

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

JESSICA FERGUSON-STEWART,
RESPONDENT.

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ADMINISTRATIVE INJUNCTION

ORDER 0007934

Division of Legal Services and Compliance Case Nos. 21 UNL 079, and 21 UNL 083

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Jessica Ferguson-Stewart
Milwaukee, WI 53220

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, 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. Jessica Ferguson-Stewart (Respondent), (Year of Birth: 1994) is not and has never been licensed to practice dentistry or dental hygiene in the state of Wisconsin.
2. Within the past five (5) years, Respondent has advertised on various social media platforms the following:
 - a. Respondent is a dental hygienist and/or doctor.
 - b. Username of "Dr J. on Wheels."
 - c. Respondent works for Dental Office A (when she does/did not).

- d. "Composite veneer services coming soon."
- e. "3 openings for hyg Teeth cleaning this week DM 2 book."
- f. Pictures of Respondent in a lab coat with Dental Office A's artwork and logo in the background.
- g. "Yall been asking Now adding tooth replacement to the list starting at \$225."
- h. "Holiday Bonanza" for deals on teeth whitening, gems, grillz (sic), and composite veneers.

3. On July 28, 2020, Respondent organized an LLC named "Dr. J On Wheels LLC" with the Wisconsin Department of Financial Institutions.

4. In August 2021, at Respondent's business address in Brookfield, Wisconsin, Respondent affixed orthodontia brackets and bands to Patient B's teeth, in exchange for cash payment. Respondent referred to herself as "Dr. Jessica." Respondent told Patient B that she worked for Dental Office A, when she did not. Patient B found Respondent via Respondent's Facebook page. In October 2021, Patient B ended treatment with Respondent due to dissatisfaction with Respondent's services. Patient B had already paid Respondent \$1400.00. Patient B filed a police report after ending services with Respondent. The police referred Patient B to the Department.

5. In September or October 2021, during a phone call with an employee of Dental Office A, Respondent advised that she works for Dental Office A and B part time. During this same phone call, Respondent stated that she works from her own private dental suite, she only sees cash patients, and she performs prophys (short for prophylaxis)), whitening, dental gem work, grills, dental and ortho adjustments, and band changings. At the time this phone call occurred, Respondent did not work for Dental Office A or B.

6. Affixing orthodontic hardware to teeth, tooth replacement, and affixing veneers to teeth may only be performed by a licensed dentist in Wisconsin.

7. Performing prophylaxis (prophys) may only be performed by a licensed dental hygienist or dentist in Wisconsin.

8. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in these matters 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. The conduct described above constitutes the unlicensed practice of dental hygiene, contrary to Wis. Stat. § 447.03(2).

3. The conduct described above constitutes the unlicensed practice of dentistry, contrary to Wis. Stat. § 447.03(1)(a).

4. The conduct described above constitutes Respondent using the title "Dr.", and informing the public directly or indirectly orally, in writing or printing, or by drawings, demonstrations, signs, pictures or other means that she can perform or will attempt to perform dental services of any kind, contrary to Wis. Stat. §§ 447.03(1)(b) and (c).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice dentistry by the Wisconsin Dentistry Examining Board, Respondent is enjoined and prohibited from the practice of dentistry, as well as from holding herself out as a dentist or as authorized to practice dentistry, 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 dental hygiene by the Wisconsin Dentistry Examining Board, Respondent is enjoined and prohibited from the practice of dental hygiene, as well as from holding herself out as a dental hygienist, 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

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

4-20-2022
Date

RECEIVED

FEB 11 2022

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

DEPT. OF LEGAL SERVICES & COMPLIANCE
DEPT. OF SAFETY & PROFESSIONAL SERVICES

IN THE MATTER OF

JESSICA FERGUSON-STEWART,
RESPONDENT.

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:
:

STIPULATION

ORDER 0007934

Division of Legal Services and Compliance Case Nos. 21 UNL 079, and 21 UNL 083

Jessica Ferguson-Stewart (Respondent), and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. 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 Administrative Injunction by the 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 Administrative Injunction, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division for further proceedings. In the event that the Stipulation is not accepted by the

Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

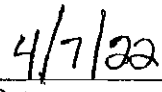
6. The parties to this Stipulation agree that the attorney for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. 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.


8. The Division joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.



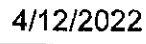
Jessica Ferguson-Stewart, Respondent
Milwaukee, WI 53220



Date



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



Date