

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
BRIAN J. GROTA, D.C., : FINAL DECISION AND ORDER  
RESPONDENT : 93 CHI 088  
 :

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

Brian J. Grota  
700 West Layton Avenue C-2  
Milwaukee, WI 53221

Chiropractic 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 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. Brian J. Grota, D.C. (D.O.B. 08/13/65) is duly licensed as a chiropractor in the state of Wisconsin (license #2495). This license was first granted on December 14, 1989.
2. Dr. Grota's most recent address on file with the Wisconsin Chiropractic Examining Board is 11610 West Mount Vernon Avenue, Wauwatosa, WI 53226. Dr. Grota wrote to the Board on August 18, 1993 with a return address of 700 West Layton Avenue C-2, Milwaukee, WI 53221.
3. On December 31, 1992, Dr. Grota's Wisconsin chiropractic registration expired, and Dr. Grota has not renewed his registration in Wisconsin. During the period of time between December 31, 1992 and August 18, 1993, Dr. Grota did at times perform chiropractic adjustments for compensation.
5. In resolution of this matter, Dr. Grota consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct described above, Brian J. Grotta is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to Wis. Stats. §§446.03 (5) and 440.11; and Wis. Adm. Code §CHIR6.02(25).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Brian J. Grotta is REPRIMANDED.

CHIROPRACTIC EXAMINING BOARD

By:

  
A Member of the Board

Date

1-13-94

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
BRIAN J. GROTA, D.C.,	:	93 CHI 088
RESPONDENT	:	

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It is hereby stipulated between Brian J. Grota, personally on his own behalf and Steven M. Gloe, 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 Dr. Grota's licensure by the Division of Enforcement (93 CHI 088). Dr. Grota consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

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

4. Dr. Grota 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.

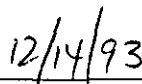
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

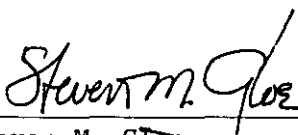
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the Chiropractic Examining Board for the purposes of speaking in support of this

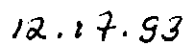
agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

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

  
\_\_\_\_\_  
Brian J. Grota

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steven M. Gloe  
Division of Enforcement

  
\_\_\_\_\_  
Date

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## NOTICE OF APPEAL INFORMATION

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### Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

JANUARY 14, 1994.

#### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

#### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)