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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

MARK K. STEVENS, M.D.

ORDER DENYING PETITION

Respondent

The Medical Examining Board issued its Final Decision and Order in the above-captioned matter on September 15, 2000. By its decision, the board accepted the ALJ's Findings of Fact and Conclusions of Law in their entirety. Whereas the ALJ recommended that the matter be dismissed, however, the board concluded that limitations on the license should be imposed in the interests of the public health, safety and welfare.

On September 29, 2000, the board received complainant's petition for rehearing in the form of a letter dated September 29, 2000. The letter requested not that the board remand the matter for rehearing, but rather that the board enter an order based upon the petition without a hearing, pursuant to sec. 227.49(5), Stats. The letter explains that the board's Final Decision and Order does not indicate whether Dr. Stevens should pay the costs of the proceeding and concludes that the board overlooked the complainant's request that costs be assessed against the respondent. Complainant thus requests that the board address the question at its meeting of October 18, 2000.

Without addressing the question whether complainant's presumption as to the failure of the board's Order to address the issue of costs has any basis in fact, a petition for rehearing, whether resolved by hearing or merely by board order, requires a showing of some material error of law, some material error of fact, or the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence. The petition in this case fails to cite to any such errors or to any new evidence. Accordingly, the petition must be denied.

Dated this 25th day of October, 2000.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Darold A. Treffert, M.D.

Secretary