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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	ACCEPTING SURRENDER
STEVEN J. JAGEMANN, D.D.S.,	:	Order <u>0000369</u>
RESPONDENT.	:	

Division of Enforcement Cases # 07 DEN 88

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

Steven J. Jagemann, D.D.S.
5301A S. 108th St.
Hales Corners, WI 53130

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 Board on or about 1/9/08; the Complaint was subsequently amended twice, and Respondent's license was suspended on 4/6/09. Before a hearing on the Second Amended Complaint, the parties in 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 now reviewed this Stipulation, and approves it.

Accordingly, the Board in this matter adopts the attached Stipulation and 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 1/8/81. Respondent is a general dentist.

2. On 11/1/06, Respondent was disciplined by the Board in file #06 Den 26; he was reprimanded and required to pay a forfeiture of \$1,000, for failing to timely renew his license to practice dentistry while continuing to engage in the active practice of dentistry.

3. On 8/8/07, Respondent was convicted in the United States District Court for the Eastern District of Wisconsin on his plea of guilty to one felony count of attempted possession with intent to distribute cocaine, a controlled substance, contrary to 21 USC §§ 841(a)(1) and 846. Respondent was sentenced to a term of probation for three years, conditions of which included being tested for drug and alcohol use, participating in any recommended treatment, home confinement for 180 days, and payment of a \$1000 fine and a \$100 Assessment. Following the conduct described in par. 4, below, Respondent's probation was revoked, and he was sentenced to 12 months confinement, concurrent to the sentence described in par. 4, below.

4. Respondent was arrested on 3/25/09, and charged with manufacturing marijuana, and related offenses, in Milwaukee, Wisconsin. On 7/7/09, he was convicted in the United States District Court for the Eastern District of Wisconsin, on his plea of guilty, to manufacturing a controlled substance, in particular more than 100 marijuana plants, contrary to 21 USC §§ 841(a)(1) and 841(b)(1)B. On 10/16/09, Respondent was sentenced to five years in prison, concurrent to the sentence set forth in par. 3, above, to be followed by four years of supervised release.

5. The formal Complaint filed in this matter also alleges violations of the standard of care in charting, prescribing, and providing dental care to patients. Respondent disputes these allegations, has never had a malpractice claim made against him, and has retained an expert prepared to testify that he met the standard of care in this matter. In view of the resolution of this matter, the Board finds it unnecessary to make any finding in this regard, at this time.

CONCLUSIONS OF LAW

A. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

B. The conduct described above, if proved, violates Wis. Stat. § 447.07(3)(a), (f), (h) and (L), and Wis. Adm. Code § DE 5.02(1), (3), (5), (6), (7), (15), (16), (20), and (25). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

IT IS ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the SURRENDER of the license to practice dentistry of Steven J. Jagemann, D.D.S., is ACCEPTED. Respondent shall not practice dentistry in

Wisconsin, without a license from the Board. Respondent shall comply with Wis. Stat. § 146.819, in all respects.

IT IS FURTHER ORDERED, that Respondent may apply for reinstatement at any time, pursuant to Wis. Stat. § 447.07(5). The Board has not predetermined the outcome of such an application, in any respect.

IT IS FURTHER ORDERED, that the Costs of this investigation and proceeding, of \$9,500, are imposed upon Respondent, and shall be paid within 30 days.

Dated this September 1, 2010.

WISCONSIN DENTISTRY EXAMINING BOARD

by: *Frederick Barbeau DOS*
a member of the Board

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