

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
RICHARD A. ARBETTER, D.P.M., :
RESPONDENT. : 0004781

Division of Legal Services and Compliance Case No. 16 POD 001

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

Richard A. Arbetter, D.P.M.
10125 W. North Avenue
Wauwatosa, WI 53226

Wisconsin Podiatry Affiliated Credentialing 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 Podiatry Affiliated Credentialing 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 Richard A. Arbetter, D.P.M. (DOB August 8, 1944), is licensed in the state of Wisconsin to practice podiatric medicine and surgery, having license number 354-25, first issued on July 13, 1971, with registration current through October 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 10125 W. North Avenue, Wauwatosa, Wisconsin 53226.

2. On December 22, 2015, Respondent allegedly had inappropriate contact with a patient. Respondent denies the alleged conduct, which is the subject of Ozaukee County Circuit Court case number 16-CF-003.

3. Respondent wishes to retire from the practice of podiatric medicine and surgery, and therefore consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Podiatry Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.675(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The Board accepts the permanent VOLUNTARY SURRENDER of Richard A. Arbetter, D.P.M.'s Wisconsin license to practice podiatric medicine and surgery (license no. 354-25) and any appurtenant right to renew that license, effective the date of this Order.

3. If Respondent ever seeks any license under Wis. Stat. chs. 440-480, he shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$240.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

4. If applicable, payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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. This Order is effective on the date of its signing.

WISCONSIN PODIATRY AFFILIATED CREDENTIALING BOARD

by:

William Weis, DPM
A Member of the Board

6/28/16
Date

STATE OF WISCONSIN
BEFORE THE PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD A. ARBETTER, D.P.M.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004781

Division of Legal Services and Compliance Case No. 16 POD 001

Respondent Richard A. Arbetter, D.P.M., 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 David Geraghty.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Podiatry Affiliated Credentialing 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, 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.

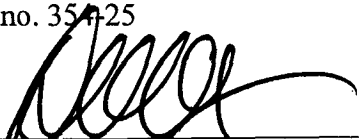
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Richard A. Arbetter, D.P.M., Respondent
10125 W. North Avenue
Wauwatosa, WI 53226
License no. 35725

5-1-16

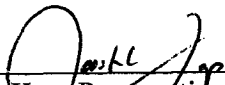
Date



David Geraghty, Attorney for Respondent
Geraghty Law Offices
2300 Mayfair Road, Suite 470
Milwaukee, WI 53226

5-16-16

Date



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

5/10/16

Date