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IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
DANIEL S. BOSWEIN, D.C. : LS0207181CHI
RESPONDENT. :

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

Daniel S. Boswein, D.C.
2443 E. Tracy Ln. #3
Phoenix, AZ 85032

Wisconsin 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 prosecutor and respondent in this matter agreed 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 now reviewed this Stipulation, and approves it.

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

FINDINGS OF FACT

1. Respondent Daniel S. Boswein (dob 5/1/52) is and was at all times relevant to the facts set forth herein a chiropractor licensed in the State of Wisconsin pursuant to license #3639, first granted on 1/10/00. Respondent has also been licensed in Arizona since 1987.
2. Respondent was, on 6/27/99, arrested for unlawfully possessing cocaine for personal nonmedical use

by Phoenix, AZ, police. At the time, respondent admitted to the arresting officer that he engaged in cocaine use as often as once or twice a week. Respondent was permitted by the Maricopa County Attorney to participate in a diversion program of treatment. As a result of these facts, respondent's initial Wisconsin license was limited and he was required to engage in a drug treatment program, by Order of the Board dated 1/25/00.

3. Respondent was, on 5/3/01, detained by West Allis police during their execution of a search warrant upon a house commonly used for drug transactions. Respondent admitted to West Allis police that he had unlawfully purchased and used cocaine several times over the previous 24 hours, and that he was present at the house for the express purpose of buying more cocaine.

CONCLUSIONS OF LAW

A. The Wisconsin Chiropractic Examining Board has jurisdiction to act in this matter pursuant to §446.03), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraph 3, above, is grounds for discipline under §446.03(2), Wis. Stats. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED that the SURRENDER of the license to practice chiropractic of Daniel S. Boswein, DC, is ACCEPTED. Dr. Boswein shall not do any act constituting the practice of chiropractic in Wisconsin, without being licensed.

IT IS FURTHER ORDERED, that costs are waived in consideration of the surrender of the license, but if respondent ever seeks reinstatement, he shall pay the costs of this matter in the amount of \$950 as a condition of any reinstatement or relicensure.

Dated this July 18, 2001.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

Dale Strama

A Member of the Board