

# 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/wscqa>.
- 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](mailto:web@drl.state.wi.gov)

FILE COPY

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
NILES KNIGHT BAKKE, D.D.S.,	:	LS9512191DEN
RESPONDENT.	:	

---

The State of Wisconsin, Dentistry Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER


NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Dentistry Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs, and mail a copy thereof to respondent or his or her representative, within 15 days of this decision.

Respondent or his or her representative shall mail any objections to the affidavit of costs filed pursuant to the foregoing paragraph within 30 days of this decision, and mail a copy thereof to the Division of Enforcement and Administrative Law Judge.

The rights of a party aggrieved by this Decision to petition the board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 10 day of July 1996.



**STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD**

---

**IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST**

**PROPOSED DECISION**  
Case No. LS-9512191-DEN

**NILES KNIGHT BAKKE, D.D.S.,  
RESPONDENT.**

---

**PARTIES**

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Niles Knight Bakke, D.D.S.  
1521H Golf View Road  
Madison, Wisconsin 53704

Dentistry Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708

This matter was commenced by the filing of a Notice of Hearing and Complaint on December 19, 1995. A hearing was held in the above-captioned matter on March 8, 1996. Atty. James W. Harris appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. Dr. Bakke appeared in person without legal counsel.

Based upon the record herein, the Administrative Law Judge recommends that the Dentistry Examining Board adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. The respondent is Niles Knight Bakke, (D.O.B. 4/18/51). Dr. Bakke is licensed as a dentist in the state of Wisconsin, license #0150002379, first granted in 1977. Respondent's most recent address on file with the Department of Regulation and Licensing is 2457 N. Mayfair Road, #203, Wauwatosa, WI 53226. Respondent's current address is 1521H Golf View Road, Madison, Wisconsin 53704.

2. During the period of June 1990, through March 1993, respondent obtained, for his own personal use, at least 425 tablets of diazepam from Harris Pharmacy, Waunakee, Wisconsin as follows:

- a) June 21, 1990 - 100 (5mg) tablets.
- b) July 5, 1990 - 50 (5mg) tablets.
- c) September 19, 1991 - 75 (5mg) tablets.
- d) April 7, 1992 - 100 (5mg) tablets.
- e) March 22, 1993 - 100 (10mg) tablets.

3. At some point in time between June 1990 and March 1993 respondent tested positive for the presence of diazepam and tetrahydrocannabinol on at least one occasion during a screening for the presence of alcohol.

4. Diazepam is listed in s. 161.20 (2) (cr), Stats., as a Schedule IV controlled substance.

5. Tetrahydrocannabinol, which is contained in marijuana, is listed in s. 161.14 (4) (t), Stats., as a Schedule I controlled substance.

6. Respondent did not maintain an inventory record nor a dispensing record of the diazepam tablets which he obtained from Harris Pharmacy during the time period of June 1990, through March 1993.

### CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07 (3), Wis. Stats.

2. Respondent's conduct, as described herein in Findings of Fact #2, constitutes a violation of s. 447.07 (3) (a), Wis. Stats., and s. DE 5.02 (6), Wis. Adm. Code.

3. Respondent's conduct, as described herein in Findings of Fact #2-3, constitutes a violation of ss. 161.38 (5), and 447.07 (3) (a), (f) and (L), Wis. Stats.

4. Respondent's conduct, as described herein in Findings of Fact #6, does not comply with the record-keeping requirements as set forth in 21 USC sec. 827 and 21 CFR sec. 1304.

5. Respondent's conduct, as described herein in Findings of Fact #2-6, constitutes a violation of s. 447.07 (3) (a), (f) and (L), Stats., and s. DE 5.02 (16) and (18), Wis. Adm. Code.

## ORDER

**NOW, THEREFORE, IT IS ORDERED** that the respondent, Niles Knight Bakke, be and hereby is **REPRIMANDED**.

### **IT IS FURTHER ORDERED THAT:**

Pursuant to s. 440.22, Stats., the cost of this proceeding shall be and hereby is assessed against respondent.

This order is effective on the date on which it is signed by a designee of the Dentistry Examining Board.

## OPINION

Dr. Bakke was first licensed as a dentist in the state of Wisconsin in 1977. Prior to the commencement of this proceeding in December, 1995, there is no evidence in the record that he has violated any statutes or regulations relating to the practice of dentistry.

The Complainant alleges that by obtaining and using diazepam other than in the course of legitimate practice and by failing to maintain inventory and dispensing records of controlled substances, Dr. Bakke violated numerous statutes and regulations relating to the practice of dentistry.

First, in reference to obtaining and using diazepam, the evidence establishes that between June 21, 1990 and March 22, 1993, Dr. Bakke obtained at least 425 tablets of diazepam from Harris Pharmacy other than in the course of legitimate practice. He admits that he obtained the tablets for his own personal use and that he did in fact use them. In addition to testing positive for the presence of diazepam on at least one occasion during a screening for the presence of alcohol, he also tested positive for the presence of tetrahydrocannabinol, which is a Schedule I controlled substance. *Transcript, p. 11, lines 7-16; 12, lines 18-21; 17; 19, lines 3-5.*

Second, in reference to his failure to maintain inventory and dispensing records of controlled substances, Dr. Bakke admits that he did not maintain inventory and dispensing records relating to the diazepam tablets as required by federal law.<sup>1</sup> Other than the diazepam tablets, there is no evidence that he obtained or dispensed any other type of controlled substances in conjunction with his practice as a dentist. In fact, he testified that his major prescribing needs for patients are generally antibiotics, and that he does not have a need for any other type of prescription drugs or controlled substances in his practice. *Transcript p. 7, lines 9-16; 8, lines 2-15; 18, lines 20-25; 19; 20.*

1. There is no direct evidence in the record establishing that Dr. Bakke holds a DEA registration. This inference is based upon the fact that he obtained the diazepam tablets directly from a pharmacy rather than from some other source.

Having found that Dr. Bakke violated statutes and regulations relating to the practice of dentistry, a determination must be made regarding what type of discipline, if any, should be imposed.

The Dentistry Examining Board is authorized under s. 447.07 (3), Stats., to reprimand a licensee or limit, suspend or revoke the license of any licensee if it finds that the licensee has engaged in conduct described under that section.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W. 2d 689 (1976). Punishment of the licensee is not a proper consideration. *State v. McIntyre*, 41 Wis. 2d 481, 164 N.W. 2d 235 (1969).

The Administrative Law Judge recommends that Dr. Bakke be reprimanded for his conduct in this matter. This measure is designed to assure protection of the public and to deter other licensees from engaging in similar misconduct.

First, regardless of the reasons given by Dr. Bakke for obtaining and using diazepam, the law is clear in Wisconsin that a dentist may not prescribe or take without a prescription controlled substances for his or her own personal use. ss. 161.38 (5), 447.07 (3) (a), (f), and (L), Stats.

Dr. Bakke admits that he obtained at least 425 diazepam tablets from Harris Pharmacy for his own personal use. He testified that he took the diazepam for therapeutic purposes. He also stated that he could have obtained the drugs from a number of friends who are physicians, but did not do so because he wanted to maintain his privacy. *Transcript, p. 13, lines 1-3; 25, lines 1-9; 35, line 8; Answer, page 2.* In his Answer to the Complaint, at page 1, paragraph #3, he stated the following in reference to his use of the drugs:

*My actions were truly personal, intellectual and therapeutic to me at a time when life was not good and I needed something that could help me sleep at night. I had previously lost a brother, a father and a dear girlfriend that made me have to live through my male mid-life crisis. ...*

Second, Dr. Bakke was not entirely honest when questioned by the Board's investigative staff regarding his reasons for obtaining the diazepam tablets from Harris Pharmacy. Initially, he told the investigator that he had obtained the diazepam for his office use. When questioned by the investigator concerning the lack of inventory and dispensing records, he admitted that he used the diazepam tablets for his own personal use. *Transcript, p. 7-8, 11.* Dr. Bakke testified concerning one of his discussions with the investigator, at page 19 of the Transcript, that:

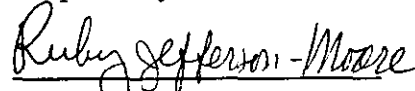
*But ... somewhere in one of those conferences with Lisa and you, I acknowledged the fact that I wasn't going to out clever anyone to myself, and I relinquish the fact that I was the one that used it. And clearly that, probably was predicated on the fact that you said where is your log. Where are the people that you would dispense it to. ...*

Finally, the Administrative Law Judge does not recommend suspension or revocation of Dr. Bakke's license for several reasons. First, his conduct in this case did not involve patient care. There is no evidence in the record indicating that the health or safety of his patients was at risk during the time period in question. Second, Dr. Bakke is not chemically dependent or addicted to controlled substances; therefore, treatment is not being recommended. *Transcript, p. 13, lines 4-8; 24, lines 3-13.* Third, there is no evidence that Dr. Bakke engaged in any type of misconduct relating to the use of controlled substances prior to the time of the violations which occurred in this case, or at any time during the 3 year time period since the occurrence of the violations.

Based upon the record herein, the Administrative Law Judge recommends that the Dentistry Examining Board adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 3rd day of May, 1996.

Respectfully submitted,



Ruby Jefferson-Moore  
Administrative Law Judge

---

---

## 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:**

July 11, 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.)



**FILE COPY**

BEFORE THE STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

-----  
IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 :  
 : AFFIDAVIT OF SERVICE  
 :  
 NILES KNIGHT BAKKE, DDS, :  
 RESPONDENT. :  
-----

Pamela A. Haack, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on July 25, 1996, she served the following upon the respondent:

Letter with Affidavits of Costs

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail, with a return receipt requested in an envelope properly addressed to the above-named respondent at:

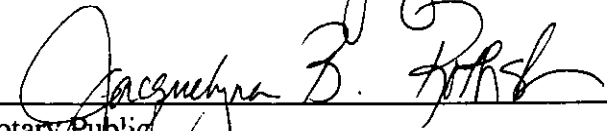
1521H Golf View Road  
Madison, WI 53704  
Certified P 213 148 253

an address which appears in the files and records of the Dentistry Examining Board as the respondent's last known address.



\_\_\_\_\_  
Pamela A. Haack  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 25<sup>th</sup> day of July, 1996.

  
\_\_\_\_\_  
Notary Public  
Dane County, Wisconsin  
My Commission is Permanent



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

1400 E WASHINGTON AVENUE  
P O BOX 8935-8935  
MADISON, WISCONSIN 53708  
608 266-2112

July 25, 1996

NILES KNIGHT BAKKE, D.D.S.  
1521H GOLF VIEW ROAD  
MADISON, WI 53704

RE: In The Matter of Disciplinary Proceedings Against  
Niles Knight Bakke, D.D.S., Respondent, LS9512191DEN  
Assessment of Costs

Dear Dr. Bakke:

On July 10, 1996, the Dentistry Examining Board took disciplinary action against your license. Part of the discipline was an assessment of costs. Enclosed please find the Affidavits of Costs of the Office of Board Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs assessed is \$1,626.10.

If you have objections to the assessed costs, you shall file your objections in writing. Your objections must be received at the office of the Dentistry Examining Board, Room 178, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before August 9, 1996. After reviewing the objections, if any, the Dentistry Examining Board will issue an Order Fixing Costs.

Thank you.

Sincerely,

Pamela A. Haack  
Administrative Assistant  
Office of Board Legal Services

Enclosures

cc: Dentistry Examining Board  
Department Monitor

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors, and Veterinary.

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

AFFIDAVIT OF COSTS  
LS9512191DEN

NILES KNIGHT BAKKE, D.D.S.,  
RESPONDENT.

STATE OF WISCONSIN )  
  ) ss.  
COUNTY OF DANE        )

Ruby Jefferson-Moore, being first duly sworn on oath deposes and states:

1. That affiant is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.

2. That in the course of affiant's employment she was appointed administrative law judge in the above-captioned matter. That to the best of affiant's knowledge and belief, the costs for services provided by affiant are as follows:

<u>ACTIVITY</u>	<u>DATE</u>	<u>TIME</u>
Preparation and Hearing	03/08/96	1 hr.
Review record/draft decision	04/30/96	2 hrs./45 min.
Draft proposed decision	05/01/96	2 hrs./15 min.

Total costs for Administrative Law Judge: \$162.90.

3. That upon information and belief, the total cost for court reporting services provided by Magne-Script is as follows: \$160.80.

Total costs for Office of Board Legal Services: \$ 323.70.

Ruby Jefferson-Moore  
Ruby Jefferson-Moore  
Administrative Law Judge

Sworn to and subscribed to before me  
this 17th day of July, 1996

Robert T. Gauch  
Notary Public  
My Commission: is permanent

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
NILES KNIGHT BAKKE, D.D.S., : AFFIDAVIT OF COSTS  
RESPONDENT. : LS9512191DEN  
 :

---

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

James W. Harris, being duly sworn, deposes and states as follows:

1. I am an attorney licensed in the state of Wisconsin and employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:

2. That in the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
09/23/94	Conf. investigator re investigation	0.3
12/23/94	File review, PIC	2.0
02/23/95	Review Milwaukee Cty. Corrections record	1.0
06/13/95	File review/prep for interview	2.0
06/13/95	Prepare subpoena, transmittal	1.0
06/30/95	Investigative interview of Respondent	2.0
07/18/95	Conf. investigator re: pharmacy records	0.5
07/24/95	Ltr. Respondent re: AODA evaluation	0.3
08/15/95	Telconf. Respondent	0.3
09/27/95	review Meriter records	0.5
10/23/95	Review report of Dr. Miller	0.5
11/15/95	Prepare stipulation/order/letter	2.0
12/08/95	Interview Respondent	1.0
12/12/95	Prepare Complaint and Notice of Hearing	2.0
01/23/96	Prehearing conference with ALJ	0.3
02/08/96	Prepare evidence stipulation	0.3

02/08/96	Trial preparation	2.0
02/09/96	Review Response of Respondent	0.3
02/21/96	Prepare subpoena/transmittal	0.3
02/26/96	Prehearing conference	0.3
02/27/96	Prepare witness list/transmittal	0.5
03/08/96	Hearing	1.0
TOTAL HOURS		20.4 hours min.

Total attorney expense for  
 20.4 hours and minutes at \$41.00 per hour  
 (based upon average salary and benefits  
 for Division of Enforcement attorneys) equals: \$ 836.40

INVESTIGATOR EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
05/16/94	Conf. Atty re: records	0.3
06/13/94	File review	0.3
06/13/94	Telconf. Respondent	0.3
06/16/94	Telconf Atty. Flessas/ memo	0.75
07/20/94	Telconf Atty Flessas/memo	0.3
08/01/94	Telconf Atty Flessas/memo	0.3
08/09/94	Letter to Atty	0.5
08/11/94	Telconf Atty Flessa/FAX	0.75
08/22/94	Letters to medical care providers	0.3
09/26/94	Letter to Respondent	0.3
09/26/96	Conf with atty	0.3
10/11/94	Letter to health care provider	0.3
11/17/94	Telconf health care provider	0.3
11/28/94	Transmittal to Board Advisor	0.75
12/21/94	Conference Board Advisor	0.3
12/22/94	PIC memo/transmittal	1.0
01/11/95	Letters to Respondent and Milwaukee County	0.3
01/24/95	Letter Respondent	0.3
02/20/95	Letter Milwaukee County	0.3
03/02/95	Letter Respondent	0.3
05/22/95	Letter Atty Flessas	0.3
06/13/95	Serve subpoena	1.0
06/30/95	Investigative interview with Respondent	2.0
07/05/95	Letter pharmacy/pharmacy visit	2.0
07/07/95	Pharmacy visit	1.0
07/18/95	Conf atty re: pharmacy records	0.5
07/25/95	Office visit Dr. Martens	1.0
07/26/95	Canvas pharmacy records	2.0
08/18/95	Letter Respondent	0.3

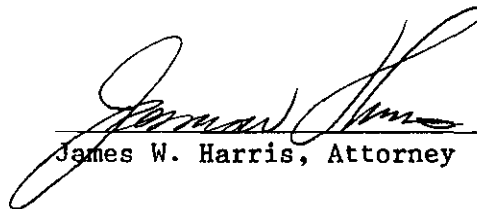
09/13/95	Telconf. Respondent	0.3
9/22/95	Telconf Respondent	0.3
10/03/95	Telconf. Dr. Miller	0.3
10/11/95	Letter Dr. Miller; letter Respondent	0.3
11/14/95	Office visit Dr. Martens	1.0
12/08/95	Interview Respondent	1.0
03/08/96	Attend Hearing	1.0

TOTAL HOURS 23.3 hours min.

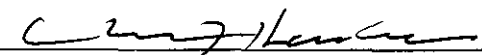
Total investigator expense for  
23.3 hours and minutes at \$20.00 per hour  
(based upon average salary and benefits  
for Division of Enforcement investigators) equals: \$ 466.00

. \$

TOTAL ASSESSABLE COSTS \$ 1,302.40

  
James W. Harris, Attorney

Subscribed and sworn to before me  
this 16 day of July, 1996.

  
Notary Public  
My Commission 15 Permanent

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1  Addressee's Address
- 2  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Niles Knight Bakke  
15214 Golf View Rd  
Madison WI 53704

4a. Article Number

P213 148 253

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7 Date of Delivery

7-31-96

5. Received By: (Print Name)

*Niles Knight Bakke*

8 Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

*Niles Knight Bakke*

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

177  
P 213 148 253

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	Niles Knight Bakke
Street & Number	15214 Golf View Rd
Post Office, State, & ZIP Code	MADISON WI 53704
Postage	\$ 1.55
Certified Fee	7 1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1-10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.75
Postmark or Date	7/25/96 Cost 3.06
	LS9512191 DEN

PS Form 3800, April 1995

Receipt 1400 E Wash

BEFORE THE STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

-----  
IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

NILES KNIGHT BAKKE, D.D.S., :  
RESPONDENT. :

AFFIDAVIT OF SERVICE

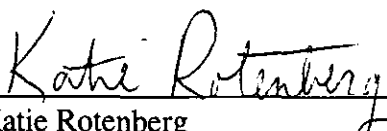
-----  
Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 6, 1996, she served the following upon the respondent:

Order Fixing Costs dated September 4, 1996, LS9512191DEN

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

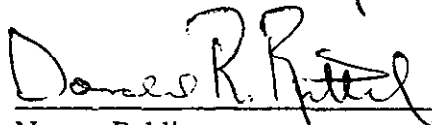
1521H Golf View Road  
Madison, WI 53704  
Certified P 213 148 415

an address which appears in the files and records of the Dentistry Examining Board as the respondent's last known address.

  
\_\_\_\_\_  
Katie Rotenberg  
Department of Regulation and Licensing

Subscribed and sworn to before me

this 6<sup>th</sup> day of September, 1996.

  
\_\_\_\_\_  
Notary Public

Dane County, Wisconsin  
My Commission is Permanent



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1  Addressee's Address  
 2  Restricted Delivery  
 Consult postmaster for fee.

3. Article Addressed to:  
 Niles Knight Bakke, DDS  
 1521H Golf View Road  
 Madison, WI 53704

4a. Article Number  
 P 213 148 415

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
 9/24

5. Received By: (Print Name)  
 Niles K Bakke

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)  
 X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

171  
 P 213 148 415

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to  
 Niles Knight Bakke, DDS  
 Street & Number  
 1521H Golf View Road  
 Post Office, State, & ZIP Code  
 Madison, WI 53704

Postage \$ 55  
 Certified Fee MADISON  
 Special Delivery Fee  
 Restricted Delivery Fee  
 Return Receipt Showing to Whom & Date Delivered  
 Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees \$ 2.75  
 Postmark or Date 9/4/96  
 DENT EXAM BCD.  
 ORDER FIXING COSTS  
 L 59517-19 DEN

1400 E. WASH. REG 3 L1C

PS Form 3800, April 1995

FILE COPY

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Case # LS9512191DEN
	:	
NILES KNIGHT BAKKE, D.D.S.,	:	
RESPONDENT.	:	

---

On July 10, 1996, the Dentistry Examining Board filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on July 16, 1996, the Dentistry Examining Board received the *Affidavit of Costs* in the amount of \$1,302.40, filed by Attorney James W. Harris. On July 17, 1996, the Dentistry Examining Board received the *Affidavit of Costs of Office of Board Legal Services* in the amount of \$323.70, filed by Administrative Law Judge Ruby Jefferson-Moore. The Dentistry Examining Board considered the affidavits on September 4, 1996, and orders as follows:

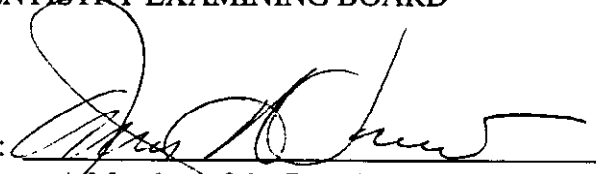
ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$1,626.10, which is 100% of the costs set forth in the affidavits of costs of Attorney James W. Harris and Administrative Law Judge Ruby Jefferson-Moore, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before October 4, 1996, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Dentistry Examining Board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 4th day of September, 1996.

DENTISTRY EXAMINING BOARD

By:   
A Member of the Board



STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
NILES KNIGHT BAKKE, D.D.S., : AFFIDAVIT OF COSTS  
RESPONDENT. : LS9512191DEN  
 :

---

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

James W. Harris, being duly sworn, deposes and states as follows:

1. I am an attorney licensed in the state of Wisconsin and employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:

2. That in the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
09/23/94	Conf. investigator re investigation	0.3
12/23/94	File review, PIC	2.0
02/23/95	Review Milwaukee Cty. Corrections record	1.0
06/13/95	File review/prep for interview	2.0
06/13/95	Prepare subpoena, transmittal	1.0
06/30/95	Investigative interview of Respondent	2.0
07/18/95	Conf. investigator re: pharmacy records	0.5
07/24/95	Ltr. Respondent re: AODA evaluation	0.3
08/15/95	Telconf. Respondent	0.3
09/27/95	review Meriter records	0.5
10/23/95	Review report of Dr. Miller	0.5
11/15/95	Prepare stipulation/order/letter	2.0
12/08/95	Interview Respondent	1.0
12/12/95	Prepare Complaint and Notice of Hearing	2.0
01/23/96	Prehearing conference with ALJ	0.3
02/08/96	Prepare evidence stipulation	0.3

02/08/96	Trial preparation	2.0
02/09/96	Review Response of Respondent	0.3
02/21/96	Prepare subpoena/transmittal	0.3
02/26/96	Prehearing conference	0.3
02/27/96	Prepare witness list/transmittal	0.5
03/08/96	Hearing	1.0

## TOTAL HOURS

20.4 hours min.

Total attorney expense for  
20.4 hours and minutes at \$41.00 per hour  
(based upon average salary and benefits  
for Division of Enforcement attorneys) equals:

\$ 836.40

## INVESTIGATOR EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
05/16/94	Conf. Atty re: records	0.3
06/13/94	File review	0.3
06/13/94	Telconf. Respondent	0.3
06/16/94	Telconf Atty. Flessas/ memo	0.75
07/20/94	Telconf Atty Flessas/memo	0.3
08/01/94	Telconf Atty Flessas/memo	0.3
08/09/94	Letter to Atty	0.5
08/11/94	Telconf Atty Flessa/FAX	0.75
08/22/94	Letters to medical care providers	0.3
09/26/94	Letter to Respondent	0.3
09/26/96	Conf with atty	0.3
10/11/94	Letter to health care provider	0.3
11/17/94	Telconf health care provider	0.3
11/28/94	Transmittal to Board Advisor	0.75
12/21/94	Conference Board Advisor	0.3
12/22/94	PIC memo/transmittal	1.0
01/11/95	Letters to Respondent and Milwaukee County	0.3
01/24/95	Letter Respondent	0.3
02/20/95	Letter Milwaukee County	0.3
03/02/95	Letter Respondent	0.3
05/22/95	Letter Atty Flessas	0.3
06/13/95	Serve subpoena	1.0
06/30/95	Investigative interview with Respondent	2.0
07/05/95	Letter pharmacy/pharmacy visit	2.0
07/07/95	Pharmacy visit	1.0
07/18/95	Conf atty re: pharmacy records	0.5
07/25/95	Office visit Dr. Martens	1.0
07/26/95	Canvas pharmacy records	2.0
08/18/95	Letter Respondent	0.3

09/13/95	Telconf. Respondent	0.3
9/22/95	Telconf Respondent	0.3
10/03/95	Telconf. Dr. Miller	0.3
10/11/95	Letter Dr. Miller; letter Respondent	0.3
11/14/95	Office visit Dr. Martens	1.0
12/08/95	Interview Respondent	1.0
03/08/96	Attend Hearing	1.0

TOTAL HOURS

23.3 hours min.

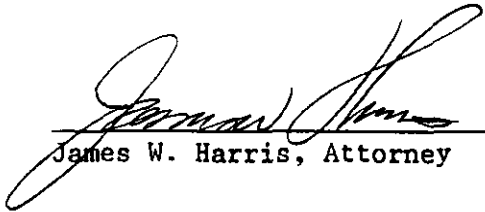
Total investigator expense for  
23.3 hours and minutes at \$20.00 per hour  
(based upon average salary and benefits  
for Division of Enforcement investigators) equals:

\$ 466.00

. \$

TOTAL ASSESSABLE COSTS

\$ 1,302.40

  
James W. Harris, Attorney

Subscribed and sworn to before me  
this 16 day of July, 1996.

  
Notary Public

My Commission 13 Pennsylvania

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935  
(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On July 10, 1996, the Dentistry Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$1,302.40 Case #: LS9512191DEN

The amount of the forfeiture is: \_\_\_\_\_ Case #: \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 1,626.10

The costs and/or forfeitures are due: October 4, 1996

NAME: Niles Knight Bakke LICENSE NUMBER: 2379

STREET ADDRESS: 1521H Golf View Road

CITY: Madison STATE: WI ZIP CODE: 53704

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

\_\_\_\_\_

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING**  
**1400 E. WASHINGTON AVE., ROOM 141**  
**P.O. BOX 8935**  
**MADISON, WI 53708-8935**

#2145 (4/95)  
Ch. 440.22, Stats.

**For Receiving Use Only**