

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EMMANUEL J. FANTONE, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004820

Division of Legal Services and Compliance Case No. 15 MED 452

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

Emmanuel J. Fantone, M.D.
2617 W. Bullard Avenue
Fresno, CA 93711

Wisconsin Medical 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 Medical 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 Emmanuel J. Fantone, M.D. (DOB April 28, 1956), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 32444-20, first issued on July 24, 1991, with registration expired on October 31, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2617 W. Bullard Avenue, Fresno, California 93711.

2. Respondent has the right to automatically renew his Wisconsin registration to practice medicine and surgery until October 31, 2018.

3. Respondent was the subject of proceedings before the Medical Board of California and in the Superior Court of California involving Respondent's alleged illegal use and possession of controlled substances.

4. Respondent has not practiced medicine and surgery in Wisconsin since 1994 and has no intention of doing so in the future. Therefore, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), 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 PERMANENT VOLUNTARY SURRENDER by Emmanuel J. Fantone, M.D., of the right renew his license to practice medicine and surgery in the state of Wisconsin (license no. 32444-20), is hereby accepted, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of his right to practice medicine and surgery in the state of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice medicine and surgery in the state of Wisconsin.

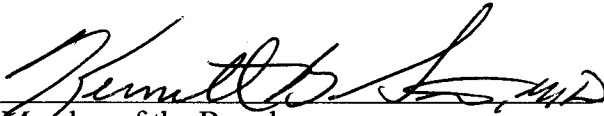
4. If Respondent ever seeks any other license under Wis. Stat. chs. 440-480, Emmanuel J. Fantone, M.D., shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$320.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

5. If applicable, payment of costs would 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

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

7/20/16
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EMMANUEL J. FANTONE, M.D.,
RESPONDENT.

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STIPULATION

0004820

Division of Legal Services and Compliance Case No. 15 MED 452

Respondent Emmanuel J. Fantone, M.D., 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 Peter Osinoff.

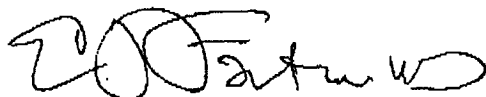
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.

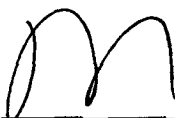
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



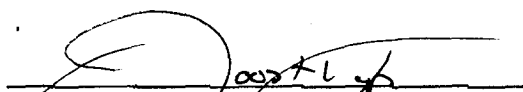
Emmanuel J. Fantone, M.D., Respondent
2617 W. Bullard Avenue
Fresno, CA 93711
License no. 32444-20

06/08/16
Date



Peter Osinoff, Attorney for Respondent
Bonne, Bridges, Mueller, O'Keefe & Nichols
3699 Wilshire Boulevard, Tenth Floor
Los Angeles, CA 90010-2719

6/8/16
Date



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

7/5/16
Date