

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 PETITION FOR AN
ADMINISTRATIVE INJUNCTION
INVOLVING

NOEMI LARES,
RESPONDENT.

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ADMINISTRATIVE INJUNCTION

0003225

Division of Legal Services and Compliance Case No. 13 UNL 076

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

Noemi Lares
1517 South Grand Avenue
Waukesha, WI 53189

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, Noemi Lares, is not and has never been licensed to practice dentistry in the state of Wisconsin. Respondent's address is 1517 South Grand Avenue, Waukesha, Wisconsin 53189.

2. On August 22, 2013, Respondent admitted to Waukesha Police Department (WPD) that she had been performing orthodontic dentistry by putting on and adjusting braces in her residence for approximately six (6) months without a license to practice dentistry.

3. Wisconsin Statute § 447.01(8), defines “dentistry” as:

the examination, diagnosis, treatment, planning or care of conditions within the human oral cavity or its adjacent tissues and structures.

4. Respondent admitted she has never held a license to practice dentistry, but worked as an assistant in a dental office and had experience tying, untying and placing brackets for braces under the supervision of a licensed dentist.

5. On August 29, 2013, WPD executed a search warrant at Respondent’s residence. The basis for the search warrant was a complaint received by WPD that Respondent was performing orthodontic dentistry out of her house.

6. During the search warrant, WPD took possession of (1) pre-welded bands, (2) orthodontic ligature ties, (3) orthodontic tools, (4) orthodontic spool elastic power chain, (5) bonding agents, (6) orthodontic racket braces, and (7) a scheduling book.

7. On April 2, 2014, in Waukesha County Circuit Court Case No. 2013CF363, Respondent was charged with the crimes of: child abuse—recklessly causing great bodily harm, in violation of Wis. Stat. § 948.03(3)(a); and practicing dentistry without a license, in violation of Wis. Stat. § 447.03(1)(a).

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 special order pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 447.03(1)(a), no person may practice or offer to practice dentistry unless he or she is licensed to practice dentistry.

3. The conduct described above constitutes the unlicensed practice of dentistry, contrary to Wis. Stat. § 447.03(1)(a).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a dentist by the Wisconsin Dentistry Examining Board, Respondent is enjoined and prohibited from the practice of dentistry 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 15th day of May, 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 A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION INVOLVING :
NOEMI LARES, :
RESPONDENT. :

STIPULATION

0003225

Division of Legal Services and Compliance Case No. 13 UNL 076

Respondent Noemi Lares, 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 neither admits nor denies the allegations, but agrees that the Findings of Fact are sufficient to justify the Conclusions of Law and Order attached and has consented to entry of this Order of Injunction

4. 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.

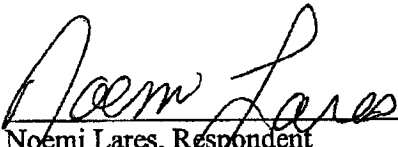
5. Respondent agrees to the adoption of the attached Order of Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Order of Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the 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 Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department 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 for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation; the Department's Order of Injunction 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 Department adopt this Stipulation and issue the attached Final Decision and Order.



Noemi Lares, Respondent
1517 South Grand Avenue
Waukesha, WI 53189

3-29-14

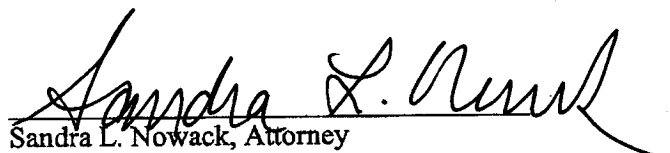
Date



Joseph Dorlack, Attorney for Respondent
Joseph Dorlack Law Offices
1535 East Racine Avenue
Waukesha, WI 53186

3/29/14

Date



Sandra L. Nowack, Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

5/13/14

Date