

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

MICHAEL S. LAFRATTA, D.D.S.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005863

Division of Legal Services and Compliance Case 17 DEN 079

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

Michael S. LaFratta, D.D.S.
N9187 East Shore Road
East Troy, WI 53120

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 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 Michael S. LaFratta, D.D.S., (DOB: September 26, 1953) is licensed in the state of Wisconsin to practice dentistry, having license number 5001794-15, first issued on June 13, 1977, and current through March 31, 2018. Effective April 1, 2018, Dr. LaFratta

withdrew his request to renew his license.¹ As such, the Respondent's license became inactive on April 1, 2018. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until March 31, 2023.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N9187 East Shore Road, East Troy, Wisconsin 53120.

3. At all times relevant to this proceeding, Respondent was employed as a dentist at a dental clinic (Clinic) he co-owned, located in Waukesha, Wisconsin.

4. In Dane County Circuit Court, the Wisconsin Departments of Revenue and Justice alleged that Respondent intentionally misreported income he earned and/or generated as a dentist on his and/or the Clinic's taxes between June 2008 and July 2012.

5. On September 19, 2017, an amended judgment of conviction was entered in Dane County Circuit Court, case number 2016CF1905, of one (1) count of Fraud/Rendering Income Tax Return (relating to a 2011 tax return), as a party to a crime, a Class H felony, in violation of Wis. Stat. § 71.83(2)(b)1.

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

2. The Respondent possesses a five (5) year right to renew his license, following expiration of that license, pursuant to Wis. Stat. § 440.08(3).

ORDER

1. The attached Stipulation is accepted.

2. The PERMANENT SURRENDER of Respondent's five (5) year right to renew his license to practice dentistry in the state of Wisconsin, license number 5001794-15, is accepted.

3. Respondent may never petition the Board for renewal or reinstatement of his license to practice dentistry in the state of Wisconsin.

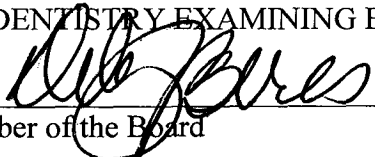
¹ Respondent's license was scheduled to expire on September 30, 2017. Respondent submitted a timely request to renew and payment of the applicable fee. As of March 31, 2018, the Board had not acted to accept or deny the Respondent's request to renew. Pursuant to Wis. Stat. § 227.51(2), the Respondent's license to practice dentistry in Wisconsin remains active until the Board acts upon the request to renew (or the Respondent withdraws his request to renew).

4. Should Respondent ever petition for renewal or reinstatement of his license to practice dentistry in the state of Wisconsin, the Board may summarily reject the petition without providing further reason. The decision to summarily reject the petition lies within the sole discretion of the Board and is not reviewable.

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

WISCONSIN DENTISTRY EXAMINING BOARD

by:


A Member of the Board

9-5-18
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL S. LAFRATTA, D.D.S.,
RESPONDENT.

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STIPULATION

0005863

Division of Legal Services and Compliance Case No. 17 DEN 079

Respondent Michael S. LaFratta, 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 Attorney James Walrath.

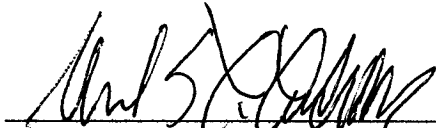
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

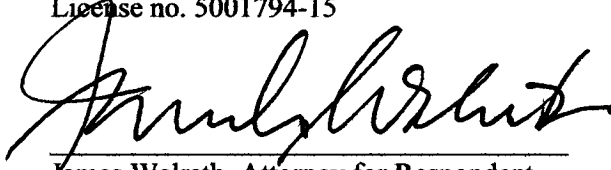
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Michael S. LaFratta, D.D.S., Respondent
N9187 East Shore Road
East Troy, WI 53120
License no. 5001794-15

6/19/18


Date



James Walrath, Attorney for Respondent
Zetley Law Offices
324 East Wisconsin Avenue
Suite 1400
Milwaukee, WI 53202

6/26/18

Date



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

6/27/18

Date