

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR A	:	
DENTIST LICENSE	:	
	:	ORDER GRANTING
	:	LIMITED LICENSE
GARY HEDIN,	:	
APPLICANT.	:	<b>ORDER 0007105</b>

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

Gary Hedin  
Duluth, MN 55812

Wisconsin Dentistry Examining Board  
Department of Safety and Professional Services  
4822 Madison Yards Way  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this application. The Wisconsin Dentistry Examining Board (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about February 10, 2020, Gary Hedin (Applicant) filed an application (number 710528) for a Wisconsin Dentist license.

2. Information received in the application process reflects that Applicant has the following conviction and out of state discipline:

- a. February 20, 2020 – Failure to account for and pay employment taxes (Fel.) – U.S. District Court – District of Minnesota Case No. 0:19-CR-00252-PJS(1).
  - i. Although Applicant caused employment taxes to be withheld from the wages of his dental practice's employees for tax years 2012-2017, he failed to file his practice's Quarterly Federal Tax Returns in a timely manner and failed to pay over employment taxes totaling nearly \$160,000, excluding interest and penalties, due to the Internal Revenue Service. Applicant instead used those monies to fund a lavish lifestyle, including vacations, adult entertainment, membership in private social clubs, and jewelry purchases.

- b. December 20, 2019 – Reprimand, \$10,000 civil penalty, completion of a Professional Ethics and Boundaries Program and 30 hours of community service – Minnesota Board of Dentistry.
          - i. Conduct in U.S. District Court – District of Minnesota Case No. 0:19-CR-00252-PJS(1) constituted violations of Minnesota Statutes s. 150A.081(1),(2),(3) and (6) and Minnesota Rules 3100.6200A.
3. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.07(3) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
2. Pursuant to Wis. Stat. § 447.07(3)(a), the Board may deny or limit a license if Applicant has engaged in unprofessional conduct or violated the standards of conduct established by the examining board under s. 447.02(2)(g).
3. Pursuant to Wis. Admin. Code § DE 5.02(8), unprofessional conduct includes obtaining or attempting to obtain any compensation by fraud.
4. Pursuant to Wis. Admin. Code § DE 5.02(14), unprofessional conduct includes having a license, certificate, permit, or registration granted by another state to practice as a dentist limited, suspended or revoked, or subject to any other disciplinary action.
5. Pursuant to Wis. Admin. Code § DE 5.02(15), unprofessional conduct includes violating any law or being convicted of a crime the circumstances of which substantially relate to the practice of a dentist.
6. Pursuant to Wis. Stat. § 447.07(3)(e), the Board may deny or limit a license if Applicant has, subject to ss. 111.321, 111.322, and 111.335, been convicted of a crime, the circumstances of which substantially relate to the practice of dentistry.
7. Pursuant to Wis. Stat. § 111.335(3)(a)1., it is not employment discrimination because of conviction record to refuse to license any individual if the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity.
8. A substantial relationship occurs where “the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed.” *County of Milwaukee v. Labor & Indus. Review Comm’n*, 139 Wis. 2d 805, 824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

- a. A solo Dentistry practitioner is put in a position of responsibility and trust with employees and patients.
- b. Applicant's conviction record shows a pattern of criminal exploitation for personal benefit when placed in a position of responsibility and trust.

9. By the conduct described in the Findings of Fact, Applicant engaged in unprofessional conduct pursuant to Wis. Admin. Code § DE 5.02(8), (14) and (15).

10. By the conduct described in the Findings of Fact, Applicant was convicted of a crime, the circumstances of which substantially relate to the practice of dentistry pursuant to Wis. Stat. § 447.07(3)(e).

### ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Dentist license are necessary to ensure that he is fit and competent to safely practice as a Dentist.
3. Applicant's application for a Dentist license is granted subject to the following limitations.
4. Applicant's ability to practice dentistry in the state of Wisconsin is LIMITED as follows:
  - a. Applicant shall comply with all the terms of his probation in U.S. District Court - District of Minnesota Case No. 0:19-CR-00252-PJS(1).
  - b. Applicant shall arrange for quarterly written reports to be submitted to the Department of Safety and Professional Services Monitor (Department Monitor) from his probation agent. These reports shall assess Applicant's compliance with all the terms of his probation in U.S. District Court - District of Minnesota Case No. 0:19-CR-00252-PJS(1). If a report indicates non-compliance with any of the terms of his probation, the Board may institute additional limitations on Applicant's Dentist license, in its discretion. The first report pursuant to this limitation shall be due 90 days from the date of this Order.
  - c. Within 90 days of the date of this Order, Applicant shall take, at his own expense, and successfully complete six (6) hours of professional ethics education.
    - i. Any education attended in satisfaction of this limitation must be offered by a provider pre-approved by the Board or its designee. Applicant shall be responsible for locating education that is satisfactory to the Board and for obtaining the required approval of

the education from the Board or its designee. Applicant must take and pass any exam(s) offered for the education.

- ii. Applicant shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board.
- d. Applicant shall report to the Board any change of residence, address or telephone number within five (5) days of the date of change.
- e. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.

5. Applicant may petition the Board for full licensure following successful completion of his probation in U.S. District Court - District of Minnesota Case No. 0:19-CR-00252-PJS(1). Any petition shall be accompanied by an official release document from his probation agent or the applicable department of corrections. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

6. Any reports, requests for education approval, proof of successful education completion, petitions, and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

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](mailto:DSPSMonitoring@wisconsin.gov)

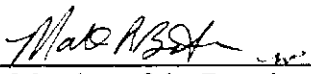
You may also submit this information online via DSPS' Monitoring Case management System at: <https://dpsmonitoring.wi.gov>

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew his license, may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. The Board may, in addition and/or

in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By:   
A Member of the Board

10/06/2020  
Date

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR A :  
DENTIST LICENSE :

GARY HEDIN,  
APPLICANT. :

STIPULATION

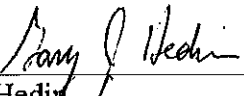
**ORDER 0007105**

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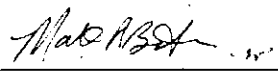
It is stipulated between Applicant and the Wisconsin Dentistry Examining Board (Board) as follows:

1. Applicant filed an application for a Dentist license.
2. Information received by the Board reflects a basis for denial of the application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a Dentist license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - the right to request a hearing related to the denial of the application;
  - the right to confront and cross-examine the witnesses against Applicant;
  - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
  - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

  
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Gary Hedlin  
Duluth, MN 55812  
Application No. 710528

9-29-20  
Date

  
\_\_\_\_\_  
A Member of the Dentistry Examining Board  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

10/06/2020  
Date