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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF

ZAIN WOODRING, D.D.S.,
Respondent

FINDINGS OF FACT, CONCLUSION
OF LAW AND ORDER

TO PRACTICE DENTISTRY IN
THE STATE OF WISCONSIN

The above-entitled matter having come on for hearing before William Dusso, hearing examiner designated by the Dentistry Examining Board in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, on September 27, 1979; appearing at such hearing were Zain Woodring, D.D.S., in person, without counsel, and Paula Radcliffe Possin, attorney for the Division of Consumer Complaints, Department of Regulation and Licensing.

Based on such hearing, stipulation filed by the parties and pleadings herein, the hearing examiner filed his proposed findings of fact, conclusions of law and order constituting his proposed decision in this matter on January 23, 1980; and the Respondent, Zain Woodring, D.D.S., by his attorneys, Schlotthauer, Johnson, Mohs, MacDonald and Widder, by Attorney Theodore C. Widder, III, filed his objections, dated February 4, 1980, to such proposed decision.

Pursuant to the request and appearance of the Respondent, Zain Woodring, D.D.S., in person, and by his attorneys, Schlotthauer, Johnson, Mohs, MacDonald and Widder, by Attorney Theodore C. Widder, III, at the meeting of the Dentistry Examining Board on July 10, 1980; pursuant to a stipulation before the Board by Zain Woodring, D.D.S., his attorney, Theodore C. Widder, III, and Paula Radcliffe Possin, attorney for the Division of Consumer Complaints of the Department of Regulation and Licensing, such stipulation by all parties herein being that the license of Zain Woodring, D.D.S., to practice dentistry in the State of Wisconsin be suspended retroactively from September 15, 1979, to March 15, 1980, and that said respondent shall successfully pass the Clinical Examination (Operative and Periodontal) of the Central Regional Dental Testing Service during the year of 1980; and should Zain Woodring, D.D.S., fail to successfully pass said Clinical Examination (Operative and Periodontal) of the Central Regional Dental Testing Service during the year of 1980, that his license to practice dentistry in the State of Wisconsin be forthwith suspended, without further notice or hearing, until such time as respondent successfully passes such Clinical Examination of the Central Regional Testing Service.

Based on the pleadings, the stipulations filed and entered into by and on the hearing held, the Dentistry Examining Board makes the following findings of fact, conclusions of law and order as its decision in this matter.

FINDINGS OF FACT

1. ZAIN WOODRING, D.D.S., (Woodring) 6409 Bridge Road, Madison, Wisconsin 53713 is licensed pursuant to chapters 447, Wis. Stats. to practice as a dentist in the State of Wisconsin. His license number is 1950E and was issued on June 22, 1963.

2. Woodring last practiced as a dentist at an office located at 4333 Nakoma Road, Madison, Wisconsin 53711.

3. In the fall of 1975 Woodring provided professional dental service to Gloria Fraboni. In the course of providing professional dental service to Gloria Fraboni, Woodring advised her to have her complete set of lower teeth capped, stating the approximate cost for the capping would be \$2,350.00

4. As part of the cost of the above plan, Woodring made a gold retainer for Gloria Fraboni and charged her \$500.00. Gloria Fraboni paid Woodring \$500.00 by check on December 10, 1975.

5. On or about December 17, 1975 Woodring solicited an advance payment from Gloria Fraboni for the balance of the lower teeth reconstruction in the amount of \$1,950.00 and advised her he would complete the work when her mouth healed from root canal therapy. On December 17, 1975 Gloria Fraboni made an advance payment to the Respondent by check in the amount of \$1,947.00.

6. Woodring failed to complete the reconstruction work promised and for which he had received an advance payment from Gloria Fraboni. Woodring advised Gloria Fraboni that he was physically unable to complete said work and referred her to another dentist. Woodring advised Gloria Fraboni that he would pay another dentist for the work he had not completed.

7. Woodring failed to return to Gloria Fraboni her advance payment of \$1,947.00 and failed to pay any other dentist to which she was referred the cost of completing the dental work.

8. On June 12, 1979, Woodring agreed and promised as part of a stipulation entered into with the complainant in this matter that:

"The Respondent will, in addition, pay an injured party in this matter, Mrs. Gloria Fraboni, in the amount of \$2,400 over a twelve-month period by a direct irrevocable assignment of part of the proceeds of a disability insurance policy due the Respondent from Northwestern National Life Insurance Company, Minneapolis, Minnesota. Payments by the Respondent to Mrs. Fraboni will commence on or before September 20, 1979."

9. Woodring did not on or before September 20, 1979 make payments to Mrs. Gloria Fraboni of any part of the \$2,400 owed to Fraboni by an assignment of insurance proceeds or by any other means.

10. On September 27, 1979, at hearing on this matter, Woodring promised to make payment to Fraboni and to notify the complainant or the board that payment was made before December 31, 1979.

11. Woodring did not timely notify the board or the complainant of payment to Fraboni, which final payment was made on April 30, 1980.

CONCLUSION OF LAW

Respondent Zain Woodring, D.D.S., in soliciting an advance payment from a dental patient for treatment he promised to complete, and in subsequently failing or refusing to complete said treatment or to return payment for services he did not complete, is guilty of unprofessional conduct by conduct unbecoming a professional person within the meaning of s. 447.07(3)(a) and (5), Wis. Stats. and s. DE 2.19, Wis. Adm. Code.

ORDER

IT IS THEREFORE ORDERED, that the license of Zain Woodring, D.D.S., to practice dentistry in the State of Wisconsin be suspended retroactively from September 15, 1979, to March 15, 1980, and that said respondent shall successfully pass the Clinical Examination (Operative and Periodontal) of the Central Regional Dental Testing Service during the year of 1980; and should Zain Woodring, D.D.S., fail to successfully pass said Clinical Examination (Operative and Periodontal) of the Central Regional Dental Testing Service during the year of 1980, that his license to practice dentistry in the State of Wisconsin be forthwith suspended, without further notice or hearing, until such time as respondent successfully passes such Clinical Examination of the Central Regional Testing Service.

Dated this 1st day of October, 1980, effective July 10, 1980, NUNC PRO TUNC.

WISCONSIN DENTISTRY EXAMINING BOARD

By: Calvin Gander D.D.S.
Calvin Gander, D.D.S.
Secretary