

# 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
GLENN T. MAIHOFFER, D.D.S.,	:	LS0909042DEN
RESPONDENT.	:	

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[Division of Enforcement Case # 09 DEN 082]

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

Glenn T. Maihofer, D.D.S.  
3970 N. Oakland Avenue, Suite 601  
Shorewood, WI 53211

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 and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

A Notice of Hearing and Complaint were filed and served on September 4, 2009. A hearing has not been held. On September 2, 2009, the Board issued an Order which summarily suspended Respondent's license to practice. The Order was served and became effective September 3, 2009 and remains in effect. 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 Dentistry 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. Glenn T. Maihofer, D.D.S., Respondent, date of birth September 11, 1937, is licensed by the Dentistry Examining Board to practice dentistry in the State of Wisconsin, pursuant to license number 4001809, which was first granted June 27, 1962.

2. Respondent's last address reported to the Department of Regulation and Licensing is his office at 3970 N. Oakland Avenue, Suite 601, Shorewood, WI 53211.

3. On June 22, 2006, Respondent was initially seen at the Neurology Clinic at Froedtert West Clinic in Milwaukee, Wisconsin, for memory related concerns. Diagnostic testing was recommended, but Respondent did not have it done. Respondent did not return to the clinic until May 2009.

4. In 2009, Respondent's history, neurological examination, cognitive testing, laboratory studies, neuro-imaging and neuropsychological assessment were consistent with a memory disorder, likely Alzheimer's disease. Respondent's neurologist advised Respondent to cease practicing as a dentist because of his cognitive impairments.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 447.07(1).

2. The Wisconsin Dentistry 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 Glenn T. Maihofer, D.D.S., of his license to practice dentistry in the state of Wisconsin is hereby ACCEPTED.

2. Respondent shall never apply or reapply for any credential from the Wisconsin Dentistry Examining Board.

3. Respondent shall, within 180 days of the date of this Order, pay \$925.00 to the Department of Regulation and Licensing, as the costs of this proceeding.

4. Payment of costs shall be made to:

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

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

11/4/09  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
GLENN T. MAIHOFFER, D.D.S.,	:	<u>LS 0909042 DEN</u>
RESPONDENT.	:	

[Division of Enforcement Case # 09 DEN 082]

It is hereby stipulated and agreed, by and between Glenn T. Maihofer, D.D.S., 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 disciplinary proceeding against Respondent's licensure by the Division of Enforcement.
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 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 administrative law judge 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 Board ever assigned as a case 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 case 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.

Respondent  
3970 N. Oakland Avenue, Suite 601  
Shorewood, WI 53211

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Michael J. Fitzgerald  
Glynn, Fitzgerald & Albee, S.C.  
Attorneys for Respondent  
526 E. Wisconsin Avenue  
Milwaukee, WI 53202-4519

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Date

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

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Date