

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 :
 : FINAL DECISION AND ORDER
JOSEPH M. LABELLA, D.D.S., :
RESPONDENT. : 0004122

Division of Legal Services and Compliance Case No. 14 DEN 096

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

Joseph M. LaBella, D.D.S.
1508 New Pinery Rd.
Portage, WI 53901

Wisconsin Dentistry 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 Wisconsin Dentistry 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 Joseph M. LaBella, D.D.S., (DOB January 11, 1959) is licensed in the state of Wisconsin to practice dentistry, having license number 3744-15, first granted on January 23, 1987 and current through September 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1508 New Pinery Road, Portage, Wisconsin 53901.
2. The Board has opened an investigation pertaining to Respondent's practice of dentistry.

3. The allegations at issue concern Respondent's personal health, patient care, CPR certification and continuing education relevant to the practice of dentistry.

4. Respondent neither admits nor denies the allegations but has elected to retire from the practice of dentistry. Without any admission of wrongdoing, Respondent acknowledges that facts exist to support the following Conclusions of Law and consents to entry of the Conclusions of Law and Order below.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.07(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent engaged in unprofessional conduct as defined Wis. Admin. Code §§ DE 5.02(1), (2), (4), (6), (24) and Wis. Stat. § 447.056(1).

3. As a result of the above violations, Joseph M. LaBella, D.D.S., is subject to discipline pursuant to Wis. Stat. §§ 447.07(3)(a) and (f).

ORDER

1. The attached Stipulation is accepted.


2. The surrender of the license to practice dentistry issued by the State of Wisconsin to Respondent Joseph M. LaBella, license (number 3744-15) is hereby accepted as Respondent's permanent relinquishment of his authorization to practice dentistry in the state of Wisconsin.

3. Respondent shall immediately mail all indicia of licensure to the following:

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:  7/8/15
A Member of the Board Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
JOSEPH M. LABELLA, D.D.S., :
RESPONDENT. :
 : 0004122

Division of Legal Services and Compliance Case No. 14 DEN 096

Respondent Joseph M. LaBella, 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. Respondent is represented by Patrick Sullivan.

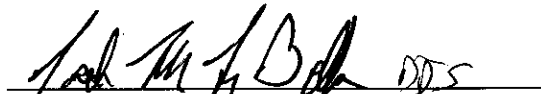
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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.

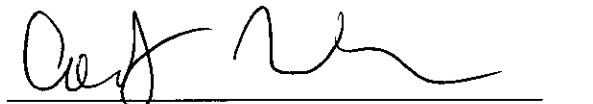
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Joseph M. LaBella, D.D.S., Respondent
1508 New Pinery Rd.
Portage, WI 53901
License no. 3744-15

4-13-15
Date


Patrick Sullivan, Attorney for Respondent
Siesennop & Sullivan Attorneys at Law
200 N. Jefferson St.
Milwaukee, WI 53202

5/22/15
Date


Cody Wagner, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 261-0116
Fax (608) 266-2264
cody.wagner@wisconsin.gov

5/27/15
Date