

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DANIEL F. CICHON, D.O.,
RESPONDENT.

FINAL DECISION
AND ORDER

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

Daniel F. Cichon, D.O.
13685 W. Forest Knoll
New Berlin, WI 53151

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final disposition of this matter, subject to the
approval of the Board. The Board has reviewed this Stipulation and considers
it acceptable.

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

FINDINGS OF FACT

1. Daniel F. Cichon, D.O., date of birth August 7, 1949, is a physician
duly licensed and currently registered to practice medicine and surgery in the
state of Wisconsin, pursuant to license number 22934, which was issued July 1,
1980.

2. That on October 7, 1987, Dr. Cichon was self admitted to Waukesha
Memorial Hospital for drug and alcohol treatment. The diagnosis at that
hospital was alcohol and drug dependence. The discharge summary indicated a
recommendation of long term treatment, which Dr. Cichon did not agree with.
He was discharged from that hospitalization on November 5, 1987, with a poor
prognosis for recovery.

3. From November 6, 1987 to March 12, 1991, Respondent did not
participate in inpatient or outpatient treatment for chemical dependency.
However, Respondent did attend Alcoholics Anonymous meetings and his alcohol
and drug dependency apparently has remained in remission since September 1987.

4. That on November 1, 1989, Respondent was charged in Milwaukee County, Wisconsin Circuit Court with violating sec. 940.225(3m), Wis. Stats., fourth degree sexual assault. The basis for the charge was that on August 24, 1989, while examining a patient in Respondent's medical office, Respondent had sexual contact with the patient without the patient's consent.

5. That on December 7, 1990, Respondent was criminally convicted of the charge set out in the preceding Finding of Fact, based upon his plea of no contest.

6. That as a result of that conviction, Respondent was placed on probation for a period of two years and was ordered incarcerated for 45 days in the county jail with work release privileges. The conviction also ordered that Respondent have a drug and alcohol evaluation and participate in treatment if needed. The Order of Conviction further ordered Respondent to make a \$2,000 contribution to Sinai Samaritan Medical Center.

7. That the conditions of probation include that Respondent shall:

- a. Cooperate with all evaluations and treatment deemed appropriate by his agent.
- b. Pay all court ordered financial obligations.
- c. Make the \$2,000 contribution to Sinai Samaritan Medical Center.
- d. Have a female assistant present at all times during the physical examination and/or treatment of female patients.

8. A physician having sexual contact with a patient without the patient's consent, is a crime substantially related to practice under the physician's license.

9. That in February, 1991, Respondent began seeing Charles M. Lodl, Ph.D., a clinical psychologist in Milwaukee, Wisconsin, for evaluation and psychotherapy. Respondent has continued in therapy with Dr. Lodl to the present. In May, 1991, Dr. Lodl prepared a psychological evaluation report concerning Respondent. This report has been reviewed by the Division of Enforcement and the member of the Wisconsin Medical Examining Board who has been appointed as the Advisor in this matter.

10. Dr. Lodl's report concludes that:

"Dr. Cichon's presentation in this evaluation indicates that he is not presently experiencing any form of serious mental illness. Although he appears to be a chronically depressed man, he appears able to control these feelings sufficiently so that for the most part, he is able to function. . . . It does not appear that Dr. Cichon is a sexually deviated man. He does not appear to have sexual identity problems. This incident of sexual impropriety and other sexual fantasies seem to emanate from a chronic, underlying depression.

I have recommended that Dr. Cichon enter into a treatment program which consists of individual and possibly group psychotherapy to help him better able to understand the impact of early life events on himself and develop a resolution of them, control and understand his sexual impulses, and foster supportive relationship through improved social skills. His wife's participation in this treatment endeavor would likely be beneficial."

11. On March 12, 1991, Respondent was seen by Dr. David Benzer acting on behalf of the State Medical Society Impaired Physician Program and was referred for further addiction medicine evaluation to Charles J. Engel, M.D. of Addictive Disease Medical Consultants located in Wauwatosa, Wisconsin. Dr. Engel diagnosed alcohol and other chemical dependence in remission, and recommended that Dr. Cichon:

- a. Abstain from the use of alcohol and any other mood altering drugs.
- b. Be involved in ongoing chemical dependency therapy and continue to participating with Alcoholics Anonymous.
- c. Have weekly urine drug screening.
- d. That he continue his involvement in the 12-step program.

12. That Respondent has followed the recommendations of Dr. Engel, and has entered into an Aftercare Contract with the State Medical Society of Wisconsin's Impaired Physician's Program.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stats., Sec. 448.02(3).

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats., Sec. 227.44(5).

3. That Respondent's conduct in being convicted of a crime that substantially relates to practice under his license, has committed unprofessional conduct as defined by Wis. Stats., Sec. 448.02(3) and Wis. Adm. Code MED 10.02(2)(r).

ORDER

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

IT IS FURTHER ORDERED that the license to practice medicine and surgery in the State of Wisconsin of Daniel F. Cichon, D.O. is hereby suspended for a period of five (5) years, commencing 30 days after the date of this Order.

IT IS FURTHER ORDERED that within 30 days of the date of this Order that Daniel F. Cichon, D.O., shall pay to the Wisconsin Department of Regulation and Licensing \$250.00 as costs of this proceeding, pursuant to sec. 440.22, Wis. Stats.

IT IS FURTHER ORDERED that all but the first 60 days of the SUSPENSION shall be STAYED conditioned upon Respondent's compliance with the following conditions during the period of the suspension:

1. That when Dr. Cichon is examining or treating female patients, he shall have a female assistant, who is not his spouse, present in the room during the entire time of the physical examination and treatment.

2. Dr. Cichon shall continue in and fully participate in all components of his psychotherapy with Dr. Charles Lodi as Dr. Lodi shall determine to be appropriate for Dr. Cichon. Dr. Cichon shall comply with all recommendations of Dr. Lodi for inpatient or outpatient treatment or both, and shall comply with all aspects of the treatment program as recommended by Dr. Lodi. All costs of this treatment shall be the responsibility of Dr. Cichon or his health insurer. In the event that Dr. Lodi is unable or unwilling to continue to provide psychotherapy to Dr. Cichon, the Medical Examining Board shall, in its sole discretion, select a successor psychotherapist.

3. That Dr. Cichon's medical practice shall be reviewed by Dr. John Palese. Such review shall consist of:

a. Dr. Palese meeting with Dr. Cichon on a monthly basis to discuss Dr. Cichon's practice and to review random charts, of a sufficient number, to determine the appropriateness of Dr. Cichon's medical practice.

b. Dr. Palese shall submit formal written reports to the Wisconsin Medical Examining Board every 90 days, commencing 150 days after the date of this Order, (90 days after Dr. Cichon resumes practice following the suspension). The reports shall address the appropriateness of Dr. Cichon's practice of medicine. Dr. Cichon shall be responsible for the timely filing of these reports.

c. Dr. Palese and Dr. Cichon shall each report immediately to the Wisconsin Medical Examining Board any suspected violation of this Order or any inappropriate conduct in the practice of medicine by Dr. Cichon.

4. The following conditions relate to Dr. Cichon's alcohol and chemical dependency:

a. Charles J. Engel, M.D. shall be Dr. Cichon's supervising physician throughout the full term of these conditions. In the event that Dr. Engel is unable or unwilling to serve as supervising physician, the Medical Examining Board shall, in its sole discretion, select a successor supervising physician, giving due consideration to Dr. Cichon's geographical location.

b. Dr. Cichon shall continue in and fully participate in all components of the treatment program, as his supervising physician shall determine to be appropriate for his rehabilitation. Dr. Cichon shall comply with all recommendations of his supervising physician for inpatient or outpatient treatment or both, and shall comply with all aspects of the treatment program as recommended by his supervising physician. All costs of the recovery program shall be the responsibility of Dr. Cichon or his health insurer.

c. Dr. Cichon shall abstain from any and all personal use of controlled substances as defined in Wis. Stats., sec. 161.01(4), except when necessitated by a legitimate medical condition and then only with the prior approval of the supervising physician.

d. Dr. Cichon shall abstain from any and all personal use of alcohol.

e. Dr. Cichon shall report all medications and drugs, over-the-counter or prescription, with the exception of aspirin, acetaminophen, and non-alcoholic cough medications, taken by him to his supervising physician within 24 hours of ingestion or administration and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for him. The terms of this subparagraph shall not be deemed to modify or negate Dr. Cichon's obligations as set forth in subparagraph (c) of this Order.

f. Dr. Cichon shall supply, on at least a weekly basis, random monitored urine or blood specimens within 24 hours of a request for said specimen made by the supervising physician or his designee. The supervising physician or his designee shall determine whether the specimen shall be a urine specimen or a blood specimen or both. Collection of these specimens shall be observed and verified by persons designated by the supervising physician. Collection and all testing of specimens shall be the financial responsibility of Dr. Cichon or his health insurer.

g. If any urine or blood specimen is positive or suspected positive for any controlled substance or alcohol, the specimen shall be re-examined using gas chromatography as a confirmatory test.

h. If any urine or blood specimen is positive or suspected positive for any controlled substance or alcohol, Dr. Cichon shall promptly submit to additional tests and examinations as the supervising physician or his designee shall determine as appropriate to clarify or confirm the positive or suspected positive urine or blood test results.

i. The supervising physician shall submit formal written reports to the Wisconsin Medical Examining Board every 90 days after the date of this Order. The report shall assess Dr. Cichon's progress in his rehabilitation program and set forth the results of the random urine and blood screens. Dr. Cichon shall be responsible for the timely filing of

these reports. The supervising physician and Dr. Cichon shall report immediately to the Wisconsin Medical Examining Board any suspected violation of this Order including, but not limited to, any positive or suspected positive blood or urine screens.

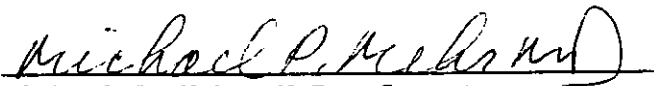
j. Dr. Cichon shall provide and keep on file, with his supervising physician and all treatment facilities and personnel, current releases which comply with state and federal laws authorizing release of all of his medical and treatment records and reports to the Wisconsin Medical Examining Board and permit his supervising physician and his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with the Wisconsin Medical Examining Board. Copies of said releases shall be filed simultaneously with the Wisconsin Medical Examining Board.

k. Dr. Cichon shall appear before the Wisconsin Medical Examining Board at least annually to review the progress of his treatment and rehabilitation. Dr. Cichon may petition the Wisconsin Medical Examining Board for modification of the conditions of this Order. Denial of the petition, in whole or in part, shall not be considered a denial of a license within the meaning of Wis. Stats., sec. 227.01(3)(a) and Dr. Cichon shall not have a right to any further hearings or proceedings on any denial, in whole or in part, of his petition for modification.

l. Violation of any term or condition of this Order may constitute grounds for revocation of Dr. Cichon's license to practice medicine and surgery in the State of Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has substantially violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 22nd day of August, 1991.


Michael P. Mehr, M.D., Secretary
Wisconsin Medical Examining Board

JRZ:vec
ATY-1674

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD


IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
DANIEL F. CICHON, D.O.,	:	
RESPONDENT.	:	

It is hereby agreed and stipulated, by and between, Daniel F. Cichon, D.O., Respondent; Paul J. Gossens, attorney for Respondent; John R. Zwieg, attorney for the Department of Regulation and Licensing, Division of Enforcement; and, the Wisconsin Medical Examining Board, as follows:

1. Daniel F. Cichon, D.O., Respondent, date of birth: August 7, 1949, is a physician currently licensed and registered to practice medicine and surgery in the State of Wisconsin; that his license, which bears number 22934, was granted July 1, 1980; that his last address reported to the Wisconsin Department of Regulation and Licensing is 13685 W. Forest Knoll, New Berlin, WI 53151.
2. On February 26, 1991, a Notice of Hearing and Complaint were filed in this matter commencing the disciplinary proceeding. A copy of the Complaint is attached to this Stipulation as Exhibit 1.
3. Respondent agrees that the attached Findings of Fact, Conclusions of Law, and Order may be made and entered without further notice to any party.
4. The parties agree that this stipulated resolution may be presented directly to the Wisconsin Medical Examining Board and need not be presented to John N. Schweitzer, the Administrative Law Judge appointed in this matter.
5. The attorneys for the parties may appear before the Wisconsin Medical Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Final Decision and Order.
6. In the event that the Wisconsin Medical Examining Board does not accept this resolution of this matter, the Stipulation and Final Decision and Order shall be void and of no effect and the parties agree not to contend that


the Board has been biased in any manner by the submission of this proposed resolution to the Board.

Dated this 1 day of August, 1991.



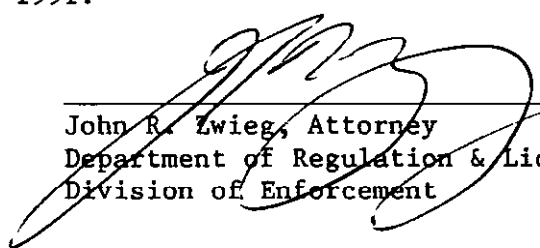
Daniel F. Cichon, D.O., Respondent

Dated this 1 day of August, 1991.



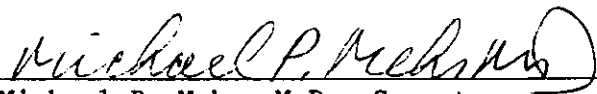
Paul J. Gossens
Attorney for Respondent

Dated this 6th day of August, 1991.



John R. Zwieg, Attorney
Department of Regulation & Licensing
Division of Enforcement

Dated this 22nd day of August, 1991.



Michael P. Mehr, M.D., Secretary
Wisconsin Medical Examining Board

JRZ:vec
ATY-1673

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
DANIEL F. CICHON, D.O., : COMPLAINT
RESPONDENT : 90 MED 91

Pamela E. Ellefson, an investigator with the Wisconsin Department of Regulation and Licensing, Division of Enforcement, 1400 E. Washington Avenue, Madison, Wisconsin, 53702, upon information and belief, complains and alleges, as follows:

1. That Daniel F. Cichon, D.O., Respondent, date of birth August 7, 1949, is a physician currently licensed and registered to practice medicine and surgery in the state of Wisconsin, pursuant to license number 22934, which was granted July 1, 1980. That Respondent's last address reported to the Wisconsin Department of Regulation and Licensing is 13685 W. Forest Knoll, New Berlin, WI 53151.
2. That by Criminal Complaint dated November 1, 1989 Respondent was charged in Milwaukee County Wisconsin Circuit Court with violating section 940.225 (3m), Wis. Stats, Fourth Degree Sexual Assault, for having sexual contact with a patient , on August 24, 1989, in Respondent's medical office without the patient's consent. A copy of that Criminal Complaint is attached as Exhibit A.
3. That on December 7, 1990 Respondent was criminally convicted of the charge set out in the preceding paragraph, based upon his plea of no contest.
4. That a physician having sexual contact with a patient, without the patient's consent, is a crime substantially related to practice under the physician's license.
5. That Respondent having been convicted of a crime substantially related to practice under his license is guilty of unprofessional conduct as defined by sec. 448.02(3), Wis. Stats. and sec. Med 10.02(2)(r), Wis. Adm. Code.

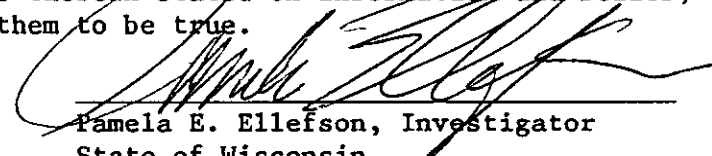
Exhibit 1

WHEREFORE, the Complainant hereby requests that the Board hear evidence relevant to the matters recited in this complaint and determine and impose the sanctions warranted. The Complainant further requests that the Board assess against the Respondent all costs of the proceeding and order them paid to the Wisconsin Department of Regulation and Licensing, pursuant to sec. 440.22, Wis. Stats.

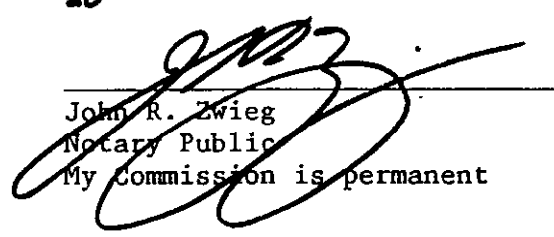

Pamela E. Ellefson, Investigator

STATE OF WISCONSIN)
)
COUNTY OF DANE)

Pamela E. Ellefson, being first duly sworn on oath deposes and says that she is an investigator for the State of Wisconsin, Department of Regulation and Licensing Division of Enforcement, and that she has read the foregoing complaint and knows the contents thereof; and that the same is true to her own knowledge, except as to those matters therein stated on information and belief, and as to such matters she believes them to be true.


Pamela E. Ellefson, Investigator
State of Wisconsin
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

Subscribed and sworn to before me this
19th day of February, 1991.


John R. Zwieg
Notary Public
My Commission is permanent

John R. Zwieg
Attorney for Complainant
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
(608) 266-9932

Plaintiff, STATE OF WISCONSIN,	CRIMINAL COMPLAINT
Cichon, Daniel F. 13685 West Forest Home New Berlin, Wisconsin	CRIME(S) OR VIOLATION(S) Fourth Degree Sexual Assault
080749	STATUTE(S) OR ORDINANCE(S) VIOLATED 940.225(3m)
Defendant(s)	COMPLAINING WITNESS Pope, Carrie
	CASE NUMBER 2 117160

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN

on August 24, 1989, at 1300 West Lincoln Avenue, City of Milwaukee, did have sexual contact with Carrie Pope without her consent, contrary to Wisconsin Statutes section 940.225(3m).

Upon conviction of this charge, a Class A Misdemeanor, the maximum possible penalty is a fine of not more than \$10,000 or imprisonment for not more than 9 months or both.

Complainant states that she is a City of Milwaukee Police officer and bases this complaint upon the following:

On a statement by Carrie Pope, a citizen complainant believes, who stated that on August 24, 1989, at 1300 West Lincoln Avenue, Milwaukee, she went to her family doctor, the defendant, to be treated for severe neck pain. Pope states that the defendant had her lie on the examination table in an exam room at the above location and started to massage her back. Pope states that the defendant massaged her back, that Pope stated she asked him, "Shouldn't you massage my neck?" And that the defendant replied, "No, the neck muscles are real sore, you don't touch them." Pope states that the defendant continued to massage her back and asked her to unsnap her skirt so that he could get to her lower back muscles. Pope states that the defendant reached under her panties and began to massage her buttocks after she unsnapped her skirt and that as he proceeded to rub down her buttocks towards her inner thighs, she began to tighten the muscles in her buttocks.

Pope states that the defendant then stated to her, "I've got to take your panties off," that he reached up under her skirt, pulled down her panties and asked her if she had a purse that he could put them in. Pope states that the defendant then placed her panties into her purse, and continued to massage her buttocks. Pope states that the defendant then went to a table, put some jolly on his hand and continued massaging her buttocks, told her to spread her legs so he could get at the muscles, and told her to turn further back, which she did. Pope states that at this time she became uncomfortable, that the defendant began to massage her... and...

STATE OF WISCONSIN,

Plaintiff,

CRIMINAL COMPLAINT

Cichon, Daniel F.
13689 West Forest Home
New Berlin, Wisconsin

1080749

CRIME(S) OR VIOLATION(S)

Fourth Degree Sexual Assault

STATUTE(S) OR ORDINANCE(S) VIOLATED

940.225(3m)

COMPLAINING WITNESS

Hauer, Linda

CASE NUMBER

Defendant(s)

3 117160

portion of her breast and with his hand that had jelly on it, placed it up under her skirt and began to massage her inner thigh, then placed his hand on her pubic mound and began to rub her clitoris. Pope further states that at no time on August 24, 1989, did she give the defendant permission or consent direct or implied to place his hand on her pubic mound or to rub her clitoris, and that she was there to be treated for her neck only.

**** END OF COMPLAINT ****

SUBSCRIBED AND SWORN TO BEFORE ME
AND APPROVED FOR FILING November 1, 1989

[Signature]
DEPUTY/ASST. DISTRICT ATTORNEY
ABRAD/ecj
1866 Cichon DF

[Signature]
COMPLAINING WITNESS

--- MISDEMEANOR COMPLAINT ---

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 August 26, 1991.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly as may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employe trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board or the consumer credit review board, the credit union review board or the savings and loan review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions

for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.