

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
SCOTT S. SOLDA, : FINAL DECISION AND ORDER  
RESPONDENT. : LS0712124MED

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Division of Enforcement Case # 07 MED 360

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

Scott Solda  
5429 Somerset Lane South  
Greenfield, WI 53221

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

Medical 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 Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Scott S. Solda, (DOB 02/12/1962), is duly certified in the State of Wisconsin to practice as a Respiratory Care Practitioner (certificate # 28-1354). This license was first granted on August 19, 1992.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 5429 Somerset Lane South, Greenfield, WI 53221.
3. In or about December, 2004, Respondent signed a plea agreement in a federal criminal case in which he

admitted to operating a website which contained child pornography and promoted incest as a lifestyle. He was convicted of one count of possession of child pornography.

4. On or about October 15, 2005, Respondent was sentenced to 28 months in prison and two years of supervised release.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3 - 4 above constitutes a violation of Wisconsin Administrative Code § Med 10.02(2)(r) and subjects Respondent to discipline pursuant to Wis. Stat. § 448.02.

#### ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The Medical Examining Board accepts the surrender of the certificate of Scott S. Solda (certificate # 28-1354), to practice as a respiratory care practitioner in the State of Wisconsin.

3. In the event that Scott S. Solda re-applies for Wisconsin certification as a respiratory care practitioner in the future, the Board may enter an order denying such application without further notice or hearing.

4. This Order shall become effective upon the date of its signing.

Dated at Madison, Wisconsin this 12<sup>th</sup> day of December, 2007.

Medical Examining Board

By: Gene Musser MD

A Member of the Board

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : STIPULATION  
SCOTT S. SOLDA : LS# \_\_\_\_\_  
 :  
RESPONDENT. :

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Division of Enforcement Case # 07 MED 360

Scott S. Solda, 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 of Respondent's respiratory care practitioner certificate by the Division of Enforcement (case # 07 MED 360). Respondent consents to the resolution of this investigation by stipulation.

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 agrees to voluntarily surrender his certificate to practice as a respiratory care practitioner in the State of Wisconsin. Respondent agrees that he will not reapply for Wisconsin licensure as a respiratory care practitioner at any time in the future. In the event that Respondent does in fact apply for Wisconsin licensure as a respiratory care practitioner, the Board may deny that application based upon this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical 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.

6. 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 consideration of this attempted resolution.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

9. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stats. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHFS-licensed facility, he will need to pass a Rehabilitation Review through DHFS prior to commencement of such employment.

10. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Scott S. Solda  
5429 Somerset Lane South  
Greenfield, WI 53221

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Date

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

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Date