

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**FILE COPY**

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE  
DISCIPLINARY PROCEEDINGS AGAINST :

LS 9811041 DEN  
FINAL DECISION AND ORDER

CRAIG W. MOON, R.Ph., DDS,  
RESPONDENT. :

97 DEN 103

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Craig W. Moon, R.Ph., DDS  
344 Park Ave.  
Pewaukee, WI 53072-3414

Dentistry 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. Respondent Craig W. Moon (dob 12-27-57) was at all times relevant to this proceeding duly licensed under the provisions of Chapter 447, Wis. Stats., to practice as a dentist in the State of Wisconsin, under license number 4042, originally granted on 6-26-89.
2. On 5-14-98, Respondent was convicted of two counts of misdemeanor theft, contrary to §943.20(3)(a), Wis. Stats., and one count of possessing an illegally obtained prescription drugs, contrary to §450.11(7)(h), Wis. Stats., all relating to his practice as a pharmacist and relating to his obtaining controlled substances without a prescription from another practitioner for his own use.
3. Respondent is the subject of a disciplinary order issued by the Wisconsin Pharmacy Examining Board in case # 97 PHM 52 on 8-12-98.

CONCLUSIONS OF LAW

- A. The Wisconsin Dentistry Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to §447.07(3)(a) and (e), Wis. Stats.

B. The Wisconsin Dentistry Examining Board is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

C. The facts set forth in paragraph 2, above, constitute unprofessional conduct pursuant to §§447.07(3)(a) and (e) Wis. Stats, and §§ DE 5.02(15) and (16) Wis. Adm. Code.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED that Craig W. Moon, DDS is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED that effective on the date of this Order, the license to practice dentistry of respondent is SUSPENDED for a period of not less than five (5) years. The suspension is STAYED for a period of four months, conditioned upon compliance with the conditions and limitations outlined below.

a. Respondent may apply for consecutive four (4) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on the respondent for rehabilitation and practice during the prior four (4) month period by the Pharmacy Examining Board. "Four months" means until the second regular Board meeting after the meeting at which any stay of suspension is granted.

b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.

c. Upon a showing by respondent of successful compliance for a period of five years with the terms of this order and upon a showing that respondent has made satisfactory restitution for any losses caused by the conduct described above and compliance with all other terms of this Order, the Board may grant a petition by the Respondent for return of full licensure.

d. The applications for stays of suspension, and all required reports under this Order, shall be due on each and every January 1st, and each four months thereafter, for the period that this Order remains in effect.

IT IS FURTHER ORDERED that respondent's license is LIMITED in that Craig W. Moon shall comply in all respects with the Wisconsin Pharmacy Examining Board Order, case 97 PHM 52, issued on August 12, 1998; a copy of which is attached hereto.

IT IS FURTHER ORDERED that respondent shall pay partial COSTS of this investigation under §440.22, Wis. Stats. in the amount \$100, within 30 days of this order to the Department of Regulation and Licensing.

Dated this November 4, 1998.

DENTISTRY EXAMINING BOARD

By: 

A Member of the Board

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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

CRAIG W. MOON, R. Ph., DDS :  
RESPONDENT. :

**STIPULATION**  
97 DEN 103  
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It is hereby stipulated between the above Respondent and the Department of Regulation and Licensing, Division of Enforcement by its undersigned attorney as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent has obtained legal counsel.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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 or the proposed Final Decision and Order, 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 agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.
7. The Case Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and views of the case acquired during the investigation.

8. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

9. Respondent is informed that should the Board adopt this stipulation, the board's final decision and order is a public record and will be published in the monthly Report of Decisions issued by the department. A summary of the order will be published in the Wisconsin Regulatory Digest issued semiannually by the Board. Other reporting as required by law will occur. A press release will be prepared and distributed to all press boxes in the State Capitol building, to the press in the community where respondent resides and practices, and to individuals and organizations included on a mailing list maintained by the department. This is standard department procedure and in no way specially directed at Respondent.

Craig W. Moon      9-1-98  
Respondent      Date

Daniel P. Fay      9-2-98  
Daniel P. Fay,      Date  
Attorney for Respondent

Arthur Tuxton      9/14/98  
Prosecuting Attorney      Date  
Division of Enforcement

# 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 November 4, 1998, 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: \$100.00 Case #: LS9811041DEN

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: December 4, 1998

NAME: Craig W. Moon, R.Ph., DDS LICENSE NUMBER: 4042

STREET ADDRESS: 344 Park Avenue

CITY: Pewaukee STATE: WI ZIP CODE: 53072-3414

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

X COSTS

\_\_\_\_\_ 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**

**For Receipting Use Only**

#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

Craig W. Moon, R.Ph., DDS,

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 November 16, 1998, I served the Final Decision and Order dated November 4, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9811041DEN, upon the Respondent Craig W. Moon's attorney by enclosing true and accurate copies of the above-described documents 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 Z 233 819 964.


Daniel P. Fay, Attorney  
P.O. Box 63  
Pewaukee WI 53072



Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 16<sup>th</sup> day of November, 1998.



Notary Public, State of Wisconsin  
My commission is permanent.



## NOTICE OF RIGHTS OF APPEAL

TO: DANIEL P FAY ATTY

You have been issued an Order. For purposes of service the date of mailing of this Order is 11/16/98. 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 Order 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 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 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 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 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 DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935