

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
SCOTT P. RISE, D.C.,	:	LS0808143CHI
RESPONDENT.	:	

Division of Enforcement Case # 04 CHI 024

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

Scott P. Rise, D.C.
2795 Camden Lane
Brookfield, WI 53045

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

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. Scott P. Rise, D.C., (DOB 07/11/1968) is duly licensed as a chiropractor in the State of Wisconsin (license # 12-3135). This license was first granted on June 30, 1994.
2. Respondent's most recent address on file with the Wisconsin Chiropractic Examining Board is 2795 Camden Lane, Brookfield, Wisconsin, 53045.
3. On or about June 10, 2002, Respondent was convicted of one count of conspiracy to commit mail and wire fraud (18 USC §§ 371, 1341, 1343 and 2) for engaging in a kick-back scheme with an attorney. The attorney would refer certain personal injury plaintiffs to Respondent for services, and in return Respondent would make payments equal to twenty percent of the fees he collected for those services to third-party recipients at the attorney's direction, without disclosing the arrangement to the lawyer's clients.

4. Respondent appealed his conviction, and agreed to an interim order by the Chiropractic Examining Board pending that appeal. Under the interim order, Respondent's license was required, among other things, to keep the board informed of the appellate proceedings, to practice in work settings approved by the board, to submit quarterly reports from his chiropractic employers, to submit an audit report of his billing practice as requested by the board, and to pay costs. Respondent complied with these requirements in all respects.

5. The interim order provided that if Respondent's conviction was affirmed, the Board could either continue the interim order as a final order, or it could remand the matter to the Division of Enforcement for a hearing on the issue of appropriate discipline.

6. On or about September 22, 2003, Respondent's conviction was affirmed by the Seventh Circuit Court of Appeals.

7. On or about June 27, 2005, the Chiropractic Examining Board remanded the case to the Division of Enforcement for a hearing on the issue of appropriate discipline.

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 paragraph 3 above constitutes a violation of Wisconsin Administrative Code § Chir 6.02(24) and Wis. Stat. § 446.04(4) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

IT IS ORDERED:

1. The license of Scott P. Rise, D.C., to practice chiropractic in the State of Wisconsin is SUSPENDED for a period of ninety (90) days, effective the date of this order.

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Seven Hundred Dollars (\$700.00). 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

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered, the Respondent's license (#12-3135) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Chiropractic Examining Board

By: Steven Silverman
A Member of the Board

8/14/08
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
SCOTT P. RISE, D.C.,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case # 04 CHI 024

Scott P. Rise, D.C., personally and by his attorney Stephen M. Glynn; 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 024). Respondent consents to the resolution of this investigation by stipulation.
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 obtained 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.

Scott P. Rise, D.C.
2795 Camden Lane
Brookfield, WI 53045

Date

Stephen M. Glynn
Glynn, Fitzgerald & Albee SC
526 E. Wisconsin Ave
Milwaukee, W 53202-4503

Date

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

Date