

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BRIAN E. PALEVAC, D.C.,  
RESPONDENT.

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FINAL DECISION AND ORDER

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ORDER 0001597

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[Division of Enforcement Case #10 CHI 051]

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

Brian E. Palevac, D.C.  
1028 E. Juneau Ave., Ste. 424  
Milwaukee, WI 53202

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Chiropractic Examining Board  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

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. Brian E. Palevac, D.C., ("Respondent") was born on May 7, 1956 and is licensed to practice as a chiropractor in the State of Wisconsin (license #2019-12). This license was first granted on May 18, 1985.

2. Respondent's most recent address on file with the Chiropractic Examining Board is 1028 East Juneau Avenue, Suite 424, Milwaukee, Wisconsin.

3. Since 1995, Respondent has represented himself to be a Diplomate of the American Board of Chiropractic Neurology, using the D.A.B.C.N. designation after his name.

4. Diplomate status is awarded to licensed chiropractors who complete 300 post-doctoral hours of education and training in neurology from a Commission for Graduate Education in Neurology-approved institution and a twelve-hour written examination and 90-minute practical examination administered by the American Board of Chiropractic Neurology.

5. Respondent completed the required post-doctoral hours of education, but did not sit for the written and practical examination administered by the American Board of Chiropractic Neurology.

6. Respondent's belief that he is certified as a Diplomate resulted from miscommunication with an employee of the National College of Chiropractic when receiving certification of education in November 1994.

7. Respondent was not, and has never been, certified by the American Board of Chiropractic Neurology as a Diplomate.

8. Usage of the D.A.B.C.N. designation is a misrepresentation of fact that is false, deceptive and misleading, and implies that Respondent is a certified specialist when in fact he is not.

#### 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).

2. The conduct described above constitutes unprofessional conduct pursuant to Wis. Admin. Code §§ Chir 6.02(15)(a) and (f) and Wis. Stat. § 446.04(5) and subjects Respondent to discipline pursuant to Wis. Stat. § 446.03(5).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Brian E. Palevac (license #2019-12), is **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Within ninety (90) days from the date of this Order, Respondent shall complete and pass the Wisconsin Chiropractic Jurisprudence Examination. Evidence of satisfactory

completion of the examination shall be submitted to the Department Monitor at the address below within thirty (30) days of completion of the examination.

3. Effective immediately, for one (1) year from the date of this Order, Respondent shall post a notification in his clinic reception area, in 72-point font, stating that he is not, and has never been, a Diplomat of the American Board of Chiropractic Neurology.

4. Within thirty (30) days from the date of this Order, Respondent shall commence placement of a notice in his local newspaper, stating that he is not, and has never been, a Diplomat of the American Board of Chiropractic Neurology. This notice shall appear on Sundays for four (4) consecutive weeks. Proof of completion of this notification requirement shall be submitted to the Department Monitor at the address below within thirty (30) days of completion.

5. Within ninety (90) days from the date of this Order, Respondent shall pay costs of this proceeding in the amount of FOUR HUNDRED DOLLARS (\$400.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to:


Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

6. 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 provide evidence of satisfactory completion of the Jurisprudence Examination or notification requirements, or pay the costs as set forth above in a timely matter, the Respondent's license (#2019-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted evidence of satisfactory completion of the examination and notification requirements.

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

**Wisconsin Chiropractic Examining Board**

By:

  
A member of the Board

5/24/12  
Date