

# 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

JOE D. SHARKUS, DDS,  
RESPONDENT

FINAL DECISION AND ORDER  
98 DEN 071

LS9811092 DEN

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

Joe D. Sharkus, DDS  
N4377 Beach Drive  
Cambridge, WI 53523

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. Joe D. Sharkus (D.O.B. 04/12/67) is duly licensed in the state of Wisconsin to practice dentistry (license #4400). This license was first granted on August 20, 1992.
2. Dr. Sharkus' latest address on file with the Department of Regulation and Licensing is N4377 Beach Drive, Cambridge, WI 53523.
3. On November 5, 1997, the Wisconsin Dentistry Examining Board imposed disciplinary action against the license of Dr. Sharkus. A true and correct copy of the Board's November 5, 1997 Order is attached and incorporated by reference into this document as Exhibit A.
4. Dr. Sharkus failed to timely comply with the continuing education requirements of the November 5, 1997 Order of the Wisconsin Dentistry Examining Board.

## CONCLUSIONS OF LAW

By the conduct described in ¶4, above, Joe D. Sharkus is subject to disciplinary action against his license to practice dentistry in the state of Wisconsin, pursuant to sec. 447.07(3)(n), Wis. Stats. and Wis. Adm. Code § 5.02(17).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Joe D. Sharkus, D.D.S. SHALL APPEAR before the Dentistry Examining Board at its November 4, 1998 meeting and submit documentation acceptable to the Board of successful completion of the continuing education required by the Board's November 5, 1997 Order. Acceptable documentation shall include certification from the sponsoring organization as well as an affidavit executed by Dr. Sharkus verifying that he attended the course in its entirety.
2. If acceptable documentation of successful completion of the continuing education required by the Board's November 5, 1997 Order is not received by the Board prior to November 15, 1998, the license of Joe D. Sharkus SHALL BE SUSPENDED for an indefinite period and until such time as the Board receives acceptable documentation. The suspension of respondent's license shall commence on November 15, 1998.
3. Within sixty (60) days from the date of this Order, Dr. Sharkus shall pay a FORFEITURE in the amount of one thousand dollars [\$1,000]. Payment shall be made via check or money order, payable to the Wisconsin Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708.
4. Within sixty (60) days from the date of this Order, Dr. Sharkus shall pay partial COSTS OF THIS PROCEEDING in the amount of two hundred dollars [\$200]. Payment shall be made via check or money order, payable to the Wisconsin Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708.
5. In the event that Respondent fails to timely submit any payments as set forth in ¶¶ 3 and 4 above, his license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. This Order shall become effective on the date of its signing.

DENTISTRY EXAMINING BOARD

By: 

A Member of the Board

Date 11/9/98

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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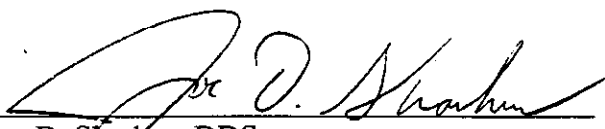
|                                  |   |             |
|----------------------------------|---|-------------|
| IN THE MATTER OF                 | : |             |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
| JOE D. SHARKUS, DDS,             | : | 98 DEN 071  |
| RESPONDENT                       | : |             |

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It is hereby stipulated between Joe D. Sharkus, 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. Sharkus' licensure by the Division of Enforcement. Dr. Sharkus consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Dr. Sharkus 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. Sharkus 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. Sharkus agrees to the adoption of the attached Final Decision and Order by the Dentistry 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 Dentistry 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. Sharkus in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Joe D. Sharkus, DDS

10-14-98  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

10.15.98  
Date

G \HBX\SHARKUS.DOC

# Department of Regulation & Licensing

State of Wisconsin

P O Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416  
TRS# 1-800-947-3529

hearing or speech  
impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On November 9, 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: \$200.00 Case #: LS9811092DEN

The amount of the forfeiture is: \$1,000.00 Case # LS9811092DEN

Please submit a check or a money order in the amount of \$1,200.00

The costs and/or forfeitures are due: January 8, 1999

NAME: Joe D. Sharkus, DDS LICENSE NUMBER: 4400

STREET ADDRESS: N4377 Beach Drive

CITY: Cambridge STATE: WI ZIP CODE: 53523

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 DENTISTRY EXAMINING BOARD

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In the Matter of the Disciplinary Proceedings Against

Joe D. Sharkus, 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:

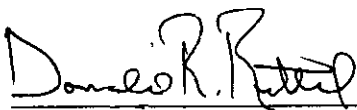
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On November 16, 1998, I served the Final Decision and Order dated November 9, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9811092DEN, upon the Respondent Joe D. Sharkus, DDS by enclosing true and accurate copies of the above-described documents 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 Z 233 819 963.
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:

Joe D. Sharkus, DDS  
N4377 Beach Drive  
Cambridge WI 53523

  
\_\_\_\_\_  
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: JOE D SHARKUS DDS

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