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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BEVIER H. SLEIGHT III, D.C.,	:	<u>LS 0503021 CHI</u>
RESPONDENT.	:	

[Division of Enforcement Case #'s: 04CHI019, 04CHI020, 04CHI021 & 04CHI022]

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

Bevier H. Sleight III, D.C.
3004 Golf Road
Eau Claire, WI 54701

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Chiropractic Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Chiropractic Examining 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. Bevier H. Sleight III, D.C., Respondent, date of birth January 18, 1946, is licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 1870, which was first granted October 8, 1983.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3004 Golf Road, Eau Claire, WI 54701.
3. Respondent practiced chiropractic medicine in Wisconsin from February 1984 until recently, but is no longer engaged in the practice of chiropractic at this time.

COUNT I (Ms. A)

4. Ms. A, an adult woman, began receiving chiropractic treatment from Respondent around 1988. Respondent provided Ms. A with chiropractic treatment through June 7, 1994.

5. Beginning approximately July 1992 and continuing for about one year, Respondent engaged in sexual intercourse with his patient, Ms. A, on more than one occasion in Respondent's chiropractic offices.

COUNT III (Ms. C)

6. Ms. C, an adult woman, received chiropractic services from Respondent on a regular basis from July 3, 1991 until May 15, 2004.

7. In a treatment session in approximately May 1993, Respondent told Ms. C that he loved her and he kissed her on the lips. In subsequent sessions, the kissing progressed to more intimate touching and caressing. Sexual contact, which included his touching her bare breasts, buttocks and external genitalia and her touching his bare penis, occurred in Respondent's office. The touching continued on numerous occasions until 2003. Respondent told Ms. C that he wanted to make love to her and wanted to take their relationship to the next level.

8. Over that period of time, Ms. C discontinued treatment with Respondent on several occasions. Respondent persuaded her to return to treatment with him, promising to be more professional and assuring her that it was her friendship he valued. When Ms. C returned to treatment with Respondent, he again began kissing and other sexual contact.

9. Dr. Sleight admits kissing and hugging Ms. C, but denies the comments and other contact set out in findings of fact 7 and 8.

COUNT IV (Ms. D)

10. On January 21, 2002, Ms. D, who was then 28 years old, began receiving chiropractic services from Respondent for treatment of back and hip pain. Ms. D received treatment from Respondent at least 42 times through July 7, 2003.

11. During the time Ms. D was Respondent's patient, they developed a personal relationship and shared personal and intimate details about their lives and confided in each other about marital difficulties each was experiencing.

12. Beginning in May 2002, Ms. D and Respondent began exchanging e-mails on a regular basis. As time passed the content of the e-mails began suggesting that the relationship included intimate contacts [i.e. "rolling around on another married man's couch" and "I was just wondering if you got your clothes back on. . ."]

13. Beginning some time prior to May 1, 2003, Respondent and Ms. D began hugging, kissing and caressing each other. On July 4, 2003, Ms. D met Respondent at his office at approximately 10:15 p.m. and stayed with him there until approximately 3:00 a.m. While at the office, Respondent and Ms. D partially disrobed and engaged in sexual contact. On the night of July 5, 2003, Ms. D again met Respondent at his office and they partially disrobed and engaged in sexual contact.

14. Following July 7, 2003, Respondent no longer charged Ms. D for chiropractic services, but continued to provide her with treatment of back and shoulder pain and treatment following her knee surgery. This treatment took place at Ms. D's residence, Respondent's apartment and Respondent's office.

15. Ms. D filed for divorce in August 2003 and was divorced December 16, 2003. Respondent filed for divorce in January 2004 and was divorced February 23, 2005. Respondent and Ms. D have continued to have a personal relationship through the present.

CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 446.03 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Prior to July 1, 1993, Wis. Adm. Code § Chir 6.02(7) defined unprofessional conduct by a chiropractor to include: "engaging in sexual intimacies with patients in the office." (Emphasis added.) From July 1, 1993 through the present Wis. Admin. Code § Chir 6.02(7) has defined unprofessional conduct by a chiropractor to include: "engaging in sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient."

3. Respondent, by engaging in sexual contact with Ms. A while she was his patient as set out in Count I, has committed unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(7) and is subject to discipline pursuant to Wis. Stat. § 446.03(5).

4. Respondent, by engaging in sexual contact with Ms. C while she was his patient as set out in Count III, has committed unprofessional conduct as defined by Wis. Admin. Code § Chiro 6.02(7) and is subject to discipline pursuant to Wis. Stat. § 446.03(5).

5. Respondent, by engaging in sexual contact with Ms. D while she was his patient as set out in Count IV, has committed unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(7) and is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Bevier H. Sleight III, D.C., Respondent, to practice chiropractic in the state of Wisconsin is hereby REVOKED, effective immediately.

2. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensin costs of this proceeding in the amount of \$5,650.00 pursuant to Wis. Stat. § 440.22(2).

3. Petitions, notices, requests and payment shall be e-mailed, faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

4. If Respondent ever requests that the Board grant him a credential:

a. The Board may, in its sole discretion, deny Respondent any credential or grant Respondent a credential, with or without limitations.

b. In making its decision, the Board shall consider all allegations contained in this matter's disciplinary complaint dated March 1, 2005, whether or not those allegations are included in the Findings of Fact and Conclusions of Law, set out above.

c. The Board may also require any evaluations or testing of Respondent, which the Board believes will be of assistance in making its decision.

d. If Respondent believes that the Board's denial of credential is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Board's decision was arbitrary or capricious. The denial of credential shall remain in effect until there is a final decision in Respondent's favor on the issue.

Wisconsin Chiropractic Examining Board

By: James W. Weber, D.C.
A Member of the Board

May 19, 2005
Date