

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

HANS F. JEROSCH, D.C.,  
RESPONDENT.

FINAL DECISION AND ORDER

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

Hans F. Jerosch, D.C.  
2430 E. Washington Ave.  
Madison, Wisconsin 53704

Chiropractic 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. Hans F. Jerosch, hereinafter the Respondent, is and was at all times relevant to the facts set forth herein duly licensed as a chiropractor in the State of Wisconsin.
2. Respondent's license number is #1294, and was originally granted on August 1, 1974.
3. Respondent's current address is 2430 E. Washington Avenue, Madison, Wisconsin 53704.
4. On or about July 29, 1991, Respondent was convicted of fourth degree sexual assault in violation of sec. 940.225(3m), a Class A misdemeanor, in the Circuit Court for Dane County.
5. On or about July 29, 1991, Respondent was sentenced to pay a fine of \$660.00 for the above offense.
6. The circumstances of the criminal conviction substantially relate to the practice of chiropractic.

7. Respondent failed to notify the Chiropractic Examining Board of such criminal conviction, the circumstances of which substantially relate to the practice of chiropractic.

8. A copy of the Criminal Complaint is attached as Exhibit 1-A and is incorporated herein by reference. A copy of the amended information is attached as Exhibit 1-B and is incorporated herein by reference. A copy of the Court Minutes/Judgment and Certificate of Conviction is attached as Exhibit 1-C and is incorporated herein by reference.

#### CONCLUSION OF LAW

1. That the Chiropractic Examining Board has jurisdiction to take disciplinary action against the Respondent pursuant to sec. 446.03, Wis. Stats.

2. That the Chiropractic Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent has violated:

A. Sec. CHIR 6.02(24), Wis. Adm. Code, by being convicted of a crime substantially related to the practice of chiropractic.

B. Sec. CHIR 6.02(23), Wis. Adm. Code, by failing to notify the Board of a criminal conviction, the circumstances of which substantially relate to the practice of chiropractic.

Therefore, it is hereby ORDERED:

1. The Respondent's license# 1294 is hereby suspended for 30 days. However, credit of 15 days suspension is granted because of Respondent's voluntary cessation of his chiropractic practice for 15 days in May 1992, based on anticipation of a previously submitted Stipulation being accepted by the Board. The remaining suspension shall be from August 31, 1992 through September 14, 1992 inclusive.

2. The Respondent must pass a course of instruction in boundary training (12 credit hours) and also a course of instruction in ethics (12 credit hours) approved by the Board prior to attendance, and submit proof of completion to the Board within nine months of the date of this Order. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board.

3. It is further ordered that in the event the Respondent Hans F. Jerosch fails to comply with the above education requirements within nine months of the date of this Order, and fails to verify the same to the Department of Regulation and Licensing within ten months of the date of this Order, then his license# 1294 shall be indefinitely suspended until he has complied with the terms of this Order.

4. It is further ordered that the Chiropractic Examining Board shall close investigative file# 91 CHI 012.

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."

By: Meredith H. Bakke / CP  
A Member of the Board

9/3/92  
Date

GMS:daw  
ATY-1985

CIRCUIT COURT

STATE OF WISCONSIN

FEB 28 12 19 PM '91  
CIRCUIT COURT

DANE COUNTY

DANE COUNTY WI  
CRIMINAL COMPLAINT

STATE OF WISCONSIN, PLAINTIFF

VS.

HANS F. JEROSCH

DOB: 09/07/45

5018 Milwaukee Street  
Madison, WI 53714

DEFENDANT(S).

OFFENSE(S): THIRD DEGREE SEXUAL ASSAULT

STATUTE(S) VIOLATED: 940.225(3)

COMPLAINING WITNESS:  
Steve Koecke, MAPD

State of Wisconsin  
County of Dane

This document is a full, true and  
Correct copy of the original on file  
and of record in my office and has  
been compared by me.

Attest: JUDITH A. COLEMAN 12 91  
Clerk of Courts  
By: [Signature]  
Deputy Clerk

AGENCY & CASE NO: MAPD 445143

COURT CASE NO.: 91 CF 303

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE-NAMED DEFENDANT(S) IN THE COUNTY OF DANE, STATE OF WISCONSIN, DID, on September 7, 1990, at the City of Madison, feloniously and intentionally have sexual intercourse with a person, Rita Bloomfield, without the consent of that person; contrary to Section 940.225(3) of the Wisconsin Statutes, a Class D felony, punishable by a fine not to exceed \$10,000.00 or imprisonment not to exceed five (5) years, or both.

**\*\*FACTS:** Your complainant is a Detective with the City of Madison Police Department. On September 14, 1990, your complainant was contacted by a person who verbally identified herself as Rita Bloomfield. Bloomfield stated that she knew a man by the name of Hans F. Jerosch. Bloomfield stated that on September 7, 1990, Jerosch had come to her home at 156 Proudfit, City of Madison, Dane County, Wisconsin. Jerosch, who is a chiropractor, began to do a chiropractic adjustment for her. Bloomfield stated that he had always done this over her clothing. Jerosch did the adjustment while Bloomfield was lying on her stomach. Bloomfield stated that he pressed and stretched on her back and legs. Bloomfield indicated that then he lunged on top of her. Bloomfield

EXHIBIT 1-A

stated that she said loudly, "No, no, no," and that Jerosch did not listen. Bloomfield told your complainant that Jerosch began pulling at her pants and that he subsequently reached under her and in front of her and unbuttoned her pants and then pulled them down. Bloomfield stated that at this point he said, "Yes." At this time she again said, "No, no, no." She stated that Jerosch then pulled her pants and underwear off and then he had vaginal sex with her. She stated that this sexual contact lasted more than one minute but less than ten minutes and that Jerosch did not say anything during this time. Bloomfield indicated that she in no way asked to have sexual contact with Jerosch at the time of this incident and definitely did not consent to it.

On November 28, 1990, your complainant also spoke with a man who verbally identified himself as Hans F. Jerosch. Jerosch indicated to your complainant that he had had sexual intercourse with a woman that he knew as Rita Bloomfield. He further stated that, "She might have said no, but I didn't think she meant it." Jerosch also stated to your complainant, "The way she said no, I didn't think she meant it. She could have gotten up. I guess I was a little bit aggressive with her."

Further, your complainant believes the information furnished by Rita Bloomfield to be truthful and reliable inasmuch as she is the victim and personally witnessed the events described.

Your complainant believes the statements of the Defendant to be truthful and reliable insofar as they are admissions against penal interest.

SUBSCRIBED AND SWORN TO BEFORE ME  
AND APPROVED FOR FILING THIS 14 DAY OF FEBRUARY, 1991.

  
DEPUTY/ASSISTANT DISTRICT ATTORNEY

  
COMPLAINANT

~~COPA~~

MJR/hq

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 1

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

*Amended*  
INFORMATION

-vs-

Case No. 91 CF 303

HANS F. JEROSCH,

Defendant.

I, the undersigned, Assistant District Attorney for said Dane County, Wisconsin, hereby inform the said court that HANS F. JEROSCH, at the City of Madison, in said county, on September 7, 1990, against the peace and dignity of the State of Wisconsin, did ~~voluntarily~~ <sup>unlawfully</sup> and intentionally have sexual ~~intercourse~~ <sup>contact</sup> with a person, Rita Bloomfield, without the consent of that person; contrary to Section 940.225 <sup>(3a)</sup> ~~(3)~~ of the Wisconsin Statutes, a Class ~~A~~  <sup>misdemeanor</sup> ~~Felony~~, punishable by a fine not to exceed \$10,000.00 or imprisonment not to exceed five <sup>9 month</sup> ~~(5) years~~, or both.

DATE

7/29/91

*John B. Burr*  
Deputy/Assistant District Attorney

EXHIBIT <sup>7th</sup> J-B

## COURT MINUTES

(CF, CM – Proceedings after Initial Court Appearance)

PLAINTIFF STATE OF WISCONSIN		JUDGE 985	CASE NUMBER 91 CF 303
DEFENDANT Hans F Jerosch		<input checked="" type="checkbox"/> In Person <input type="checkbox"/> No Appearance	PROSECUTOR John Burn
AMENDED ADDRESS/D O B:		DEFENSE ATTORNEY Dene Kishan	
CHARGE(S) 1. 3RD DEGREE Sexual Assault		DATE 7/29/91	
2.		CLERK J L Hahn	
3.		REPORTER Nolan Kress	
4. AMENDED CHARGE(S) 4th Deg. Sex. Assault 940.225(3 m)		OTHER APPEARANCES (Interpreter, DHSS, etc.)	

COURT ACTIVITY JUDR-plea	WCIS ACT CODE 99	SPECIAL STATUS CODE	AMENDED BY MOTION OF: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Court <input type="checkbox"/> Stipulation of F
PRELIMINARY HEARING INFO <input type="checkbox"/> Joint Request for Continuance <input type="checkbox"/> Court Granted Request <input type="checkbox"/> Notice Given to All Parties <input type="checkbox"/> Defendant Waived 10-Day Time Period <input type="checkbox"/> Defendant Waived 20-Day Time Period <input type="checkbox"/> Defendant Waived Preliminary Hearing <input type="checkbox"/> Defendant Advised of Right to Preliminary <input type="checkbox"/> Court Accepted Waiver of Preliminary <input type="checkbox"/> Court Retained Jurisdiction <input type="checkbox"/> Court Ordered Case Boundover – Judge to be Drawn <input type="checkbox"/> Preliminary Hearing Held	INFORMATION <input type="checkbox"/> Filed <input type="checkbox"/> Copy Given Defendant <input type="checkbox"/> Reading Waived <input type="checkbox"/> Read by Court <input type="checkbox"/> Motions Due:  PLEA <input checked="" type="checkbox"/> No Contest Alford <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty by Reason of Mental Disease or Defect <input type="checkbox"/> Defendant Stands Mute, Court Enters Plea of Not Guilty	PLEA ENTERED BY: <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Counsel <input type="checkbox"/> Court <input checked="" type="checkbox"/> Defendant Advised of Rights <input type="checkbox"/> Defendant Advised of Right to Attorney <input checked="" type="checkbox"/> Court Found Factual Basis for Entry of Plea and that Plea was Entered Knowingly and Voluntarily <input checked="" type="checkbox"/> Court Accepted Plea, Found and Adjudged Defendant Guilty <input checked="" type="checkbox"/> Plea Questionnaire and Waiver of Rights Signed	BAIL INFORMATION <input type="checkbox"/> Bail Continued <input type="checkbox"/> Bail Amended to

COURT ORDER (NON-APPEARANCE) <input type="checkbox"/> Bench Warrant <input type="checkbox"/> Bail Forfeiture		ORDER OF DISMISSAL <input type="checkbox"/> Upon Motion of	
CONDITIONS/BAIL AFFIXED:		Court Ordered (Case) (Count) Dismissed	
		DATE	JUDGE OR CLERK
NEXT SCHEDULED EVENT	TYPE	DATE	JUDGE

ADDITIONAL MINUTES.	amended information filed
	no 4th deg. defense
	ct finds strong evidence to support defers guilt.
	ct accepted Alford plea.

EXHIBIT 1-C



ADDITIONAL MINUTES.

☐ The defendant was found not guilty by jury/court. It is ordered that the defendant, upon said finding, is found not guilty and is discharged from the t of his bond.

**JUDGMENT & CERTIFICATE OF CONVICTION**

It is ordered that upon defendant's plea he is hereby found guilty and the following sentence is imposed.

Fine \$ SDU FI + 100PA + 20FE + 300W + 10JA = \$660.00 - pay. forthwith  
or one day jail for each \$40 or portion unpaid (with/without)

and consecutive to any other Stay \_\_\_\_\_ days. Payments authorized at a rate of \$ \_\_\_\_\_ per month, commencing \_\_\_\_\_

DCJ/Prison \_\_\_\_\_, commencing \_\_\_\_\_ (with/without) Huber. ☐ Commitment No. \_\_\_\_\_ is

PROBATION/CONDITIONS: ☐ Sentence Imposed and Stayed ☐ Sentence Withheld ☐ Probation Ordered Completed

fel - \$660 - R#55123

**RECEIVED**

**AUG 15 1991**

Dept. of Regulation & Licensing  
Division of Enforcement

☐ Court ordered bail posted to be returned to poster.

☐ Court ordered bail posted to be applied and any balance returned to

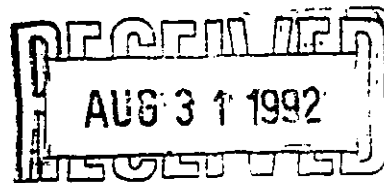
☒ Defendant advised of post-conviction rights.

BY THE COURT:

PENALTY SATISFIED: ☐ Yes ☐ No

DATE 7/29/91

JUDGE OR CLERK JH



STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
HANS F. JEROSCH, D.C.,	:	91 CHI 012
RESPONDENT	:	

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It is hereby stipulated between Hans F. Jerosch, personally on his own behalf and Gerald M. Scanlan, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Hans F. Jerosch's licensure by the Division of Enforcement. Hans F. Jerosch consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Hans F. Jerosch understands that by the signing of 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, and the Wisconsin Administrative Code.

3. Hans F. Jerosch is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Hans F. Jerosch agrees to the adoption of the attached Final Decision and Order by the Chiropractic 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.

5. 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 the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the Chiropractic Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Hans F. Jerosch in recommending the Chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Hans F. Jerosch, D.C.  
Hans F. Jerosch, D.C., Respondent

Aug. 26, 1992  
Date

Gene D. Linehan  
Gene D. Linehan, Attorney for Respondent

Aug 24 92  
Date

Gerald M. Scarlan  
Gerald M. Scarlan, Attorney  
Division of Enforcement

Sep 3, 92  
Date

GMS:daw  
ATY-2178

## 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 Chiropractic 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 Chiropractic Examining Board.

Within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days after 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 Chiropractic Examining Board.

The date of mailing of this decision is September 8, 1992.