

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

KENNETH A. HOWARD, D.C.,
RESPONDENT.

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FINAL DECISION AND ORDER
DHA case SPS 15-0047

0004116

Division of Legal Services and Compliance Case No. 13 CHI 019

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

Kenneth A. Howard, D.C.
309 W. Silver Spring Dr.
Glendale, WI 53217

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 Division of Legal Services and Compliance commenced this proceeding by filing a disciplinary complaint on May 7, 2015. Administrative Law Judge Jennifer Nashold scheduled a prehearing conference for June 8, 2015. On May 29, 2015, Linda V. Meagher, an attorney member of Gonzalez, Saggio & Harlan LLP, filed a notice of appearance on behalf of Respondent Kenneth A. Howard, D.C.

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 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 Kenneth A. Howard, D.C., (dob December 30, 1964) is licensed in the state of Wisconsin to practice chiropractic, having license number 2337-12, first granted on June

30, 1988, and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 309 W. Silver Spring Drive, Glendale, Wisconsin 53217.

2. At all times relevant to this action, Respondent practiced chiropractic at Med Alliance Wellness Center, located at 309 W. Silver Spring Drive, Glendale, Wisconsin 53217.

3. During April 2013, Respondent authorized print advertisements for his chiropractic practice that indicated that Respondent is a doctor. The advertisements did not indicate that Respondent is a chiropractor.

4. During April 2013, and continuing through April 2015, Respondent advertised that he performed "belly fat reduction" and body contouring by laser application as an alternative to diet, surgery, or exercise.

5. At various times between April 2013 and May 2015, Respondent provided laser application to patients to reduce the size of fat deposits and change the contours of their bodies.

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, Respondent violated Wis. Admin. Code § Chir 3.06, by using the title "doctor" without using "chiropractor" immediately after the name.

3. By violating Wis. Admin. Code § Chir 3.06, Respondent has violated a valid rule of the Board, which constitutes unprofessional conduct as defined by Wis. Admin Code § 6.02(25).

4. By providing and advertising fat reduction by application of laser, Respondent practiced beyond the scope of a license issued by the board and has engaged in unprofessional conduct as defined by Wis. Admin. Code § Chir 6.02(4).

5. As a result of the above violations, Kenneth A. Howard, D.C. is subject to discipline pursuant to Wis. Stat. § 446.03(5).

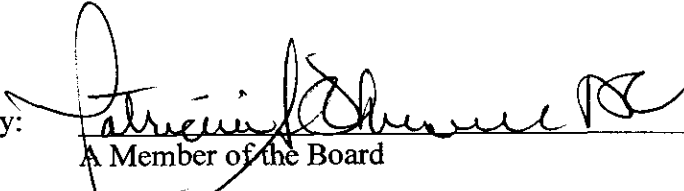
ORDER

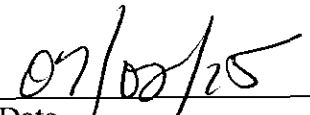
1. The attached Stipulation is accepted.

2. Respondent Kenneth A. Howard, D.C., is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1868.50.
4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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, including failure to pay costs as ordered, 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 costs as ordered, Respondent's license (no. 2337-12) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and printed the retraction.
6. This Order is effective on the date of its signing.

WISCONSIN CHIROPRACTIC EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENNETH A. HOWARD, D.C.,
RESPONDENT.

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STIPULATION
DHA case SPS 15-0047

0004116

Division of Legal Services and Compliance Case No. 13 CHI 019

Respondent Kenneth A. Howard, 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 Linda V. Meagher.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Chiropractic 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.

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.

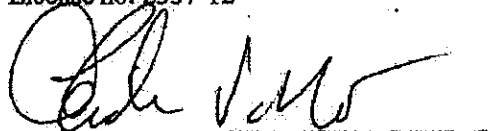
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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 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.

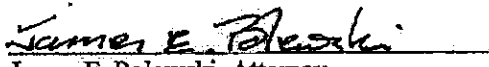
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Kenneth A. Howard, D.C., Respondent
309 W. Silver Spring Dr.
Glendale, WI 53217
License no. 2337-12

6/16/15
Date


Linda V. Meagher, Attorney for Respondent
Gonzales Saggio & Harlan LLP
111 E. Wisconsin Ave. Ste 1000
Milwaukee, WI 53202

6/17/2015
Date


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

6/11/2015
Date