentistry Examining Board

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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
CURTIS F. TRAVIS, D.D.S., :
RESPONDENT. :

Division of Enforcement
96 DEN 91

It is hereby stipulated between Curtis F. Travis, D.D.S., personally, and by his attorney, John P. Richie; and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Curtis F. Travis, D.D.S., 1020 Menomonie Street, Eau Claire, Wisconsin 54703, was born on 11/16/58 and has been licensed to practice dentistry since 7/23/85, license #3524.
2. An investigation of Dr. Travis is pending before the Dentistry Examining Board, investigative file 96 DEN 91. This Stipulation fully resolves all of the allegations arising out of investigative file 96 DEN 91.
3. The parties to this Stipulation agree that the Dentistry Examining Board may render the Final Decision And Order attached hereto, the terms of which have been agreed upon by the parties.
4. Dr. Travis understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, the right to confront and cross-examine witnesses against him, the right to call witnesses on his behalf and to compel their attendance by subpoena, the right to testify on his own behalf, the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the Final Decision and Order, the right to petition for rehearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
5. The parties to this Stipulation and the Case Advisor, Mark J. Curran, D.D.S., may appear before the Dentistry Examining Board in support of this Stipulation. Any appearance by either party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.
6. If any term of this Stipulation or the incorporated Final Decision And Order is not accepted by the Dentistry Examining Board, then no term of this Stipulation or the

Final Decision And Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: 4-24-98

Curtis F. Travis
Curtis F. Travis, D.D.S.

Dated: 4-27-98

John P. Richie
John P. Richie
Attorney for Curtis F. Travis, D.D.S.

Dated: 5/1/98

Gilbert C. Lubcke
Gilbert C. Lubcke
Attorney for the Department of Regulation And
Licensing, Division of Enforcement

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On May 6, 1998, the Dentistry Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$100.00 Case #: LS9805064DEN

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 100.00

The costs and/or forfeitures are due: June 5, 1998

NAME: Curtis F. Travis LICENSE NUMBER: 3524

STREET ADDRESS: 1020 Menomonie Street

CITY: Eau Claire STATE: WI ZIP CODE: 54703

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G\BDLS\FM2145 DOC

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NOTICE OF RIGHTS OF APPEAL

TO: JOHN P RICHIE ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 5/8/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935