

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF : FINAL DECISION & ORDER
: FOR REMEDIAL EDUCATION
SHAWN KROMREY, D.C. :
: LS0810162CHI

Division of Enforcement Case # 06 CHI 060

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

Shawn Kromrey, D.C.
500 S. Main St.
Cadott, WI 54727

Wisconsin Chiropractic Examining Board
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
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 ("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. Shawn Kromrey, D.C., (DOB 06/02/1965) is duly licensed as a chiropractor in the state of Wisconsin (license # 12-2448). This license was first granted on July 13, 1989.
2. Dr. Kromrey's most recent address on file with the Wisconsin Chiropractic Examining Board is c/o Kromrey Chiropractic, 500 S. Main Street, Cadott, Wisconsin, 54727.
3. An informal complaint received by the Chiropractic Examining Board alleges that Dr. Kromrey made inappropriate, sexually harassing remarks to a patient, and kissed the patient's neck. Dr. Kromrey denies these allegations.

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).

ORDER

IT IS ORDERED:

1. Shawn Kromrey, D.C. will, within ninety (90) days of the date of this Final Decision And Order, take and complete eight (8) hours of Category 1 continuing education in patient boundaries. Each course attended in satisfaction of this Order must be preapproved by the Chiropractic Examining Board or its designee. Dr. Kromrey will be responsible for locating courses satisfactory to the Chiropractic Examining Board and for obtaining the required approval of the courses from the Chiropractic Examining Board or its designee. Dr. Kromrey will within 60 days of completion of this educational requirement file an affidavit with the Chiropractic Examining Board stating under oath that he has attended in its entirety each of the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations. Dr. Kromrey will make every reasonable effort to take and complete these courses within the 90 day time frame, but if he can prove to the board's satisfaction that he was unable to take and complete the courses despite reasonable efforts, the board may extend the timeframe for taking the courses. The affidavit and the supporting documentation of attendance will be filed with:

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

All certifications, affidavits or other documents required to be filed with the Chiropractic Examining Board will be deemed filed upon receipt by the Department Monitor.

2. Dr. Kromrey will be responsible for paying the full cost of attendance at these courses. Dr. Kromrey will not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his § 446.02(1)(b), Stats., and Wis. Admin. Code Ch. 5 biennial training requirements.

IT IS FURTHER ORDERED that:

3. Dr. Kromrey shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Four Hundred dollars (\$400.00). 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

4. In the event Dr. Kromrey fails to timely pay costs as ordered or fails to comply with the ordered continuing education, Dr. Kromrey's license (#12-2448) SHALL BE SUSPENDED, without further notice or hearing, until Dr. Kromrey has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Dr. Kromrey is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

5. Dr. Kromrey is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

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

By: Steven Silverman
A Member of the Board

10/16/08
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
 SHAWN M. KROMREY, D.C. : STIPULATION
 :
 : LS _____

Division of Enforcement Case # 06 CHI 060

Shawn M. Kromrey, 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 an informal complaint against Shawn Kromrey, D.C., received by the Division of Enforcement (case # 06 CHI 060). Dr. Kromrey consents to the resolution of this investigation by stipulation.

2. Dr. Kromrey 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, the right to judicial review, 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. Dr. Kromrey has been provided an opportunity to obtain legal advice prior to signing this Stipulation.

4. Dr. Kromrey 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. Dr. Kromrey waives all rights to any appeal of the Board's Order, if adopted in the form attached. This stipulation is not to be construed by any person, administrative agency, or the parties to be an admission of liability by Dr. Kromrey that he violated any rights guaranteed to said patient nor an admission by the Division of Enforcement that the patient's claim lacked merit. Rather, the parties agree that settlement was the result of a mutual desire to avoid the delay, cost and uncertainty of continued litigation.

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 the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Dr. Kromrey 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.

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

Shawn Kromrey, D.C.
c/o Kromrey Chiropractic

Date

500 S. Main St.
Cadott, WI 54727

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

Date