

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN A PETTY, D.D.S.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: DHA Case SPS 13-0040

Division of Legal Services and Compliance¹ Case No. 12 DEN 021

0002930

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

John A. Petty, D.D.S.
8637 Saratoga Lane
Eden Prairie, MN 55347

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

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The Division of Legal Services and Compliance commenced this proceeding by filing a formal disciplinary complaint against Respondent John A. Petty, D.D.S., on August 20, 2013. Respondent Petty filed a letter as his Answer on September 3, 2013. The Division of Hearings and Appeals assigned Administrative Law Judge Jennifer Nashold to preside over the proceeding. The Division filed a motion for summary judgment on September 19, 2013.

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Dentistry Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

FINDINGS OF FACT

1. Respondent John A. Petty, D.D.S., (dob March 6, 1973) is licensed in the state of Wisconsin as a dentist, having license number 5543-15, first granted on August 12, 2002, and current through September 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1730 7th Street

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

South, Wisconsin Rapids, Wisconsin 54494. Upon information and belief, his permanent mailing address is 8637 Saratoga Lane, Eden Prairie, MN, 55347.

2. Respondent was licensed to practice dentistry in the state of Minnesota pursuant to Minnesota license D11708. On April 3, 2009, the Minnesota Board of Dentistry suspended Respondent's license for an indefinite period of time, for failing to cooperate with the investigation and resolution of a complaint regarding his treatment of one patient. The license was re-instated following Respondent's cooperation with the Minnesota Board, which cooperation included Respondent taking and passing the National Board of Dental Examiners comprehensive Part II examination in May 2013.

3. Respondent has a current, active license to practice dentistry in the State of Minnesota, verified by the Minnesota Board of Dentistry on December 2, 2013.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, John A. Petty, D.D.S., violated Wis. Admin. Code § DE 5.02(14) by having discipline imposed against his licensed to practice dentistry in the state of Minnesota.

3. As a result of the above violations, John A. Petty, D.D.S., is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

1. Respondent John A. Petty, D.D.S., is REPRIMANDED.

2. Within 90 days from the date of this Order, Respondent John A. Petty, D.D.S., shall pay COSTS of this matter in the amount of \$1,200.00.

3. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190 Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 payment of the costs as ordered, Respondent's license (no. 5543-15) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:


A Member of the Board

1-8-14
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN A. PETTY, D.D.S.,
RESPONDENT.

:
:
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:
:

STIPULATION

0002930

Division of Legal Services and Compliance¹ Case No. 12 DEN 021

Respondent John A. Petty, D.D.S., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Dentistry Examining Board (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.

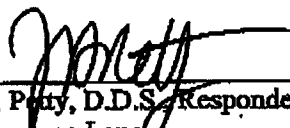
¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

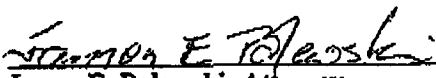
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



John A. Petty, D.D.S., Respondent
8637 Saratoga Lane
Eden Prairie, MN 55347
License no. 5543-15

Dec 13, 2013
Date



James E. Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Dec 3, 2013
Date