

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

THOMAS C. KELLEY, D.D.S.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008143

Division of Legal Services and Compliance Case No. 21 DEN 015

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

Thomas C. Kelley, D.D.S.
Brookfield, WI 53045

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 Thomas C. Kelley, D.D.S., (Year of Birth 1970) is licensed in the state of Wisconsin to practice dentistry, having license number 5257-15, first issued on July 17, 2000, and current through September 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Brookfield, Wisconsin 53045.

2. On January 29, 2021, the Department received a complaint alleging that Respondent engaged in unprofessional conduct.¹

3. On May 13, 2021, the Department requested that Respondent provide documentation of continuing education (CE) completed during the biennium preceding his last renewal. At that time, Respondent's last renewal was on August 14, 2019, so the request was for CE completed between October 1, 2017, through September 30, 2019 (the 2017-2019 biennium).

4. Respondent provided documentation of some CE completed, including 69.5 CE credits completed between October 1, 2019, and September 30, 2021 (the 2019-2021 biennium). However, none was completed during the 2017-2019 biennium.

5. On May 5, May 27, June 22, and July 6, 2022, the Department again requested that Respondent provide documentation of CE completed during the 2017-2019 biennium.

6. On July 12, 2022, Respondent stated "I have provided all the CE that I have in my possession at this time." Respondent further stated that he moved to Illinois during that time period and his computer and files were damaged/lost.

7. On August 12, 2019, when Respondent renewed his license online, he indicated that he had completed the 30 credit hours of CE as required during the two-year period preceding the renewal.

8. In resolution of this matter, Respondent 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 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Based on the Findings of Fact, Respondent committed unprofessional conduct by violating any provision of Wis. Stat. ch. 447, or any valid rule of the Board, within the meaning of Wis. Admin. Code § DE 5.02(16).

3. Based on the Findings of Fact, Respondent failed to complete 30 credit hours of continuing education related to the practice of dentistry or the practice of medicine during the 2-year period immediately preceding his 2019 renewal, within meaning of Wis. Admin. Code § DE 13.03(1).

4. Based on the Findings of Fact, Respondent failed to maintain a written record of the continuing education hours required under sub. (1) for not less than 6 years after completion of each credit, within meaning of Wis. Admin. Code § DE 13.03(10).

¹ The merits of the complaint were investigated, and it was determined that Respondent's actions that were the subject of the complaint did not rise to the level of unprofessional conduct.

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07 and Wis. Admin. Code § DE 5.02.

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$960.00.
4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted 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) 266-2112; Fax (608) 266-2264
DPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license (no. 5257-15), or Respondent's right to apply to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. 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.

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

WISCONSIN DENTISTRY EXAMINING BOARD

By: 
A Member of the Board

09-07-2022
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS C. KELLEY, D.D.S.,
RESPONDENT.

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STIPULATION

ORDER 0008143

Division of Legal Services and Compliance Case No. 21 DEN 015

Respondent Thomas C. Kelley, 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.

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

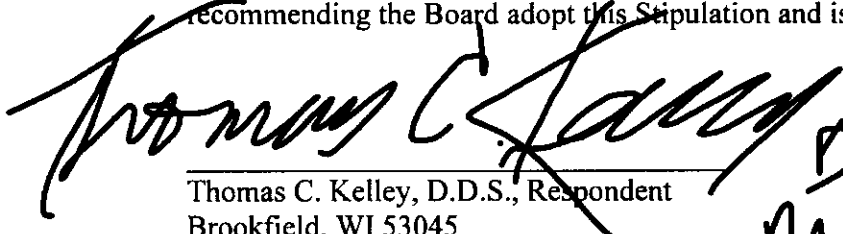
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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, 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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


Thomas C. Kelley, D.D.S., Respondent
Brookfield, WI 53045
License No. 5257-15


8.12.22

Date


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

August 15, 2022

Date