## WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

FINAL DECISION AND ORDER LS9605062MED

JONATHAN J. BECK, M.D., RESPONDENT.

The State of Wisconsin, Medical Examining Board, having considered the abovecaptioned 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, Medical Examining Board.

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

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

Dated this 22 day of \_

A Member of the Board

IN THE MATTER OF DISCIPLINARY :

PROCEEDINGS AGAINST

PROPOSED DECISION

JONATHAN J. BECK, M.D., RESPONDENT. (Case No. LS 9605062 MED)

The parties to this proceeding for the purposes of sec. 227.53, Stats., are:

Jonathan J. Beck, M.D. 6106 West A Street West Linn, OR 97068

State of Wisconsin Medical Examining Board 1400 East Washington Avenue P.O. Box 8935 Madison, WI 53708

State of Wisconsin
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A hearing in this matter was conducted on July 26, 1996, in Room 133 at the Department of Regulation and Licensing, 1400 East Washington Avenue, Madison, Wisconsin. The complainant appeared by attorney John R. Zwieg, Division of Enforcement. The respondent Jonathan J. Beck, M.D., and his attorney David K. Miller, appeared and participated by telephone, as authorized by sec. 807.13(2)(b), Stats., at the law offices of Hoffman, Hart and Wagner, 1000 S.W. Broadway, 20th Floor, Portland, Oregon 97205. A transcript of the hearing was prepared and filed on August 23, 1996.

On the basis of the entire record, the administrative law judge recommends that the Medical Examining Board adopt as its final decision in this proceeding the following Findings of Fact, Conclusions of Law, and Order.

#### **FINDINGS OF FACT**

- 1. Jonathan J. Beck, M.D., the respondent herein, DOB March 31, 1952, is licensed by the Wisconsin Medical Examining Board as a physician to practice medicine and surgery in the state of Wisconsin, pursuant to license number 34908, which was first granted October 20, 1993.
- 2. Dr. Beck allowed the registration of his license to practice medicine and surgery in the state of Wisconsin to expire November 1, 1995. By letter dated March 3, 1996, which was received by the Department of Regulation and Licensing on March 12, 1996, Dr. Beck sent an unsigned application for renewal of his registration. Dr. Beck's registration has not been renewed.
- 3. Dr. Beck's last address reported to the Department of Regulation and Licensing is 6106 West A Street, West Linn, Oregon 97068.
  - 4. Dr. Beck specializes in the area of sports medicine.
- 5. On September 21, 1995, the Board of Medical Examiners of the State of Oregon ("Oregon Board") entered an *Emergency Suspension Order and Notice of Intent to Take Disciplinary Action* which immediately suspended Dr. Beck's license to practice medicine in the state of Oregon.
- 6. The September 21, 1995 Order was based on evidence in the Oregon Board's possession that Dr. Beck had inappropriately touched the breasts, buttocks, labia, clitoris or vagina of three female patients and that there was no medical purpose for the touching. The Oregon Board found that Dr. Beck's conduct was such that it constituted an immediate danger to the public.
- 7. Dr. Beck requested a hearing on the Oregon Board's Emergency Suspension Order. Following a three day hearing, the Oregon Board issued an Interim Order Continuing Suspension on December 26, 1995, which continued the emergency suspension while the contested case proceeding on the Notice of Intent to Take Disciplinary Action proceeded in the regular course of the Oregon Board's business.
- 8. The Oregon Board in its December 26, 1995 Order found that Dr. Beck had inappropriately touched the labia and vagina of two of the three female patients (one patient declined to testify) and that there was no medical purpose for the touching. The Oregon Board found that Dr. Beck's conduct was such that it constituted an immediate danger to the public.

9. The hearing was held in Oregon on the Notice of Intent to Take Disciplinary Action, and the Oregon Board issued a Final Order on May 1, 1996. The Oregon Board found that Dr. Beck had inappropriately touched the labia and vagina of two female patients and that there was no medical purpose for the touching. The Final Order revoked the license of Dr. Beck to practice medicine, but stayed the revocation and placed Dr. Beck on probation for a period of 10 years. The conditions of probation included a suspension for 9 months, effective September 21, 1995; the imposition of a \$5,000 fine; payment of the costs of the proceeding; prohibition against treating, examining or consulting with any female patient; and that Dr. Beck continue counseling.

#### CONCLUSIONS OF LAW

- 1. The Medical Examining Board has jurisdiction in this proceeding pursuant to ch. 448, Stats.
- 2. Dr. Beck, by having his license to practice medicine in the state of Oregon subjected to disciplinary action by the Board of Medical Examiners of the State of Oregon, has engaged in unprofessional conduct as defined by sec. Med 10.02(2)(q), Wis. Adm. Code, and sec. 448.02(3), Stats.

#### **ORDER**

NOW, THEREFORE, IT IS ORDERED that the license of the respondent, Jonathan J. Beck, to practice medicine and surgery in the state of Wisconsin shall be, and hereby is revoked.

FURTHERMORE, IT IS ORDERED that the assessable costs of this proceeding be imposed upon the respondent, Jonathan J. Beck, pursuant to sec. 440.22, Stats.

#### **OPINION**

This matter involves the summary suspension by the Board of Medical Examiners of the State of Oregon of the license to practice medicine in that state of Dr. Jonathan J. Beck. The Complaint respecting Dr. Beck's license to practice in this state was issued and predicated upon the summary suspension by the Oregon Board. In this respect, sec. Med 10.02(2)(q), Wis. Adm. Code, provides that unprofessional conduct by a physician includes, in material part:

"Having a license . . . granted by another state . . . to practice medicine and surgery or treat the sick limited, restricted, suspended, or revoked, or having been subject to other disciplinary action by the state licensing authority. . . . "

The Oregon Board issued a *Final Order* on May 1, 1996 following a hearing. (See, Exhibit 1). Simply stated, the determination of the Oregon Board was that Dr. Beck's license should be revoked; but that the revocation be stayed, and Dr. Beck placed upon ten years probation. Included within the terms of probation was that Dr. Beck be suspended for 9 months, with credit being given for the time served under the summary suspension beginning on September 21, 1995. Furthermore, Dr. Beck was ordered to pay the costs of the proceeding, a fine of \$5,000, and prohibited from providing medical services to female patients. Dr. Beck was also ordered to continue personal counseling.

One of the primary defenses raised by Dr. Beck is that the summary suspension proceeding in the state of Oregon was unconstitutional in that he was not afforded a hearing prior to its imposition. The Wisconsin Medical Examining Board does not have the authority to determine whether the state of Oregon's summary suspension procedures comply with the constitutional guarantees of due process, for, in fact, it is well established that the board may not determine the constitutionality of even this state's statutes, let alone those of a sister state. Accordingly, Dr. Beck is requesting a determination which cannot be made by this administrative body. However, a record has been made of his objection, thereby preserving it for the possible consideration by an appropriate tribunal.

Dr. Beck also requests that the board review the testimony and evidence received in the Oregon proceeding, and essentially make an independent ruling as to whether or not he engaged in unprofessional conduct in that state. However, the issue under Med 10.02(2)(q), which is the basis for the complaint in this proceeding, is whether or not Dr. Beck was disciplined in the state of Oregon. The existence of discipline by another state's appropriate medical licensing authority, itself, is sufficient for the imposition of discipline in this state. The Wisconsin board is not required to prove, approve or review the sister state's underlying basis for taking disciplinary action. Dr. Beck may not collaterally attack the decision of the state of Oregon in Wisconsin.

Given that this proceeding is based upon discipline in another state, the primary issue is the discipline appropriate to impose upon Dr. Beck in this state, if any. In this regard, it must be recognized that the interrelated purposes for applying disciplinary measures are: 1) to promote the rehabilitation of the licensee, 2) to protect the public, and 3) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969).

As of this decision there has been no information received to indicate that the determination made by the state of Oregon has been overturned on an appeal.

In cases such as this that are based upon disciplinary taken in another state, initial consideration should be given to the action taken in the other licensing jurisdiction. The state of Oregon's *Final Order*, dated May 1, 1995, (Exhibit 1), imposed the following discipline:

"Dr. Beck's license to practice medicine is revoked. The order revoking his license is stayed and Dr. Beck is placed on probation for a period of 10 years. The conditions of probation are as follows:

- 1. Dr. Beck's license is suspended for a period of 9 months with credit for the time since the Emergency Suspension Order was entered on September 21, 1995.
- 2. Dr. Beck pay the maximum fine of \$5,000, within 10 days of receipt of this order.
- 3. Dr. Beck pay the costs of these disciplinary proceedings, as enumerated on the attached Bill of Costs. (\$8,395.08)
- 4. During the period of probation Dr. Beck's license shall have the following restrictions:
- 4.1 Dr. Beck will not treat, examine or consult with any female patient.
- 4.2 Dr. Beck will permit representatives of the Board of Medical Examiners access to his office or clinic to inspect the site for compliance with this probation and access to his patient charts to insure compliance with this probation . . . .
- 4.3 Dr. Beck will continue counseling and will waive any patient privilege to permit periodic reports to be sent by the counselor to the Board at its request..."

As of the hearing, Dr. Beck had not complied with the terms of the Oregon Board's order. He testified that he was "essentially destitute", which had kept him from paying the imposed fine and costs of that proceeding. (Trans., p. 31). Dr. Beck, who specializes in sports medicine, also indicated that the limitation prohibiting him from providing services to female patients was:

"...absolutely unrealistic. It precludes any possibility of getting a viable practice going. It's general knowledge that for muscle complaints, over half the patient load is female. There's just no way I could get a practice going on my own. And

for clinics hiring people, as I've already been told in checking things out, why would they hire somebody who could only see less than half the patients, when instead they could just hire somebody who they don't have any such problems with." (Trans., p. 34).

In summary, Dr. Beck indicated his failure to comply with the Oregon Board order was due to three factors: he is destitute, he cannot viably practice if his practice is limited to males, and his is innocent of the charges brought against him in Oregon. (Trans., pp. 36-37).<sup>2</sup>

Accordingly, it appears that Dr. Beck has no intent of complying with the Oregon order for the above reasons. Dr. Beck also indicated that although he desired to retain his license in Wisconsin, he has no intent of practicing in this state:

"Q. All right. Do you have any intention, present intention, (as you) sit here today to return to the state of Wisconsin and practice medicine?

"A. No.

"Q. Okay. Would you explain then to the hearing officer and of course ultimately to the Wisconsin Board, of why it is that you want to maintain your license in the state of Wisconsin?

"A. Well, I need to have a medical license. And for some of the other opportunities I'm trying to develop and pursue right now, it makes a big difference if I have an intact medical license somewhere." (Trans., p. 29).

In reviewing the information provided in light of the criteria required by the *Aldrich* decision, it is recommended that the license of Dr. Beck to practice medicine and surgery in this state be revoked.

The sexual misconduct found to have occurred in Oregon by that licensing authority strikes at the heart of the basic trust with which physicians are entrusted by patients. This board has in the past taken strong and decisive action to deter other licensees from engaging in similar misconduct.

<sup>&</sup>lt;sup>2</sup> Dr. Beck indicated that he has continued receiving "counseling", apparently in compliance with the Oregon order. Although not fully developed at the hearing, his treatment is for combat-related post traumatic stress disorder related to incidents occurring while he was in medical school in Grenada. (Trans., pp. 40-41).

Additionally, respondent has not exhibited any remorse for that conduct, indicating that rehabilitation is not currently underway and that any period of stated suspension is unlikely to prompt its commencement.

Dr. Beck has indicated that he is willing to accept a license in this state subject to the same basic conditions as required by the Oregon Board, with the exception of not being permitted to provide services for female patients. He cites an expressed inability to conduct a viable practice in his specialty of sports medicine as the reason.

However, given that Dr. Beck does not exhibit any remorse for his misconduct, the protection of the public strongly dictates that he not be granted his request. This is especially the case in situations in which it is admitted and represented by Dr. Beck that he does not intend to practice in this state. The purpose for seeking more expansive practice privileges under his Wisconsin license than his Oregon credential permits, is so that he may utilize the Wisconsin license as the basis for obtaining practice privileges elsewhere that are not apparently possible given the present probationary restrictions under his Oregon license.

Dr. Beck is essentially asking Wisconsin to represent to other licensing authorities that he is competent and trustworthy to practice his profession in a manner which the state of Oregon, who examined into the circumstances of his alleged misconduct first-hand, says he is not. In my opinion, neither this state nor his medical credential here should be permitted to be used for such a cosmetic purpose.

The revocation recommended provides the board with the needed total flexibility to restore Dr. Beck's license in the future upon such terms and conditions as it may deem appropriate<sup>3</sup>. Prior to being authorized to practice again in this state, Dr. Beck should establish at least his compliance with the Oregon decision.

To recommend otherwise would only encourage and foster state-forum shopping for a medical licensing jurisdiction that will provide as clean a disciplinary history as possible, in order to qualify for broad reciprocal privileges from other licensing authorities.

Dated this 22 day of April, 1997.

Respectfully submitted,

Donald R. Rittel

Administrative Law Judge

<sup>&</sup>lt;sup>3</sup> Sec. 448.02(6), Stats.

## STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

| Jonathan J. Beck, M.D., | AFFIDAVIT OF MAILING |  |  |  |
|-------------------------|----------------------|--|--|--|
| Respondent.             | <u> </u>             |  |  |  |
| STATE OF WISCONSIN )    |                      |  |  |  |
| COUNTY OF DANE )        | !                    |  |  |  |

- I. Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:
  - 1. I am employed by the Wisconsin Department of Regulation and Licensing.
- 2. On May 27, 1997, I served the Final Decision and Order dated May 22, 1997, LS9605062MED, upon the Respondent Jonathan J. Beck's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 541.

David K. Miller, Attorney 1000 SW Broadway 20th Floor Portland WI 97205

Department of Regulation and Licensing

Office of Legal Counsel

Subscribed and sworn to before me

Notary Public. State of Wisconsin My commission is permanent.

## NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judiciai 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 MEDICAL EXAMINING BOARD

1400 East Washington Avenue P.O. Box 8935 Madison, WI 53708.

## The Date of Mailing this Decision is:

May 27, 1997

#### 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 perition 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.)

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

ORDER FIXING COSTS LS9605062MED

JONATHAN J. BECK, M.D., RESPONDENT.

On May 22, 1997, the Medical 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 or about June 6, 1997, the board received the Affidavit of Costs in the amount of \$737.75, filed by Attorney John R. Zwieg. On or about June 2, 1997, the board received the Affidavit of Costs of Office of Legal Services in the amount of \$806.78, filed by Administrative Law Judge Donald R. Rittel. The board considered the affidavits on July 24, 1997, 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 \$1,544.53, which is 100% of the costs set forth in the affidavits of costs of Donald R. Rittel and John R. Zwieg, which are attached hereto and made a part hereof, are hereby assessed against Jonathan J. Beck, M.D., and shall be payable by him to the Department of Regulation and Licensing. Failure of respondent to make payment on or before August 23, 1997, which is the deadline for payment established by the board, 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 department or 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  $\frac{3}{2}$  day of

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A Member of the Board

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| IN THE MATTER OF DISC                  | CIPLIN | IARY | :                         |   |
|--|--------|------|---------------------------|---|
| _ PROCEEDINGS AGAINST                  |        |      | :                         | AFFIDAVIT OF COSTS OF<br>OFFICE OF BOARD LEGAL SERVICES |
| JONATHAN J. BECK, M.D.,<br>RESPONDENT. |        | :    | (Case No. LS 9605062 MED) |   |
|  |        |      |                           |   |
| STATE OF WISCONSIN                     | )      | SS.  |                           | 1   |
| COUNTY OF DANE                         | )      |      |                           | i   |

Donald R. Rittel, being first duly sworn on oath, deposes and states as follows:

- 1. Your 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. In the course of his employment, your affiant was assigned as the administrative law judge in the above-captioned matter.
- 3. Set out below are the actual costs of this proceeding for the Office of Board Legal Services in this matter:

# ADMINISTRATIVE LAW JUDGE EXPENSE Donald R. Rittel

| DATE               | ACTIVITY   | TIME SPENT                              |
|--------------------|--|---|
| 6/11/96<br>7/26/96 | Conduct Prehearing Conference; prepare Memorandum<br>Conduct Hearing<br>Review Record; prepare Proposed Decision | 0.75 hours<br>2.00 hours<br>12.00 hours |
|                    | TOTAL TIME SPENT   | 14.75 hours                             |
|                    | istrative law judge expense for Donald R. Rittel,  @ \$ 43.958 per hour, salary and benefits:                    | <b>\$</b> 648.38                        |

In the Matter of Jonathan J. Beck, M.D. Affidavit of Costs
Page 2

## REPORTER EXPENSE

Magne-Script

<u>ACTIVITY</u>

**COST** 

Attending and transcribing 7/26/96 Hearing

158.40

Total reporter expense for Magne-Script:

\$ 158.40

TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES

<u>\$ 806,78</u>

Donald R. Rittel

Administrative Law Judge

Sworn to and subscribed before me this day of June, 1997.

Notary Public, State of Wisconsin

My Commission Devidage

1:\alj\costs\beck

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

LS9605062MED

| JONATHAN J. BECK, | M.D., |
|-------------------|-------|
| DECDONDENT        |       |

|                    | AFFIDAVIT OF COSTS | !<br>!<br>! |
|--------------------|--------------------|-------------|
| STATE OF WISCONSIN | )                  | 1           |
| COUNTY OF DANE     | ) ss.<br>)         |             |

John R. Zwieg, being duly sworn, deposes and states as follows:

- 1. That I am an attorney licensed in the state of Wisconsin and am employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement.
- 2. That in the course of those duties I was assigned as the prosecutor in the above captioned matter.
- 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>                      |   | Tim  | e Sper | <u>1t</u> |
|-------------|--------------------------------------|---|------|--------|-----------|
| 4/23/96     | Initial review & screening of        | 3 | hrs. | 15     | min.      |
|             | complaint; draft Complaint tele conv |   | ;    |        |           |
| t.          | w/ Oregon Board's attorney, Mr.      |   | t    |        |           |
| ,           | Sundermier & draft memos             |   | į    |        |           |
| 4/26/96     | Obtain hearing date from ALJ & draft |   | ;    | 45     | min.      |
|             | Notice of Hearing and arrange for    |   |      |        |           |
|             | service                              |   | 1    |        |           |
| 5/10/96     | Review of information from Oregon    | 1 | hr.  | 15     | min.      |
|             | Board including the Final Order      |   |      |        |           |
| 5/17/96     | Ltr & materials to Board Advisor     |   | !    | 30     | min.      |
| 5/28/96     | Review of Respondent's pro se        |   | !    | 45     | min.      |
|             | Answer to Complaint                  |   |      |        |           |
| 5/29/96     | Review of ALJ's Notice of            |   | i    | 45     | min.      |
|             | Adjourned Hearing & Notice of        |   | į    |        |           |
|             | Prehearing Conference; Tele conv w/  |   | į    |        |           |
|             | Board Advisor & draft memo           |   | 1    |        |           |

| 6/11/96           | Preparation for prehearing conference, tele conv w/ Atty. Miller;       |     |        | 45          | min.          |
|-------------------|---|-----|--------|-------------|---------------|
|                   | prehearing conference & draft memo                                      |     |        |             |               |
| 6/12/96           | Review of ALJ's Memorandum on   |     |        | 15          | min.          |
|                   | Prehearing Conference   |     |        | 1 17        |               |
| 6/20/96           | Review of Respondent's Amended  |     |        | ! 15        | mi <b>n</b> . |
| 4.944             | Answer  |     |        | 30          | min.          |
| 6/28/96           | Ltr to Board Advisor; review file and draft Complainant's Witness List; |     |        | )<br>       | 111111.       |
|                   | Review of ltr from Atty Matarazzo                                       |     |        | į           |               |
|                   | re' Respondent's Witness List   |     |        |             |               |
| 7/12/96           | Review of ltr from Atty Miller  |     |        | 15          | min.          |
| 7/19/96           | Review of Oregon materials in   | 4   | hrs.   | 30          | min.          |
| 1112,70           | preparation for hearing   |     |        | !           |               |
| 7/26/96           | Review of ltr to Atty Miller from Dr.                                   | 2   | hrs.   | 15          | min.          |
|                   | Boverman re' psychiatric eval of R;                                     |     |        |             |               |
|                   | ltr to Atty Miller w/ copy of Oregon                                    |     |        | ,<br>       |               |
|                   | Board's Final Order; preparation for                                    |     |        | i           |               |
|                   | and attending hearing   |     |        |             |               |
| 4/22/97           | Review of ALJ's Proposed Decision                                       |     |        | 45          | min.          |
| 4/24/97           | Ltr to Board Advisor w/ copy of   |     |        | 30          | min.          |
|                   | Proposed Decision; ltr to Board Chair                                   |     |        |             | •             |
| 5/12/97           | Review of ltr from Atty Miller  |     |        | 15          | min.          |
| 5/28/97           | Review of Final Decision & Order  |     |        | 15          | min.          |
| TOTAL             | HOURS   |     |        | <br>        |               |
| TOTAL             | nocks   | 17  | Hrs.   | ;<br>i 4    | 5 Min.        |
| Total attorney ex | xpense for 17 hours 45 minutes at                                       |     |        | <br>        |               |
| \$41.00 per hour  | (based upon average salary and benefits                                 |     |        | !           |               |
| for Division of I | Enforcement attorneys) equals:  |     | \$     | 727.75<br>ı |               |
|                   | INVESTIGATIVE STAFF EXPE  | NSE |        |             |               |
|                   |   |     |        |             |               |
| <u>Date</u>       | Activity  |     | Tin    | he Spe      |               |
| 4/24/97           | Tele conv w/ Mr. LaDuca (Inv.   |     |        | 30          | min.          |
|                   | Ombudsman, OR Bd. of Medical Examiners) & draft memo                    |     |        | 1           |               |
| <b>ፐ</b> ርፒ ላ ፣   | HOURS   |     |        | '<br>       |               |
| IOIAL             | HOOKS   |     | 0 Hrs  | i<br>S.     | 30 Min.       |
|                   |   |     | - 1410 | Î           |               |

Total investigator expense for 30 minutes at \$20.00 per hour (based upon average salary and benefits for Division of Enforcement investigators) equals:

\$

\$10.00

TOTAL ASSESSABLE COSTS

\$737.75

John R. Zwieg

Subscribed and sworn to before me this <u>£. 44</u> day of June, 1997.

Notary Public

My Commission is permanent

t:\costs\beck.doc



## ${f State\ of\ Wisconsin}\setminus{f Department\ of\ Regulation\ \&\ Licensing}$

Tommy G. Thompson Governor

June 9, 1997

DAVID K MILLER, ATTORNEY HOFFMAN, HART & WAGNER

1000 S.W. BROADWAY

Marlene A. Cummings Secretary

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

PORTLAND OR 97205 In The Matter of Disciplinary Proceedings Against Jonathan J. Beck, M.D., RE:

Dear Mr. Miller:

On May 22, 1997, the Medical Examining Board issued an order involving the license to practice medicine and surgery of Jonathan J.Beck, M.D. The order requires payment of the costs of the proceedings.

Respondent, LS9605062MED, Assessment of Costs

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$1,544.53.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Medical Examining Board, Room 178, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before June 21, 1997. After reviewing the objections, if any, the Medical Examining Board will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely, Pamela a Hrack

Pamela A. Haack

Administrative Assistant

Office of Legal Services

Enclosures

cc.

Medical Examining Board Department Monitor

Requiatory 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 DEPARTMENT OF REGULATION AND LICENSING BEFORE THE MEDICAL EXAMINING BOARD

| In the Matter of the Disciplinary P | Proceedings. | Against |
|-------------------------------------|--------------|---------|
|-------------------------------------|--------------|---------|

| Jonathan J. Beck, M.D.,               | AFFIDAVIT OF MAILING |  |  |  |
|---------------------------------------|----------------------|--|--|--|
| Respondent.                           | İ                    |  |  |  |
| STATE OF WISCONSIN ) COUNTY OF DANE ) |                      |  |  |  |

- I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:
  - 1. I am employed by the Wisconsin Department of Regulation and Licensing.
- 2. On August 7, 1997, I served the Order Fixing Costs dated July 31, 1997, LS9605062MED, upon the Respondent Jonathan J. Beck's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 427.

David K. Miller, Attorney Hoffman, Hart & Wagner 1000 SW Broadway Portland OR 97205

Kate Rotenberg

Department of Regulation and Licensing

Office of Legal Counsel

Subscribed and sworn to before me

this 7th day of August, 1997.

My commission is permanent.