

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
ROBERT STRAWN, D.C., :
 : LS0604273CHI
RESPONDENT. :

Division of Enforcement Case # 04 CHI 039

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

Robert Strawn, D.C.
111 W. 9th Avenue
Washburn, WI 54891

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-89 35

Chiropractic Examining Board
Department of Regulation & 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 the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. The most recent address on file with the Wisconsin Chiropractic Examining Board for Respondent Robert Strawn, D.C., (DOB 01/19/1949), is 111 W 9th Avenue, Washburn, Wisconsin.
2. Respondent was formerly licensed as a chiropractor in the State of Wisconsin (license # 12 1596). This license was first granted on July 30, 1980, and was not renewed due to tax delinquency on January 1, 2003.
3. To this date, Respondent has not renewed his license. Consequently, he has not held a valid license to practice chiropractic from January 1, 2003 through the date of this Final Decision and Order.
4. On or about July 20, 2004, patient K.G. submitted an insurance claim form documenting chiropractic treatment given to her by Respondent on May 9, 2003, March 1, 2004, and June 25, 2004. K.G. states that she was charged \$35.00 per visit by Dr. Strawn.

5. As of June 30, 2005, Respondent had a large sign (approximately one and a half by four feet) outside his residence advertising that he is a chiropractor. He does not otherwise advertise.

6. Respondent admits that he occasionally has seen long-term patients who do not want to go elsewhere for treatment.

CONCLUSIONS OF LAW

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

2. The conduct described in paragraphs 3-6 above constitutes a violation of Wisconsin Administrative Code § Chir. 6.02(25) and Wis. Stat. § 446.02 and 446.03(5).

ORDER

IT IS ORDERED:

1. Robert Strawn, D.C.'s right, pursuant to Wis. Stat. § 440.08, to renew his license to practice chiropractic in the State of Wisconsin is hereby **SUSPENDED** until November 1, 2006.

2. Robert Strawn, D.C. agrees that he will not reapply for Wisconsin licensure as a chiropractor at any time prior to six months from the date of this Order. In the event that Respondent does in fact apply for Wisconsin licensure as a chiropractor prior to six months from the date of this Order, the Board may deny that application based upon this stipulation without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation.

3. Respondent shall, within six (6) months from the date of this Order, pay costs of this proceeding in the amount of One Thousand, Two Hundred Dollars (\$1,200.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

4. In the event Respondent fails to pay costs as ordered, the Respondent's license (# 12 1596) **SHALL NOT BE RENEWED** or, if previously renewed, **SHALL BE SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

Chiropractic Examining Board

By: Steven J. Silverman
A Member of the Board

4/27/06
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
ROBERT STRAWN, D.C., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 04 CHI 039

Robert Strawn, D.C., personally on his own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 04 CHI 039). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Chiropractic Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. 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 accordance with standard Department procedure.

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

Robert Strawn, D.C.
111 W. 9th Avenue
Washburn, WI 54891

Date

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

Date