

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST : ORDER OF SUMMARY SUSPENSION  
:  
STEVEN J. JAGEMANN, D.D.S., : LS-0801091-DEN  
RESPONDENT. :  
:

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Division of Enforcement Case # 07 DEN 88

A Notice and Petition for Summary Suspension was filed by the Department of Regulation and Licensing, Division of Enforcement on April 2, 2009. The Petition was considered by the Dentistry Examining Board ("Board") at a properly noticed meeting on April 6, 2009. Atty. Arthur Thexton appeared on behalf of the Division of Enforcement. Atty. Mary K. Wolverton, Peterson, Johnson & Murray, SC, appeared on behalf of the Respondent, Steven J. Jagemann. The Board received statement from the attorneys. The following documents were offered by the Division of Enforcement and received into the record:

1. The Second Amended Complaint, which was filed with the Administrative Law Judge on or about March 30, 2009.
2. The Criminal Complaint, which was filed by the Milwaukee County District Attorney on or about March 30, 2009.
3. The statement of patient Angela P., dated February 9, 2009, redacted to show only the portions relevant to par. 4 of the Petition; the rest had to do with a billing dispute and other matters which are not at issue here, and will be handled through the normal complaint investigation process.
4. Five photographs of the premises of Dr. Jagemann's dental office, identified as photographs #48, 50, 55, 59 and 60, taken by the West Allis Police Department on March 25, 2009.

Based upon the statements of the parties and the record of the proceeding, the Board now makes the following:

**FINDINGS OF FACT**

1. Respondent Steven J. Jagemann (dob 2/18/55) is and was at all times relevant to the facts set forth herein a dentist licensed in the State of Wisconsin pursuant to license #2657, first granted on January 8, 1981. Respondent is a general dentist. His address of record is 5301A South 108th Street, Hales Corners, WI 53130.

2. On March 25, 2009, a house owned and controlled by Respondent was searched by West Allis Police, pursuant to a warrant, and some 119 marijuana plants averaging 4' in height were found to be growing in a room which had been set up as a greenhouse with special lighting and other facilities. Respondent has been charged with three felonies by the Milwaukee County District Attorney, and a preliminary examination is scheduled for April 9, 2009.

3. On August 1, 2008, Respondent performed a crown preparation for patient Angela P., a woman born in 1972. During the procedure, Respondent permitted his pet dog to be in the room with the patient, while the patient was receiving dental services.

4. On March 25, 2009, following the events described in par. 2, above, the West Allis Police Department visited Dr

Jagemann's dental office. The dental office was in an unsanitary condition, with numerous large fish tanks filled with water containing large quantities of algae and murky water, but no fish. An internal laboratory area used for fabricating crowns was filthy, with burned incense on the counter and trash and debris strewn about the room. The area where patients are seen was not clean or tidy.

5. Respondent has engaged in conduct or is likely to engage in conduct, as described in Findings of Fact 2-4 above, such that the public health, safety and welfare imperatively requires emergency suspension of his license until such time as he can demonstrate that he can practice with skill and safety to patient and public.

6. A formal complaint alleging that Respondent has committed unprofessional conduct has been filed.

7. Dr. Jagemann was informed of the Notice and Petition for Summary Suspension on April 2, 2009, by having the documents mailed to his address of record, and to his home, on that date, and mailed and e-mailed to his attorney.

### **CONCLUSION OF LAW**

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stats., § 227.53 (3) and 447.07 and Wis. Adm. Code § RL 6.

2. There is probable cause to believe that the conduct described in Findings of Fact 2 above is unprofessional conduct under Wis. Stats., §§ 447.07 (2) (a) and (f) and 961.41 (1) and (3g), and Wis. Adm. Code § DE 5.02 (1), (6), (15), (16), and (20).

3. There is probable cause to believe that the conduct described in Findings of Fact 3-5 above is unprofessional conduct under Wis. Stats., § 447.07(3) (a) and (h), and Wis. Adm. Code § DE 5.02 (1) and (5).

4. The legal requirements under Wis. Adm. Code, ch. RL 6, for the summary suspension of Dr. Jagemann's dentistry license, have been fulfilled.

### **ORDER**

**NOW, THEREFORE, IT IS ORDERED** that the license (#2657) of Steven J. Jagemann, D.D.S., to practice dentistry in the state of Wisconsin is suspended immediately upon Dr. Jagemann or his attorney receiving actual notice of this Order, or upon service of this Order upon Dr. Jagemann under Wis. Adm. Code § RL 6.06 (3), whichever occurs sooner.

#### **IT IS FURTHER ORDERED that:**

1. Dr. Jagemann shall surrender his credentials to the Board or any department staff requesting them, forthwith.

2. Respondent may request a hearing to show cause why this suspension order should not be continued, and may file such request with Peter C. Anderson, the Administrative Law Judge assigned to this matter, at Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. A hearing on such request shall be scheduled within 20 days of the date the ALJ receives such request, unless Respondent agrees to a later date.

3. This Order continues to be in effect until the effective date of a final order and decision in the disciplinary proceeding

against Dr. Jagemann, unless otherwise ordered by the Board.

Dated this 6th day of April 2009.

Wisconsin Dentistry Examining Board

By: Lori R. Barbeau, Chairperson