

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

JOAN MARIE MIRECKI, D.D.S.,  
RESPONDENT.

FINAL DECISION AND ORDER  
93 DEN 068

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

Joan Marie Mirecki, D.D.S.  
4811 South 76th Street  
Greenfield, WI 53220

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. Joan Marie Mirecki (D.O.B. 4/01/57) is duly licensed in the state  
of Wisconsin as a dentist (license # 3546). This license was first granted on  
September 11, 1985.
2. Respondent's latest address on file with the Department of  
Regulation and Licensing is 4811 South 76th Street, Greenfield, WI 53220.
3. Respondent accepted ML as a patient and rendered dental services to  
him during the period June, 1989, through December, 1992.

4. On October 20, 1992, Respondent examined tooth number 3 of patient ML, and removed a PVC crown from the tooth to prepare the tooth for placement of a bridge. Respondent noted a soft dark orange base in the tooth which she excavated.

5. On November 2, 1992, Respondent placed a bridge on teeth 3-5 of patient ML.

6. On December 7, 1992, ML complained of pain and swelling on the right side of his mouth. During examination by Respondent the bridge popped off and occlusal decay and drainage of tooth number 3 was observed. The patient was referred to another practitioner for root canal treatment.

7. Respondent failed to diagnose and treat caries on tooth number 3 before placement of a bridge on teeth 3-5.

#### CONCLUSIONS OF LAW

By the conduct described above, Joan Marie Mirecki is subject to disciplinary action against her license to practice as a dentist in the state of Wisconsin, pursuant to Wis. Stats. sec. 447.07(3)(a) and (h), and Wis. Adm. Code sec. DE 5.02(5).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. Joan Marie Mirecki is REPRIMANDED for her unprofessional conduct in this matter.

2. Within 60 days of the date of this Order Respondent shall pay to the Department of Regulation and Licensing the costs of investigation and prosecution of this action in the sum of \$ 400.00.

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. Brant DDS  
A Member of the Board

Date

3-1-95

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
JOAN MARIE MIRECKI, D.D.S.,	:	93 DEN 068
RESPONDENT	:	

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It is hereby stipulated between Joan Marie Mirecki, personally on her 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 she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

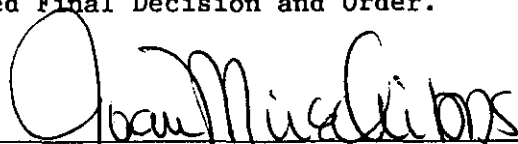
3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

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.

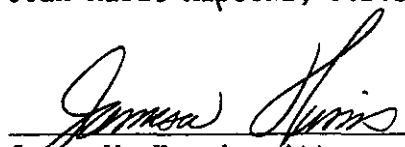
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties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

6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the 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 Respondent in recommending the Wisconsin Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Joan Marie Mirecki, D.D.S.

1.11.95  
Date

  
James W. Harris, Attorney  
Division of Enforcement

January 23, 1995  
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 DENTISTRY EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

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

MARCH 2, 1995.

### 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.)