

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

MICHAEL J. ROCKSTROH, DC, :  
RESPONDENT :

FINAL DECISION AND ORDER  
97 CHI 066

LS9802051CHI

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

Michael J. Rockstroh, DC  
2311 West Mason Street  
Green Bay, WI 54303

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

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael J. Rockstroh, DC (D.O.B. 09/01/62) is duly licensed as a chiropractor in the state of Wisconsin (license #2319). This license was first granted on March 10, 1988.
2. Dr. Rockstroh's most recent address on file with the Wisconsin Chiropractic Examining Board is 2311 West Mason Street, Green Bay, WI 54303.
3. On January 1, 1997, Dr. Rockstroh's Wisconsin chiropractic registration expired, and Dr. Rockstroh did not renew his registration until October 24, 1997. During that period of time, Dr. Rockstroh continued to work in Wisconsin as a chiropractor.

4. In resolution of this matter, Dr. Rockstroh consents to entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

By the conduct described above, Michael J. Rockstroh is subject to disciplinary action against his license to practice as a chiropractor in the state of Wisconsin, pursuant to secs. 446.02(1) and 446.03(5), Stats. and Wisconsin Administrative Code § Chir 6.02(25).

### ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Michael J. Rockstroh, DC is REPRIMANDED.

**IT IS FURTHER ORDERED** that within thirty (30) days from the date of this Order, Respondent shall pay partial costs of this proceeding in the amount of one hundred (\$100.00) dollars. **Payment shall be made via certified check or money order and shall be made payable to the Wisconsin Department of Regulation and Licensing**, and mailed to Department Monitor, Division of Enforcement, PO Box 8935, Madison, WI 53708-8935.

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

CHIROPRACTIC EXAMINING BOARD

By: Terry K. Antiga  
A Member of the Board

Feb. 5, 1998  
Date

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	STIPULATION
MICHAEL J. ROCKSTROH, DC,	:	97 CHI 066
RESPONDENT	:	

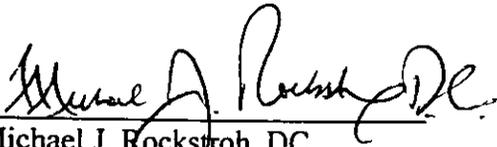
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It is hereby stipulated between Michael J. Rockstroh, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

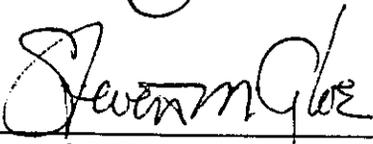
1. This Stipulation is entered into as a result of a pending investigation of Dr. Rockstroh's licensure by the Division of Enforcement. Dr. Rockstroh consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Dr. Rockstroh understands that by the 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. Rockstroh 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. Dr. Rockstroh agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the 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. Rockstroh in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Michael J. Rockstroh, DC

1-13-98  
Date

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

1-28-98  
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 February 5, 1998, the Chiropractic 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: \$100.00 Case #: LS9802051CHI

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

Please submit a check or a money order in the amount of \$ 100.00

The costs and/or forfeitures are due: March 7, 1998

NAME: Michael J. Rockstroh LICENSE NUMBER: 2319

STREET ADDRESS: 2311 West Mason Street

CITY: Green Bay STATE: WI ZIP CODE: 54303

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 (Rev. 9/96)

Ch. 440.22, Stats.

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

In the Matter of the Disciplinary Proceedings Against

Michael J. Rockstroh, DC,

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 February 9, 1998, I served the Final Decision and Order dated February 5, 1998, LS9802051CHI, upon the Respondent Michael J. Rockstroh, DC by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent 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 221 158 704.

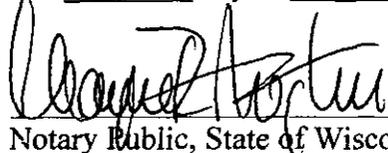
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Michael J. Rockstroh, DC  
2311 W. Mason Street  
Green Bay WI 54303

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 10<sup>th</sup> day of February, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission is permanent.

**NOTICE OF RIGHTS OF APPEAL**

**TO: MICHAEL J ROCKSTROH DC**

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 2/9/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

**A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

**B. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

**SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:**

**STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD**  
1400 East Washington Avenue  
P.O. Box 8935  
Madison WI 53708-8935