

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 | : | |
| | : | FINAL DECISION AND ORDER |
| ADOLPH L. UTZINGER, D.D.S., | : | 93 DEN 115 |
| RESPONDENT. | : | |

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

Adolph L. Utzinger
4485 Wadsworth
Wheatridge, CO 80033

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 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. Adolph L. Utzinger (D.O.B. 10/14/29) is duly licensed in the state of Wisconsin as a dentist (license # 4001326). This license was first granted on June 27, 1957.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 4485 Wadsworth, Wheatridge, CO 80033.
3. On the November 18, 1992, the Colorado State Board of Dental Examiners entered a disciplinary order against Dr. Adolph L. Utzinger upon the Respondent's admission that he treated patient R.M., and that a result of treatment was poorly contoured crowns and poor margins.

4. The Colorado order required Respondent to complete remedial education consisting of 40 hours in the subject area of crown and bridge, and 20 hours in the subject area of periodontics, within one year .

CONCLUSIONS OF LAW

By the conduct described above, Respondent 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)(f), and Wis. Adm. Code DE 5.02(14).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Adolph L. Utzinger to practice as a dentist in the state of Wisconsin shall be LIMITED, until the Respondent shall provided written certification of successful completion of a course of education and training consisting of at least 40 hours in the subject area of crown and bridge, and at least 20 hours in the subject area of periodontics.

The course outline must be approved by the Board no later than two months after the date of this Order. No outline will be approved unless he Respondent submits the name of the institution offering the instruction, the name of the instructor, and the content of the course. Respondent shall submit certification of the successful completion of the approved course of study within six months of the date of this Order to the Board.

Upon certification of completion of the required training, the limitation upon Respondent's license shall be removed.

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 B. Brandt DDS
A Member of the Board

1-5-94.
Date

jwh

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

| | | |
|----------------------------------|---|-------------|
| IN THE MATTER OF | : | |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
| ADOLPH L. UTZINGER, D.D.S., | : | 93 DEN 115 |
| RESPONDENT | : | |

It is hereby stipulated between Adolph L. Utzinger, 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 been provided the opportunity to seek legal advice prior to signing this stipulation.

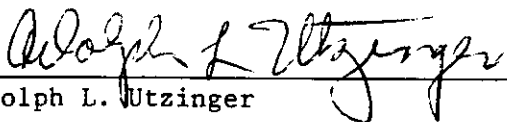
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

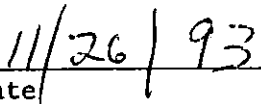
6. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Respondent shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

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

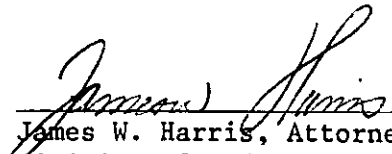
8. The Division of Enforcement joins Respondent in recommending the Wisconsin Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.



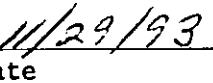
Adolph L. Utzinger



Date



James W. Harris, Attorney
Division of Enforcement



Date

jh

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JANUARY 6, 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.)