

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN MARTIN, M.D.,
RESPONDENT.

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AFFIDAVIT OF SERVICE

Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on February 28, 1991 she served the following upon the respondents attorney:

FINAL DECISION AND ORDER dated February 21, 1991

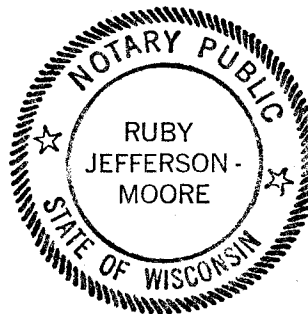
by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondents attorney:

Michael P. Malone
Kluwin, Dunphy, Hinshaw, Culbertson
Suite 500
788 North Jefferson Street
Milwaukee, WI 53202
Certified P 438 251 433

Glenda Nelson
Glenda Nelson
Department of Regulation and Licensing

Subscribed and sworn to before me
this 28th day of February, 1991.

Ruby Jefferson-Moore
Notary Public
Dane County, Wisconsin
My Commission is permanent



STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN MARTIN, M.D.,
RESPONDENT.

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ORDER

The parties to this proceeding for the purposes of Wis. Stats.
sec. 227.53 are:

John Martin, M.D.
7900 West Burleigh St.
Milwaukee, WI 53222

Wisconsin Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

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

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by John Martin, M.D., Respondent; Michael P. Malone, Attorney for Respondent; and Gilbert C. Lubcke, Attorney for Complainant. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. John Martin, M.D., Respondent herein, 7900 West Burleigh St., Milwaukee, WI, 53222, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #19525.
2. Respondent specializes in the practice of pediatrics.
3. A formal disciplinary proceeding against Respondent was commenced before the Wisconsin Medical Examining Board on 2/7/89.
4. The parties have entered into a Stipulation for the purpose of resolving this disciplinary proceeding without the necessity for a formal evidentiary hearing.
5. The Respondent has a continuing interest in further enhancing his skills and knowledge in the area of pediatric infectious diseases by both formal and informal means.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this disciplinary proceeding pursuant to Wis. Stats. sec. 448.02.

2. The Wisconsin Medical Examining Board has the authority to resolve this disciplinary proceeding by stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW, THEREFORE IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Respondent shall, within six (6) months of the date of this Order, attend thirty (30) hours of category I continuing medical education courses in the area of pediatric infectious diseases. These continuing medical education courses will be pre-approved by the Wisconsin Medical Examining Board or a member thereof. This thirty (30) hour continuing medical education requirement is in addition to Respondent's thirty (30) credit biennial registration requirement. Respondent will supply proof of attendance to the Wisconsin Medical Examining Board within seven (7) months of the date of this Order, including certification from the sponsoring organization as well as an affidavit executed by Respondent verifying that he attended each course in its entirety.


IT IS FURTHER ORDERED that the disciplinary hearing be adjourned to permit compliance with the terms of this Order.

IT IS FURTHER ORDERED that if Respondent complies with all of the terms of this Order, the disciplinary proceedings will be dismissed without costs to either party.

IT IS FURTHER ORDERED that if Respondent fails to comply with the terms of this Order, the disciplinary proceeding will continue and the matter will be remanded to the Administrative Law Judge for further proceedings.

Dated this 21 day of February, 1991.

WISCONSIN MEDICAL EXAMINING BOARD



Michael P. Mehr, M.D.
Secretary

MPM:GCL:eaj
ATY-1383

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN MARTIN, M.D.,
RESPONDENT.


STIPULATION

It is hereby stipulated between John Martin, M.D., Respondent, personally and by his attorney, Michael P. Malone, and Gilbert C. Lubcke, Attorney for Complainant, Department of Regulation & Licensing, Division of Enforcement as follows:

1. John Martin, M.D., Respondent herein, 7900 West Burleigh Street, Milwaukee, WI, 53222 is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #19525.
2. A formal disciplinary proceeding against Respondent was commenced before the Wisconsin Medical Examining Board on 2/7/89.
3. The parties to this Stipulation have freely and voluntarily entered into this agreement for the purpose of resolving the pending disciplinary proceeding without the necessity for a formal evidentiary hearing.
4. The parties stipulate and agree that the Wisconsin Medical Examining Board may render the Order attached hereto, the terms of which have been agreed upon by the parties to this Stipulation.
5. This Stipulation will be submitted directly to the Wisconsin Medical Examining Board for consideration. The parties waive the right to an intervening Proposed Decision from the Administrative Law Judge.
6. The parties to this Stipulation waive the costs of this proceeding.
7. The parties to this Stipulation and George W. Arndt, M.D., the member of the Wisconsin Medical Examining Board designated to supervise and direct the investigation of this matter, will be permitted to appear before the Wisconsin Medical Examining Board in support of this Stipulation.
8. If any term of this Stipulation is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation will be binding in any manner on any party and the matter will be remanded to the Administrative Law Judge for further proceedings.


Dated: _____

1/28/91


John Martin, M.D., Respondent

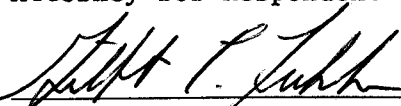
Dated: _____

1/28/91


Michael P. Malone
Attorney for Respondent

Dated: _____

1/25/91


Gilbert C. Lubcke
Attorney for Complainant

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is February 28, 1991.

WLD:dms
886-490