

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

FILE COPY

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LARRY D. HETZEL, D.D.S.,

RESPONDENT.

FINAL DECISION AND ORDER

97 DEN 039

LS9705081RAL

The parties to this action for the purposes of section 227.53 of the Wisconsin
statutes are:

Larry D. Hetzel, D.D.S.
8405 West Forest Home Avenue, Suite 103
Greenfield, Wisconsin 53228

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 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. Larry D. Hetzel (D.O.B. 01/29/48) was first granted a license to practice
dentistry in the State of Wisconsin on June 21, 1974 (license # 1346).

2. Dr. Hetzel last renewed his certificate of registration on September 30, 1987. At that time, his dental practice was located at 9401 West Beloit Road, Milwaukee, Wisconsin 53227.

3. Dr. Hetzel moved his dental practice in 1987 from 9401 West Beloit Road, Milwaukee, Wisconsin 53227 to 8405 West Forest Home Avenue, Suite 103, Greenfield, Wisconsin 53228. Dr. Hetzel believes that he gave notice of this change of address to the Department of Registration and Licensing; however, the Department has no record of its receipt of that notice and, as of May 5, 1997, the latest address on file with the Department for Dr. Hetzel was 9401 West Beloit Road, Milwaukee, Wisconsin 53227.

4. Dr. Hetzel's current work address is 8405 West Forest Home Avenue, Suite 103, Greenfield, Wisconsin 53228, and his current home address is 5755 Glen Haven Drive, Greendale, Wisconsin 53129.

5. Dr. Hetzel states that he has not received any communications from the Department concerning renewal of his certificate of registration since 1987. He further states that he first became aware of the fact that he has been practicing under an expired certificate of registration since 1989 when, on May 5, 1997, he sought a duplicate copy of his license and was advised that his certificate of registration had expired on September 30, 1989.

6. As a result of this investigation by the Department, Dr. Hetzel ceased practicing dentistry on May 12, 1997, and has commenced application for renewal of his certificate of registration.

CONCLUSIONS OF LAW

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

2. By the conduct referred to above under FINDINGS OF FACT, Dr. Hetzel has violated sections 447.07(3)(f), Wis. Stats., and Wis. Adm. Code § DE 5.02(26).

ORDER

NOW, THEREFORE, it is hereby ordered that:

1. Dr. Hetzel is reprimanded for practicing under an expired certificate of registration.

2. Dr. Hetzel's certificate of registration to practice dentistry in the State of Wisconsin shall be reinstated upon his payment of the standard renewal fee (plus a \$25.00 late fee surcharge).

3. Dr. Hetzel shall pay to the Department of Regulation and Licensing a forfeiture in the amount of \$ ^{P45} 5,000.00. Payment shall be made via certified check or money order, payable to the Wisconsin Department of Regulation and Licensing, Attn. Department Monitor, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935. Payment is due within sixty (60) days from the effective date of this Order.

4. In the event that Dr. Hetzel fails to timely submit payment of the forfeiture as set forth above, his license to practice dentistry in the State of Wisconsin shall be suspended, without further notice or hearing, until such time as he makes such payment.

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

DENTISTRY EXAMINING BOARD

By

James D. Stewart DDS
A Member of the Board *pas*

Date

6/3/57

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LARRY D. HETZEL, D.D.S.,

RESPONDENT.

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STIPULATION

97 DEN 039

It is hereby stipulated between Larry D. Hetzel, personally and by his Attorney, Dean P. Laing of O'Neil, Cannon & Hollman, S.C., 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 by the Division of Enforcement (97 DEN 039). Dr. Hetzel consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Hetzel 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. Hetzel is aware of his right to seek legal representation and has obtained legal counsel prior to signing this Stipulation.

4. Dr. Hetzel agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. Paragraph 3 of the Order contains a blank for the amount of the forfeiture; the parties stipulate that this amount shall be determined by the Board after consideration of all of the facts set forth in the Final Decision and Order, subject to a maximum amount of \$5,000. 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 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.

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

Larry D. Hetzel D.D.S.
Larry D. Hetzel, D.D.S.

Dean P. Laing
Dean P. Laing
Attorney for Dr. Hetzel

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

5-22-97
Date

5/22/97
Date

5.23.97
Date

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 June 3, 1997, 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: _____ Case #: _____

The amount of the forfeiture is: \$5,000.00 Case # LS9705081RAL

Please submit a check or a money order in the amount of \$ 5,000.00

The costs and/or forfeitures are due: August 2, 1997

NAME: Larry D. Hetzel, D.D.S. LICENSE NUMBER: 1346

STREET ADDRESS: 8405 West Forest Home Avenue, Suite 103

CITY: Greenfield STATE: WI ZIP CODE: 53228

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

 COSTS X FORFEITURE

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

 X 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 (Rev. 9/96)

Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE DENTISTRY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Larry D. Hetzel, D.D.S.,

AFFIDAVIT OF MAILING

Respondent.

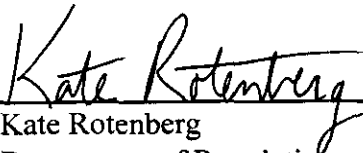
STATE OF WISCONSIN)
)
COUNTY OF DANE)

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 June 3, 1997, I served the Final Decision and Order dated June 3, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9705081RAL, upon the Respondent Larry D. Hetzel'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 221 157 547.


Dean P. Laing, Attorney
111 E. Wisconsin Avenue, Suite 1400
Milwaukee WI 53202-4803



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 3rd day of June, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

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:

June 3, 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 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.)