

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BARRY E. WOLF,
RESPONDENT.

FINAL DECISION AND ORDER

To: Barry E. Wolf
4455 West Bradley Road
Brown Deer, WI 53223

FINDINGS OF FACT

1. Barry E. Wolf, the respondent, was born on October 8, 1952, and was licensed to practice dentistry in the state of Wisconsin pursuant to license #1662, first granted on June 9, 1976.
2. Respondent's license to practice dentistry in the state of Wisconsin expired on September 30, 1989, due to an oversight in paying the renewal fee.
3. Between September 30, 1989, and January 15, 1996, Respondent continued to practice dentistry in the state of Wisconsin as if fully licensed to do so. Respondent stated that until December 22, 1995, he was unaware that he was not licensed.
4. On December 22, 1995, Respondent commenced application for a license to resume the practice of dentistry in the state of Wisconsin.
5. Respondent stopped practicing dentistry in the state of Wisconsin on and after January 15, 1996.
6. An Administrative Injunction was issued by stipulation between the Respondent and the Department of Regulation and Licensing on February 6, 1996, formally prohibiting Respondent from practicing dentistry in the state of Wisconsin.
7. On March 6, 1996, Respondent appeared before the Dentistry Examining Board and presented information in support of his request for reinstatement of his license to practice dentistry in the state of Wisconsin. Among other things, Respondent stated that he did not receive a notice of renewal from the Department of Regulation and Licensing, and was therefore not aware that his registration has lapsed.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to Chapter 447, Stats.

2. The Respondent's conduct in practicing dentistry under an expired license constitutes a violation of sec. DE 5.02(26), Wis. Adm. Code, and sec. 447.07(3)(f), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that Barry E. Wolf is REPRIMANDED.

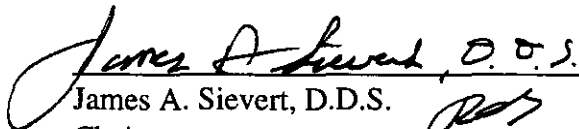
FURTHERMORE, IT IS ORDERED that Barry E. Wolf shall pay to the Department of Regulation and Licensing a FORFEITURE in the amount of \$5,000.00.

FURTHERMORE, IT IS ORDERED that the license of Barry E. Wolf to practice dentistry in the state of Wisconsin shall be reinstated without further order of the board upon receipt by the Department of Regulation and Licensing of the payment of the forfeiture ordered herein.

FURTHERMORE, IT IS ORDERED that this Final Decision and Order shall become effective upon the date of its signing.

Dated this 8th day of March, 1996.

STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD


James A. Sievert, D.D.S.
Chairman

den\order\wolf

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BARRY E. WOLF,
RESPONDENT.

STIPULATION

IT IS HEREBY STIPULATED between Barry E. Wolf, personally on his own behalf, and Donald R. Rittel, Attorney for the Office of Board Legal Services, Department of Regulation and Licensing, as follows that:

1. This Stipulation is entered into as a result of a prior investigation of Respondent's licensure by the Division of Enforcement, Department of Regulation and Licensing. Respondent consents to the resolution of this matter by Stipulation and without 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 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.


Barry E. Wolf

3.8.96
Date


Donald R. Rittel
Attorney, Office of Board Legal Services

March 8, 1996
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:

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 8, 1996

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.)