

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 | : | |
| | : | FINAL DECISION AND ORDER |
| DAVID A. SEIFERT, D.D.S., | : | 94 DEN 127 |
| RESPONDENT | : | |

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

David A. Seifert
425 West Washington Avenue
Madison, WI 53703

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. David A. Seifert, D.D.S. (D.O.B. 5/15/48) is duly licensed to practice dentistry in the state of Wisconsin (license #1560). This license was first granted on October 21, 1975.

2. Dr. Seifert's most recent address on file with the Wisconsin Dentistry Examining Board is 425 West Washington Avenue, Madison, WI 53703.

3. On or about July 13, 1994, TV, a 10 year old patient, accidentally swallowed the water spray tip during an office procedure performed by Dr. Seifert. Attached as Exhibit A to this document is an actual-size photocopy of the water spray tip swallowed by TV.

3. Dr. Seifert failed to personally arrange and assure appropriate emergency medical care for TV following this incident. The patient's parents did transport the child to the emergency room, where the spray tip was removed from the child's stomach via endoscopy.

5. In resolution of this matter, Dr. Seifert consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter, pursuant to Ch. 447.07(3), Wis. Stats.

2. The Wisconsin Dentistry Examining Board is authorized to enter into the attached stipulation, pursuant to §§227.44(5), Wis. Stats.

3. The conduct described above constitutes a basis for discipline under Wis. Stats. §447.07(3)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. David A. Seifert, D.M.D (license #1560) is **REPRIMANDED** for his conduct in this matter.

2. Dr. Seifert shall pay to the Department of Regulation and Licensing partial costs of the investigation and prosecution of this action in the sum of two hundred dollars [\$200.00] within sixty (60) days from the effective date of this Order.

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

DENTISTRY EXAMINING BOARD

By: Thomas G. Brandt DDS 11/1/95
On behalf of the Board

EXHIBIT 1



STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

| | | |
|----------------------------------|---|-------------|
| IN THE MATTER OF | : | |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
| DAVID A. SEIFERT, D.D.S., | : | 94 DEN 127 |
| RESPONDENT | : | |

It is hereby stipulated between David A. Seifert, 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. Seifert's licensure by the Division of Enforcement (94 DEN 127). Dr. Seifert consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Seifert 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. Seifert 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. Seifert 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.

6. Attached to this Stipulation is the current licensure card of David A. Seifert. If the Board accepts the Stipulation, Dr. Seifert'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

Dr. Seifert shall be returned to his 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 and the member of the Dentistry Examining Board assigned as an advisor in this investigation 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.

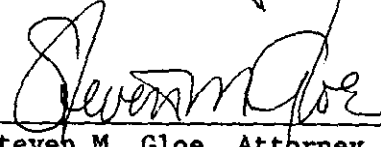
8. The Division of Enforcement joins Dr. Seifert in recommending the Dentistry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.



David A. Seifert, D.D.S.

8-29-95

Date



Steven M. Gloe, Attorney
Division of Enforcement

9.8.95

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.

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:

NOVEMBER 6, 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.)