

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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## STATE OF WISCONSIN BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

JOHN H. KASTENDIEK, JR., D.D.S.,  
RESPONDENT.

FINAL DECISION AND ORDER

91 DEN 081

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

John H. Kastendiek, Jr., D.D.S.  
4922 N. 18th St.  
Sheboygan, WI 53081

Dentistry Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in 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. John H. Kastendiek, Jr., (DOB: 03/10/44) is duly licensed in the State of Wisconsin as a dentist (License#: 015 5000917). This license was first granted May 26, 1971.
2. Dr. Kastendiek's latest address on file with The Department of Regulation and Licensing is 4922 North 18th Street, Sheboygan, Wisconsin 53081.
3. During the course of treatment of patient LA, the Respondent failed to maintain complete, accurate and readable patient records.

### CONCLUSIONS OF LAW

1. By the conduct described above, John H. Kastendiek, Jr., is subject to disciplinary action against his license to practice as a dentist in the State of Wisconsin pursuant to Wis. Stats. Sec. 447.07(3)(a) and Wis. Adm. Code Sec. DE 5.02(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. John H. Kastendiek, Jr., is hereby reprimanded.
2. The Respondent shall successfully complete a course of education and training in modern dental record keeping of at least ten hours.

The course outline for the education and training must be pre-approved by the Board no later than two months from the date this Final Decision and Order is entered. No outline will be approved unless Respondent includes the name of the institution offering the instruction, the name of the instructor, and the content of the course Respondent intends to study. Respondent shall submit proof of successful completion of the approved course of study to the Board within six months of the date of this Final Decision and Order.

None of the education or training completed pursuant to this requirement may be used to satisfy any continuing education requirement that may be instituted by the Board.

Dated this 2 day of September, 1992.

WISCONSIN DENTISTRY EXAMINING BOARD

BY: Thomas G Brault DDS  
Member of the Board

JH:daw  
ATY-2129

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
JOHN H. KASTENDIEK, JR., D.D.S.,	:	91 DEN 081
RESPONDENT	:	

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It is hereby stipulated between John H. Kastendiek, Jr., personally on his own behalf and James W. Harris, 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 John H. Kastendiek's licensure by the Division of Enforcement. Dr. Kastendiek consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Kastendiek 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 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. Dr. Kastendiek is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Dr. .Kastendiek agrees to the adoption of the attached Final Decision and Order by the Dentistry 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.

. The parties to this stipulation agree that the attorney for the Division of Enforcement

may appear before the Dentistry Examining Board for the purpose 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.

The Division of Enforcement joins Dr. Kastendiek in recommending that the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

John H. Kastendiek, Jr.  
John H. Kastendiek, Jr.

Date

July 28, 1992

James W. Harris  
James W. Harris, Attorney  
Division of Enforcement

Date

August 3, 1992.

## **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 Dentistry 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 Dentistry 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 Dentistry Examining Board.**

**The date of mailing of this decision is September, 4, 1992.**