

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

HARRY J. MARSHALL, JR.,  
RESPONDENT

FINAL DECISION AND ORDER  
91 DEN 113

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

Harry J. Marshall, Jr.  
Hillview Health Care Center  
3501 Park Lane Drive  
Lacrosse, WI 54603

Wisconsin 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 the stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Harry J. Marshall, Jr. (D.O.B. 12/13/23) is duly licensed in the state of Wisconsin as a dentist. This license was first granted May 2, 1946.

2. Dr. Marshall's latest address on file with the Department of Regulation and Licensing is 505 King Street # 125, LaCrosse, WI 54601. However, his current address is 3501 Park Lane Drive, LaCrosse, WI 54603.

3. Dr. Marshall has an existing medical condition which affects his hearing and sight, and has agreed to voluntarily surrender his license to practice as a dentist in the state of Wisconsin, and has further agreed not to reapply for licensure.

CONCLUSIONS OF LAW

The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. sec. 447.07(3).

The Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. sec. 224.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the VOLUNTARY SURRENDER of the license of Harry J. Marshall, Jr. to practice as a dentist in the state of Wisconsin is accepted.

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."

This Order shall become effective upon the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By: Thomas G. Brandt 11-3-93  
Board Chair Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
HARRY J. MARSHALL, JR., D.D.S.,	:	91 DEN 113
RESPONDENT	:	

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It is hereby stipulated between Harry J. Marshall, 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 Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent 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. Respondent is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Because of an existing medical condition affecting his sight and hearing Respondent agrees to voluntarily surrender his license and privilege to practice as a dentist in the state of Wisconsin. Respondent further agrees not to re-apply for licensure in the state of Wisconsin. Respondent waives his right to appear before the Board, and authorizes the Board to accept this surrender of license without further notice to Respondent. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. Attached to this Stipulation is the current licensure card of Respondent.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Dentistry 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.

8. The Division of Enforcement joins Respondent in recommending the Dentistry Examining Board adopt this Stipulation and issue a Final Decision and Order in this matter.

Harry J. Marshall, Jr. 9-15-93  
Harry J. Marshall, Jr. Date

Thomas S. Sleik  
Thomas S. Sleik, Attorney for Respondent

10-25-93

Date

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

10-29-93

Date

## **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** November 4, 1993.