

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

ROBERT J. HOZESKA,
RESPONDENT.

:
:
: ADMINISTRATIVE INJUNCTION
:

ORDER 0006790

Division of Legal Services and Compliance Case No. 18 UNL 073

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

Robert J. Hozeska
Hartford, WI 53027

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

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 Robert J. Hozeska was licensed to practice chiropractic in the state of Wisconsin, under credential number 2410-12, first issued on February 23, 1989, and expired on December 14, 2012.
2. Respondent's credential was suspended in 2013 due to a tax delinquency.
3. On June 26, 2017, the right to renew Respondent's credential was revoked by the Chiropractic Examining Board. The credential has not been reinstated.

4. On August 14, 2018, the Department received a complaint that Patient A was injured by Respondent while receiving chiropractic care.

5. In his response to the complaint, Respondent admitted to practicing chiropractic and provided Patient A's treatment records dated April 17, April 24, and May 1, 2018.

6. On March 5, 2020, an anonymous phone call was placed to Respondent by a Department attorney and investigator. Respondent admitted to accepting new patients for chiropractic care. Respondent stated he charges \$30 for a treatment session.

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. Pursuant to Wis. Stat. § 446.01(2)(a) and (b), the practice of chiropractic is defined as to examine into the fact, condition, or cause of departure from complete health and proper condition of the human; to treat without the use of drugs as defined in Wis. Stat. § 450.01(10), other than hemp, as defined under Wis. Stat. § 94.55(1), or surgery; to counsel; to advise for the same for the restoration and preservation of health or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect or in expectation thereof; and to employ or apply chiropractic adjustments and the principles or techniques of chiropractic science in the diagnosis, treatment or prevention of any of the conditions described in Wis. Stat. § 448.01(10).

3. Pursuant to Wis. Stat. § 446.02(1)(a), no person may engage in the practice of chiropractic or attempt to do so or hold himself or herself out as authorized to do so, unless such person is licensed by the examining board.

4. The conduct described in the Findings of Fact above constitutes the unlicensed practice of chiropractic, contrary to Wis. Stat. § 446.02(1)(a).

ORDER

1. The attached stipulation is accepted.

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

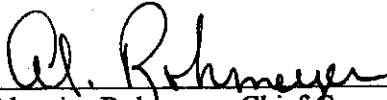
3. Unless and until Respondent is properly licensed to practice chiropractic by the Wisconsin Chiropractic Examining Board, Respondent is enjoined and prohibited from holding himself out as authorized to practice chiropractic in the state of Wisconsin. Violation of this

special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

4. 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 12th day of May, 2020.

By: 
Aloysius Rohmeyer, Chief Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

ROBERT J. HOZESKA,
RESPONDENT.

:
:
: STIPULATION
:
:

ORDER 0006790

Division of Legal Services and Compliance Case No. 18 UNL 073

Respondent Robert J. Hozeska 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.

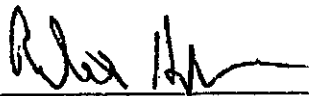
4. Respondent agrees to the adoption of the attached Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent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

5. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of

Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

6. 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.


7. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.



Robert Hozeska, Respondent
Hartford, WI 53027

4/22/20

Date



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

April 28, 2020

Date