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BEFORE THE  
STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF :

John R. Weaver, D.D.S. :  
815 Harden Drive :  
Pittsburgh, Pennsylvania 15229 :

FINAL DECISION  
AND ORDER

TO PRACTICE DENTISTRY IN THE :  
STATE OF WISCONSIN :

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The State of Wisconsin, Dentistry Examining Board, having considered the above entitled matter and having reviewed the record and the proposed decision of the Examiner, makes the following:

ORDER

NOW, THEREFORE, is is hereby ordered that the Proposed Decision annexed hereto, filed by the examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Dentistry Examining Board In The Matter of the License of John R. Weaver, D.D.S., to Practice Dentistry in the State of Wisconsin. Let a copy of this order be served on the Respondent by certified mail.

Dated this 19<sup>th</sup> day of January, 1978.

John F. Luck

## IN THE MATTER OF THE LICENSE OF

### PROPOSED DECISION

TO PRACTICE DENTISTRY IN THE  
STATE OF WISCONSIN

- (1) Service of the Complaint and Notice of hearing on the respondent, John R. Weaver, D.D.S. (Weaver), in the above entitled matter were made by certified mail on October 13, 1977.
- (2) Respondent Weaver did not file a written answer to the complaint with the Dentistry Examining Board.
- (3) Respondent Weaver's current mailing address is 815 Harden Drive, Pittsburgh, Pennsylvania, 15229. Weaver is currently licensed to practice dentistry in the State of Wisconsin, holding license number 0234G, issued on June 18, 1965.
- (4) The office used by Weaver in his practice of dentistry as described hereinafter was located at 333 W. Mifflin Street, Madison, Wisconsin.
- (5) Respondent Weaver no longer practices dentistry at the office located at 333 W. Mifflin Street, Madison, Wisconsin. Weaver has left the State of Wisconsin and now resides in Pittsburgh, Pennsylvania.

## GARCZYNSKI

(6) On April 28, 1977, Katherine Garczynski, whose address is 311 South Baldwin Street, Madison, Wisconsin, saw Weaver in his office for the purpose of obtaining dental work. At that time Weaver took impressions of Katherine Garczynski's teeth for a partial plate. During that visit, Katherine Garczynski paid Weaver \$200 as advance payment for the partial plate, preparatory work and lab fees. Weaver told her the plate would be ready in about two weeks. Following her appointment on April 28, 1977 over a period of nine weeks, Katherine Garczynski made three phone calls to Weaver requesting information about the partial plate. Weaver indicated that the plate had not been delivered to his office but that he (Weaver) would call Katherine Garczynski when the plate arrived. On July 15, 1977, Katherine Garczynski called Weaver at his office telephone number and learned that the telephone there had been disconnected. Katherine Garczynski never received the partial plate for which she had paid Weaver \$200.00. Weaver cashed the personal checks of Katherine Garczynski but never refunded the \$200.00 payment. Weaver never informed Katherine Garczynski that he was intending to leave his practice at 333 W. Mifflin Street, Madison. Weaver never provided Catherine Garczynski with a referral to another dentist.

## BLIEFERNICHT

(7) Lisa Bliefertnicht of Route 2, Deforest, Wisconsin was a dental patient of Weaver from 1973 until 1977. On August 3, 1976 Weaver took impressions for a partial plate for Lisa Bliefertnicht. Weaver estimated the cost of the partial, the impressions and the lab fees at \$120 to \$130. The estimate was given on August 3 to Lisa Bliefertnicht's father, Robert Bliefertnicht. Weaver also estimated that the partial would be ready in a few weeks.

(8) Robert Bliefertnicht called Weaver to inquire about the work a little more than a month after the August 3, 1976 appointment. Weaver indicated that there was a backlog in the lab. In September Robert Bliefertnicht received a bill from Weaver through PSC, Weaver's billing agency, which included a charge of \$100 for Lisa Bliefertnicht's partial. Bliefertnicht did not pay the September bill, received a second bill in early October and then called Weaver. Weaver indicated the work would be coming shortly and that he (Weaver) would call Bliefertnicht when it arrived. In the latter part of October, 1976, PSC called Robert Bliefertnicht and asked why he had not paid the Weaver bill. Bliefertnicht indicated to PSC that he had not paid the bill because the services had not been performed.

(9) On October 23, 1976, Robert Bliefertnicht called Weaver and told him about the PSC call. Weaver stated that the work would be done in a few days and that Bliefertnicht should pay the bill. Weaver stated that he would call Bliefertnicht when the work arrived.

(10) Bliefertnicht paid the Weaver bill on October 24, 1976.

(10a) Bliefernicht called Weaver in November and December, 1976, about the partial. In January, Bliefernicht was told by Weaver that the lab had broken the impressions. An appointment with Weaver for Lisa was set for February 25, 1977 to make new impressions. At the February 25 appointment Weaver took the impressions and indicated to the Bliefernicht's there would be no charge for the impressions and that he would call when the work was returned from the lab.

(11) About March 15, 1977, Robert Bliefernicht called Weaver about the work for Lisa. Weaver said that the work had been done by the lab, but that the lab had "goofed" and he had sent the work back to be corrected.

(12) Bliefernicht made additional calls to Weaver in April and May of 1977. An appointment was set for June 27, 1977 at two o'clock p.m. On the morning of June 27, 1977 Weaver called the Bliefernicht's and cancelled the appointment stating that the water pipes had broken in his office. Weaver stated that he would call Bliefernicht to arrange for another appointment.

(13) Subsequently, after July 19, 1977, Bliefernicht attempted to contact Weaver by telephone and by visiting his office. Bliefernicht found Weaver's telephone disconnected and his office vacant.

(14) Lisa Bliefernicht never received the completed work from Weaver. The payment made by Robert Bliefernicht for the partial was never refunded. Weaver never indicated to the Bliefernicht's how he could be reached after his office was closed and telephones disconnected.

#### LANICH

(15) On June 22, 1977, Ruby Lanich, whose address is 6319 Dell Drive, Route 5, Madison, visited Weaver's office for the purpose of obtaining dental services. At that time Weaver began a crown preparation for Ruby Lanich and took an impression of her teeth. Weaver told Ruby Lanich that her crown would be ready in approximately two weeks and that he would notify her when it was ready. On June 30, 1977, Ruby Lanich paid to Dr. Weaver, through PSC, \$155.00 for the crown and preparatory work. In late July, 1977, Ruby Lanich attempted to telephone Weaver at his office and learned that Weaver's telephone had been disconnected. Lanich telephoned Weaver at his home on August 6 or 7, 1977, and Weaver indicated that her crown would be ready by the end of the week. On August 22, 1977, Ruby Lanich attempted to telephone Weaver at his home and learned that his home telephone had been disconnected.

(16) Ruby Lanich never received the crown for which she had paid Weaver \$155.00 nor did she receive a refund. Weaver never telephoned or otherwise contacted Ruby Lanich to inform her about the work or about how she could reach him.

#### CONCLUSIONS OF LAW

(1) That due service of the Notice of Hearing and Complaint was made on respondent consistent with the requirements of Wis. Adm. Code s. DE 2.06 and Section 227.07, Wis. Stats.

(2) That respondent is in default, pursuant to Wis. Adm. Code s. DE 2.08.

(3) That the Dentistry Examining Board has jurisdiction to act in this matter.

(4) That respondent's actions in receiving payments for goods and services not provided in connection with dental work requested by Katherine Garczynski, Lisa Bliefernicht and Ruby Lanich as described in the Findings of Fact, above, constitute conduct unbecoming a professional person and are in violation of section 447.07(3)(a), Wis. Stats. and Wis. Adm. Code Section DE 2.19.

#### ORDER

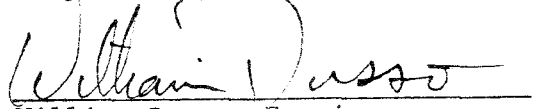
WHEREFORE, it is ordered that the License to Practice Dentistry in the State of Wisconsin, Number 0234G, issued to John R. Weaver, D.D.S. shall be and hereby is Revoked.

#### OPINION

The facts show Weaver to have engaged in practices which were unfair, deceptive, misleading and unconscionable. Most certainly such practices violate those standards of professional behavior which have become established through professional experience. Weaver's conduct was "unprofessional conduct" as that term is used in Section 447.07(5), Wis. Stats. and as it has been defined by the Wisconsin Supreme Court. Vivian v. Examining Board of Architects, etc., 61 Wis. 2d 627, 633, 213 N.W. 2d 359 (1974). Weaver abandoned his patients before completing dental care he had promised to provide. He converted to his own use funds paid by patients in advance for services never provided. Such conduct by an attorney would warrant revocation of the attorney's license to practice law. Disciplinary Proceedings Against Howe, 79 Wis. 2d 8, 255 N.W. 2d 307 (1976), In Re Corning, 76 Wis. 2d 385, 251 N.W. 2d 475 (1977). No less a censure is warranted here.

Dated at Madison, Wisconsin this 29<sup>th</sup> of December, 1977

Respectfully submitted,

  
William Dusso, Examiner