

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

SHANNON M. DWYER,
RESPONDENT.

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ADMINISTRATIVE INJUNCTION

ORDER 0002962

Division of Legal Services and Compliance Case No. 13 UNL 084

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

Ms. Shannon M. Dwyer
6130 Blueberry Road
Allentown, WI 53002

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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

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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent, Shannon M. Dwyer, is not and has never been licensed to practice veterinary medicine in the state of Wisconsin.

2. On or about March 2013, through August 2013, Respondent provided ultrasound services to identify pregnancy in dairy cattle, and to identify ovarian structures, such as ovarian cysts, corpus luteum, and follicles.

3. Respondent was not engaged in the practice of pregnancy examination of animals before February 11, 2013.

4. Respondent provided the services identified in paragraph 2 for compensation.
5. Respondent states that she no longer engages, for compensation, in the practices identified in paragraph 2.
6. Respondent states that she was unaware that licensure was required for the activities identified in paragraph 2, in part because she was educated in the practice at a public university in Wisconsin. Respondent previously engaged in the practice in a state in which it was permissible. The Department is unaware of any situation in which Respondent practiced the above acts incompetently.
7. Respondent knows, understands and agrees that she may not provide the services identified in paragraph 2 for compensation, whether direct or indirect, unless and until she is licensed to practice veterinary medicine.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).
2. Pursuant to Wis. Stat. § 453.02(6) “to practice veterinary medicine” means:

To examine into the fact or cause of animal health, disease or physical condition, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.
3. Pursuant to Wis. Stat. § 453.05, subject to statutory exceptions that are inapplicable to the instant case, a license is required to practice veterinary medicine.
4. The conduct set out in paragraph 2 in the Findings of Fact, above, constitutes the practice of veterinary medicine for which licensure is required.
5. Respondent has violated the licensure requirements set out in Wis. Stat. § 453.05.

ORDER

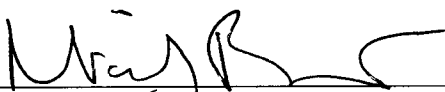
1. The attached stipulation is accepted.
2. Unless and until Respondent is properly licensed by the Wisconsin Veterinary Examining Board, Respondent is enjoined and prohibited from the practice of veterinary

medicine in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 23rd day of January, 2014.

By: 
Michael J. Berndt, Chief Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

SHANNON M. DWYER,
RESPONDENT.

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:
:
:

STIPULATION
ORDER 0002962

Division of Legal Services and Compliance Case No. 13 UNL 084

Respondent Shannon M. Dwyer 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 Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

5. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

6. Respondent is informed that should the Department adopt this Stipulation, the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

7. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.

Shannon M. Dwyer, Respondent
6130 Blueberry Road
Allenton, WI 53002-0505

Shannon M. Dwyer

Date

1-15-14

Sandra L. Nowack
Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services

Date

1/20/14
SNW
1/20/14

P.O. Box 7190
Madison, WI 53707-7190