

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :
:
ROBERT STRAWN, D.C., : ADMINISTRATIVE INJUNCTION
:
RESPONDENT. : LS0605122UNL
:
:

Division of Enforcement Case # 05 UNL 064

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Robert Strawn, D.C.
111 W. 9th Avenue
Washburn, WI 54891

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Chiropractic Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Secretary. The Secretary has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. The most recent address on file with the Wisconsin Chiropractic Examining Board for Respondent Robert Strawn, D.C., (DOB 01/19/1949), is 111 W 9th Avenue, Washburn, Wisconsin.
2. Respondent was formerly licensed as a chiropractor in the State of Wisconsin (license # 12 1596). This license was first granted on July 30, 1980, and was not renewed due to tax delinquency on January 1, 2003.

3. To this date, Respondent has not renewed his license. Consequently, he has not held a valid license to practice chiropractic from January 1, 2003 through the date of this Administrative Injunction.

4. On or about July 20, 2004, patient K.G. submitted an insurance claim form documenting chiropractic treatment given to her by Respondent on May 9, 2003, March 1, 2004, and June 25, 2004. K.G. states that she was charged \$35.00 per visit by Dr. Strawn.

5. As of June 30, 2005, Respondent had a large sign (approximately one and a half by four feet) outside his residence advertising that he is a chiropractor. He does not otherwise advertise.

6. Respondent admits that he occasionally sees long-term patients who do not want to go elsewhere for treatment.

CONCLUSIONS OF LAW

1. The practice of chiropractic in the state of Wisconsin requires a license under Wis. Stat. § 446.02.

2. The conduct described in paragraphs 2-6 above constitutes the practice of chiropractic without a valid license. The department has authority to issue this Administrative Injunction as a special order under Wis. Stat. § 440.21 and Wis. Admin. Code Ch. RL 3.

ORDER

IT IS ORDERED, that the attached stipulation is accepted.

IT IS FURTHER ORDERED, that Respondent Robert Strawn is enjoined and prohibited from the practice of chiropractic in State of Wisconsin, unless and until properly credentialed to do so. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation per Wis. Stat. § 440.21(4)(a).

IT IS FURTHER ORDERED, that if the Secretary determines that there is probable cause to believe that respondent has violated any terms of this final decision and order, the Secretary may order that the violations covered by this decision and order referred to any appropriate prosecutorial unit for review for possible criminal charges.

Issued at Madison, Wisconsin this 12th day of May, 2006.

Celia M. Jackson, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :
 : STIPULATION
ROBERT STRAWN, D.C., :
 :
 :
RESPONDENT. : LS # _____
 :

Division of Enforcement Case # 05 UNL 064

Robert Strawn, D.C., personally on his own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement of Respondent's practice of chiropractic after the expiration of his chiropractor's license (case # 05 UNL 064). Respondent consents to the resolution of this investigation by stipulation and without public hearing on, or the filing of, a formal petition for an administrative injunction.

2. Respondent understands that by signing 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent admits the allegations in the findings of fact and conclusions of law and agrees to the adoption of the attached Administrative Injunction by the Secretary of the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Personal service of the Administrative Injunction is waived and Respondent will accept service by mail. Respondent also waives all rights to any appeal of the Administrative Injunction, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Secretary, 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 Secretary, the parties agree not to contend that the Department has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Secretary, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with the Stipulation.

7. Respondent is informed that should the Secretary adopt this Stipulation, the Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending that the Secretary adopt this Stipulation and issue the attached Administrative Injunction.

Robert Strawn, D.C.
111 W. 9th Avenue
Washburn, WI 54891

Date

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

Date