

# 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 THE DISCIPLINARY :	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARTIN D. GOCHNOUR, D.D.S.,	:	(LS0811061DEN)
RESPONDENT.	:	

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Division of Enforcement Case # 05DEN080

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

Martin D. Gochmour, D.D.S.  
4801 Cottage Grove Road  
Madison, WI 53716

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

Wisconsin Dentistry Examining Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Dentistry Examining Board on 11/6/08. Prior to the hearing on the Complaint, the parties to this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

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

## FINDINGS OF FACT

1. Martin D. Gochnour, D.D.S., date of birth 7/26/55, is duly licensed as a dentist in the state of Wisconsin, license # 5066-15. This license was first granted on 9/4/98.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 4801 Cottage Grove Road, Madison, Wisconsin 53716.
3. At all times relevant to this action, Respondent was working as a dentist specializing in the practice of orthodontics at Gochnour Orthodontics, 4801 Cottage Grove Road, Madison, Wisconsin.
4. Respondent's license to practice dentistry expired on 9/30/03. Respondent renewed his license on 7/8/05. Respondent continued to engage in the practice of dentistry in the state of Wisconsin from 10/1/03 through 7/7/05 under an expired license.
5. Respondent's failure to renew his license from 10/1/03 through 7/7/05 was unintentional. Respondent, when contacted by an investigator from the Department of Regulation and Licensing, Division of Enforcement, on 7/7/05 and advised of the expired status of his license, acted promptly to renew the license.

## CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.07(3) 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 through 5 above constituted a violation of Wis. Stat. §§ 447.07(3)(a), 447.07(3)(f) and 447.03(1)(a); and Wis. Admin. Code §§ DE 5.02(16) and DE 5.02(26) in that Martin D. Gochnour, D.D.S. practiced dentistry in the state of Wisconsin from 10/1/03 through 7/7/05 when his license was expired.
3. The Wisconsin Dentistry Examining Board has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against Martin D. Gochnour, D.D.S.

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Martin D. Gochnour, D.D.S., license # 5066-15, is hereby REPRIMANDED.
2. Martin D. Gochnour, D.D.S. shall, within 90 days of the effective date of this Final Decision and Order, pay a forfeiture in the amount of \$250.00 made payable to the 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

IT IS FURTHER ORDERED that:

3. Martin D. Gochnour, D.D.S. shall, within 90 days from the date of this Order, pay costs of this proceeding in the amount \$1,657.62. 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. 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 timely submit any payment of the forfeiture as set forth above or fails to pay costs as ordered, the Respondent's license # 5066-15 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.

Wisconsin Dentistry Examining Board

By: Lori R. Barbeau, DDS  
A Member of the Board

1/7/09  
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARTIN D. GOCHNOUR, D.D.S.,	:	(LS0811061DEN)
RESPONDENT.	:	

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Division of Enforcement Case # 05DEN080

It is hereby stipulated between Martin D. Gochmour, D.D.S., and by his attorney, Sean M. Gaynor; and Gilbert C. Lubcke, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending formal disciplinary proceeding before the Wisconsin Dentistry Examining Board involving Martin D. Gochmour’s license to practice as a dentist in the state of Wisconsin, case # LS0811061DEN. Martin D. Gochmour, D.D.S. consents to the resolution of this formal disciplinary proceeding by stipulation.
2. Martin D. Gochmour, D.D.S. 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. Martin D. Gochmour, D.D.S. has obtained advice of legal counsel prior to signing this Stipulation.
4. Martin D. Gochmour, D.D.S. agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry 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. Martin D. Gochmour, D.D.S. 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 Wisconsin Dentistry Examining Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Martin D. Gochmour, D.D.S. 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. Martin D. Gochmour, D.D.S. understands that the attorney or other agent for the Division of Enforcement or the case advisor, in responding to questions asked by the Board, may be required to provide information to the Board which may be construed by the Board as not weighing in favor of accepting this proposed Stipulation and Final Decision and Order. Martin D. Gochmour, D.D.S. will not contend that any responses made by the attorney or other agent for the Division of Enforcement or by the case advisor in response to questions posed by the Board constitute a failure by the attorney or other agent for the Division of Enforcement or by the case advisor to speak in support of this agreement. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Martin D. Gochnour, D.D.S. 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 Martin D. Gochnour, D.D.S. and his attorney, Sean M. Gaynor, in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Martin D. Gochnour, D.D.S.  
4801 Cottage Grove Road  
Madison, WI 53716

\_\_\_\_\_  
Date

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Sean M. Gaynor  
Leib & Katt, LLC  
740 N. Plankinton Ave., #600  
Milwaukee, WI 53203-2421

\_\_\_\_\_  
Date

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Gilbert C. Lubcke, Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date

Case #05DEN080  
Costs: \$1,657.62  
Forfeiture: \$250.00

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