

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
THOMAS J. GUERDON, D.C.,	:	LS0802121CHI
RESPONDENT.	:	

[Division of Enforcement Case # 06 CHI 020]

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

Thomas J. Guerdon, D.C.
3302 S. Pennsylvania Avenue
Bayview, WI 53207

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Thomas J. Guerdon, D.C., Respondent, date of birth July 15, 1952, was licensed by the Wisconsin Chiropractic Examining Board to practice chiropractic in the state of Wisconsin, pursuant to license number 2370, which was first granted December 1, 1988.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3302 S. Pennsylvania Avenue, Bayview, WI 53207.
3. Since at least April 2004, Respondent has received evaluations and treatment for bi-polar disorder and has been unable to work since January 2005. Because of his concern regarding the possibility of impaired judgment, Respondent desires to surrender his license to practice chiropractic in Wisconsin.

CONCLUSIONS OF LAW

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Thomas J. Guerdon, D.C., Respondent, of his license to practice chiropractic in the state of Wisconsin is hereby ACCEPTED.
2. If Respondent ever reapplies for licensure from the Chiropractic Examining Board:
 - a. He shall provide proof sufficient to the Board that he does not suffer from any psychological condition which impairs his ability to function as a chiropractor.
 - b. He shall provide proof of having taken the required continuing education within the past biennium.
 - c. The Board may require him to take and pass an examination on professional competence.
 - d. The decision whether to grant Respondent licensure, with or without limitations, shall be in the sole discretion of the Board.
 - e. Respondent shall have paid to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$225.00, pursuant to Wis. Stat. § 440.22(2).
3. Any requests, notices, proof or payments shall be mailed, faxed 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. This Order is effective on the date of its signing.

Wisconsin Chiropractic Examining Board

By: Steven Silverman, DC
A Member of the Board

February 12, 2008
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
THOMAS J. GUERDON, D.C.,	:	LS _____ CHI
RESPONDENT.	:	

[Division of Enforcement Case # 06 CHI 020]

It is hereby stipulated and agreed, by and between Thomas J. Guerdon, D.C., Respondent; and John R. Zwieg attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 06 CHI 020). 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 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 advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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. Attached to this Stipulation are Respondent's most recent wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Board's decision not to accept the Stipulation.
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the 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, if any, 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.
8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is public record and will be published in accordance with standard Department procedure.
9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Thomas J. Guerdon, D.C.
Respondent
3302 S. Pennsylvania Avenue
Bayview, WI 53207

Date

John R. Zwieg
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date