

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 A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION :
INVOLVING :
: ADMINISTRATIVE INJUNCTION
DANIEL E. CLARK, :
RESPONDENT. :

0004436

Division of Legal Services and Compliance Case No. 13 UNL 111

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

Daniel E. Clark
5310 W. Bluemound Road
Milwaukee, WI 53208

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 Daniel E. Clark (DOB September 8, 1955) is not and has never been licensed to practice medicine and surgery in the state of Wisconsin.
2. Respondent has used the name "Doc Feelgood" and until recently, maintained a website at www.doc-feelgood.com.
3. Upon information and belief, while working under the name "Doc Feelgood," Respondent has applied a combination of sports medicine and massage therapy techniques at

various locations within Wisconsin to diagnose and treat joint and tendon issues, and other orthopedic issues.

4. In approximately May 2015, Respondent opened Synergy Werks located at 5310 W. Bluemound Road, Milwaukee, WI, and uses the term “Doc Feel Good – Synergy Works.”

5. A website associated with Doc Feel Good – Synergy Werks states Respondent uses sports medicine in conjunction with a holistic modality to help in alleviating pain.

6. Respondent denies he has engaged in the unlicensed practice of medicine and surgery, but in order to resolve this matter agrees to this Administrative Injunction.

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. The conduct described in the Findings of Fact above may constitute the unlicensed practice of medicine and surgery, contrary to Wis. Stat. § 448.03(1)(a).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice medicine and surgery by the Wisconsin Medical Examining Board, Respondent is enjoined and prohibited from the practice of medicine and surgery 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).

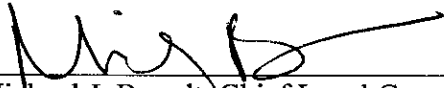
3. Unless and until Respondent is properly licensed to practice medicine and surgery by the Wisconsin Medical Examining Board, Respondent is enjoined from referring to himself in any way that would make someone believe he is licensed to practice medicine and surgery. This includes, but is not limited to, Respondent’s use of the terms “doc,” “dr.,” and/or “doctor” in person, print advertising, business cards, internet website advertising and/or signage.

4. Unless and until Respondent is properly licensed to practice medicine and surgery by the Wisconsin Medical Examining Board, Respondent is enjoined from stating or inferring that he has received medical training or has practiced as a sports medicine physician.

5. 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 16th day of December, 2015.

By: 

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

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

DANIEL E. CLARK,
RESPONDENT.

:
:
:
:

STIPULATION

0004436

Division of Legal Services and Compliance Case No. 13 UNL 111

Respondent David Clark, 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 Thomas Kyle.

4. Respondent agrees to the adoption of the attached Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

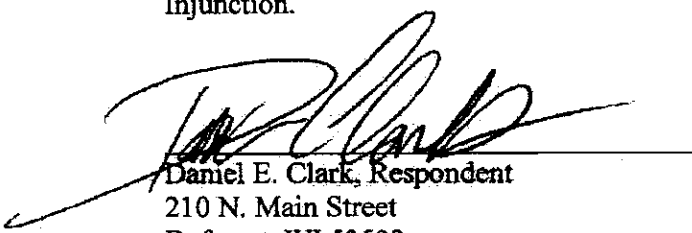
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

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 Administrative 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 Administrative Injunction.


Daniel E. Clark, Respondent
210 N. Main Street
Deforest, WI 53532

12/14/15
Date


Thomas Kyle, Attorney for Respondent
Hupy and Abraham, S.C.
111 East Kilbourn Ave., Suite 1100
Milwaukee, WI 53202

12/14/15
Date


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

12/16/15
Date