

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HEATHER M. DAVIDSON, D.C.,
RESPONDENT.

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:

FINAL DECISION AND ORDER

0003517

Division of Legal Services and Compliance Case No. 12 CHI 016

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

Heather M. Davidson, D.C.
21075 Swenson Dr. # 700
Waukesha, WI 53186

Wisconsin Chiropractic Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
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 Chiropractic Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Heather M. Davidson, D.C. (dob July 4, 1982) is licensed in the state of Wisconsin to practice chiropractic, having license number 4465-12, first issued on January 8, 2009 and current through December 14, 2014. On June 10, 2011, Respondent was granted a nutritional counseling certificate. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 21075 Swenson Drive # 700, Waukesha, Wisconsin 53186.

2. At all times relevant to this action, Respondent was a co-owner of and practiced chiropractic at Davidson Family Chiropractic located in Waukesha, Wisconsin.

3. A website for Davidson Family Chiropractic at www.maxhealthradio.com contained the statement that Respondent and Jason W. Davidson, D.C. are "official team chiropractors" and "performance providers" for USA Judo, USA Wrestling, and USA weightlifting.

4. Respondent and Davidson Family Chiropractic do not and have not provided any chiropractic treatment or services at any sanctioned athletic event to any members of USA Judo, USA Wrestling, and USA Weightlifting.

5. The claims that Respondent and Jason W. Davidson, D.C. are "official team chiropractors" and "performance providers" for USA Judo, USA Wrestling, and USA Weightlifting falsely imply that the Davidsons have been specially selected by the named teams to routinely provide chiropractic treatment and athletic performance coaching to members of sports teams that represent the United States in international competition.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Heather M. Davidson, D.C. violated Wis. Stat. §§ Chir 6.02(15)(a) and (e) by advertising in a manner which is false, deceptive, or misleading.

3. As a result of the above violations, Heather M. Davidson, D.C. is subject to discipline pursuant to Wis. Stat. § 446.03(5).

ORDER

1. The attached Stipulation is accepted.

2. Heather M. Davidson, D.C., (license number 4465-12) is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Heather M. Davidson, D.C. shall pay COSTS of this matter in the amount of \$1,000.00.

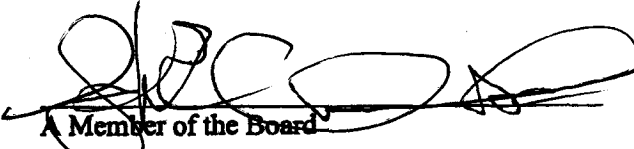
4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

5. 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. 4465-12) 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.

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

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: 
A Member of the Board

2/6/14
Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HEATHER M. DAVIDSON, D.C.,
RESPONDENT

STIPULATION

0003517

Division of Legal Services and Compliance Case No. 12 CHI 016

Respondent Heather M. Davidson, D.C. 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.

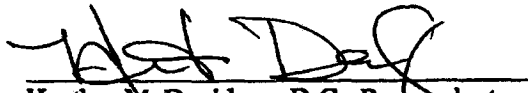
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by attorney A. John Richter.

4. Respondent agrees to the adoption of the attached Administrative Warning by the Wisconsin Chiropractic Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Administrative Warning 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.

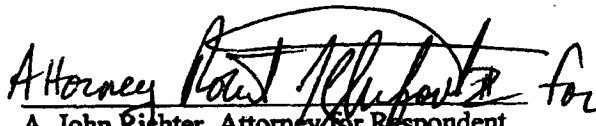
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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 or Respondent's attorney, 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 Administrative Warning.

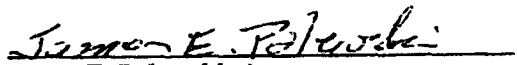
7. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Administrative Warning.


Heather M. Davidson, D.C., Respondent
21075 Swenson Dr. # 700
Waukesha, WI 53186
License no. 4465-12

9/18/14
Date


A. John Richter, Attorney for Respondent
Reinhart, Boerner, Van Deuren, SC
1000 N. Water St., Ste 1700
Milwaukee, WI 53202

9/22/14
Date


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

September 10, 2014
Date