

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov



**Before the
State Of Wisconsin
Department of Safety and Professional Services**

In the Matter of a Petition for an Administrative
Injunction Involving Shaqueeda Douglas,
Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0008929**

Division of Legal Services and Compliance Case No. 22 UNL 023

The State of Wisconsin, Department of Safety and Professional Services, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Safety and Professional Services.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 22nd day of December, 2023.

Aloysius Rohmeyer DSPS Chief Legal Counsel
Member
Department of Safety and Professional Services



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of a Petition for an Administrative
Injunction Involving Shaqueeda Douglas,
Respondent.

DHA Case No. SPS-23-0032
DLSC Case No. 22 UNL 023

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Shaqueeda Douglas
1051 6th Street
Beloit, WI 53511

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 5368

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

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

PROCEDURAL HISTORY

On May 25, 2023, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed and served a Petition for an Administrative Injunction (Petition) against Shaqueeda Douglas (Respondent). The Petition alleged that the Respondent practiced dentistry without the credential required by Wis. Stat. § 447.03(1)(a) and (c).

The Respondent failed to file an answer to the Petition, as required by Wis. Admin. Code § SPS 3.08. On June 14, 2023, the undersigned administrative law judge (ALJ) scheduled a telephone prehearing conference for June 30, 2023, at 11:00 a.m. The Respondent failed to appear at the prehearing conference.

The Division moved for default based on the Respondent's failure to file an answer to the Petition and failure to appear at the prehearing conference pursuant to Wis. Admin. Code § SPS 3.13 and HA 1.07(3)(c). On July 3, 2023, the ALJ issued a Notice of Default against the Respondent and ordered the Division to file a recommended proposed decision and order by August 7, 2023.

FINDINGS OF FACT

Facts Related to the Alleged Unauthorized Practice of Dentistry

Findings of Facts 1-7 are set forth in the Division's Petitioner for an Administrative Injunction against the Respondent filed in this matter.

1. The Respondent, Shaqueeda Douglas, resides at 1051 6th Street, Beloit, Wisconsin 53511.¹ The Respondent is not and has never been licensed in the state of Wisconsin to practice dentistry.

2. On April 7, 2022, the Beloit Police Department (BPD) received a complaint that the Respondent was advertising the performing of unlicensed orthodontic services on social media, specifically, the placement of braces.

3. On April 13, 2022, the Department received a complaint that the Respondent was advertising the performing of unlicensed orthodontic services on social media. Copies of the Respondent's social media postings were provided to the Department and included the following:

- a. A photograph of the Respondent with the caption "book me."
- b. A screenshot which stated: "OMG Y'all I meant I will be in Chicago doing braces great deal but this deal is only until April is over I'm sorry I was typing to fast yall."
- c. A screenshot which stated: "If y'all want y'all braces done go to my cousin the best." This post was followed by a photograph of a male smiling with braces.

4. On May 6, 2022, BPD contacted the Respondent at her residence² to investigate the allegations. The Respondent informed BPD that she had placed braces on several individuals after completing a two-hour class. The Respondent confirmed that she placed the braces on the person depicted in the social media post referenced above.

¹ The Respondent's former residence is at 213 Caldwell Avenue, Beloit, Wisconsin.

² BPD contacted the Respondent at 213 Caldwell Avenue, Beloit, Wisconsin.

5. The Respondent informed BPD that she is no longer engaged in the activity and that she removed the social media advertising.

6. Between April 14, 2022, and August 2, 2022, the Department attempted to reach the Respondent by sending a letter to the Respondent's known mailing addresses and requesting a written response to the complaint. No response was received.

7. On September 1, 2022, the Department attempted to reach the Respondent by telephone but was unable to as the number listed for the Respondent in the BPD police report had been disconnected.

Facts Related to Default

8. On March 25, 2023, the Division served the Notice of Hearing and Petition for an Administrative Injunction on the Respondent at her last known address by both certified and regular mail. The Notice of Hearing informed the Respondent that she was required to file an answer to the Petition within 20 days and appear for a prehearing conference, failing which she would be found to be in default and a special order could be entered against her enjoining her from the continued practice of dentistry. The Respondent was further notified that violation of such special order may result in a forfeiture of not more than \$10,000 for each offense.

9. The Respondent did not file an answer to the Petition.

10. Following the expiration of the 20-day period to file an answer, the ALJ scheduled a telephone prehearing conference for June 30, 2023. The ALJ mailed the Notice of this prehearing conference to both parties and ordered the Respondent to contact the ALJ to provide a telephone number at which she could be reached no later than June 29, 2023. The Notice stated, "The Respondent's failure to appear at a scheduled conference or hearing may result in default judgment being entered against the Respondent."

11. The Respondent failed to contact the ALJ by June 29, 2023, and failed to provide a telephone number at which she could be reached for the June 30, 2023 prehearing conference.

12. On June 30, 2023, the Respondent failed to appear at the prehearing conference. Neither the ALJ nor the Division had any contact information for the Respondent other than the mailing address. The Division indicated that it had attempted to reach the Respondent at a phone number identified in police reports, and by mail, but was unsuccessful. At approximately 11:20 a.m. the prehearing conference proceeded without the Respondent. As of July 3, 2023, the Respondent had not contacted the ALJ at the telephone number or email provided by the ALJ in the Notice of Prehearing Conference.

13. On June 30, 2023, the Division moved for default based on the Respondent's failure to answer the Petition and the Respondent's failure to appear for the prehearing conference pursuant to Wis. Admin. Code §§ SPS 3.13 and HA 1.07(3)(c). The ALJ granted the Division's motion for default.

14. On July 3, 2023, the ALJ issued a Notice of Default against the Respondent and ordered the Division to file and serve a recommended Proposed Decision and Order no later than August 7, 2023.

15. The Division timely filed its recommended Proposed Decision and Order.

DISCUSSION AND CONCLUSIONS OF LAW

Jurisdictional Authority

The Department “may conduct investigations, hold hearings, and make findings as to whether a person has engaged in a practice or used a title without a credential required under chs. 440 to 480,” per Wis. Stat. § 440.21(1).

The Division of Hearing and Appeals has authority to issue the proposed decision and order pursuant to Wis Stat. § 227.43(1m) and Wis. Admin. Code § SPS 3.09.

Default

The Division properly served the Petition for Administrative Injunction and Notice of Hearing on the Respondent by mailing copies to her at her last known address. Wis. Stat. § 440.11(2). Service is complete upon mailing. Wis. Admin. Code § SPS 3.07(1).

An answer to a complaint shall be filed within 20 days from the date of service of the Complaint. Wis. Admin. Code § 3.08(4). If a respondent “fails to answer as required by s. SPS 3.08 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the department may make findings and enter an order on the basis of the petition and other evidence.” Wis. Admin. Code § SPS 3.13.

The Division of Hearings and Appeals properly served the Respondent with its notices pursuant to Wis. Admin. Code § HA 1.03 (The division may serve decisions, orders, notices, and other documents by first class mail.).

For a telephone prehearing conference, the ALJ may find a failure to appear grounds for default if any of the following conditions exist for more than 10 minutes after the scheduled time for prehearing conference: (1) the failure to provide a telephone number to the ALJ after it had been requested; (2) the failure to answer the telephone; (3) the failure to free the line for the proceeding; and (4) the failure to be ready to proceed with the prehearing conference as scheduled. Wis. Admin. Code § HA 1.07(3)(c).

Here, the Respondent failed to file an answer to the Petition for Administrative Injunction within 20 days from the date of service, in violation of Wis. Admin. Code § SPS 3.08(4). The Respondent also failed to provide a telephone number to the ALJ after it had been requested and failed to appear and participate in the prehearing telephone conference on June 30, 2023. Therefore, the Respondent is in default, and findings and an order may be entered based on the Petition.

Unauthorized Practice of Dentistry and Injunction

No person may practice or offer to practice dentistry or inform the public directly or indirectly in any language, orally, in writing or printing, or by drawings, demonstrations, signs, pictures or other means that he or she can perform or will attempt to perform dental services of any kind without a license. Wis. Stat. § 447.03(1)(a) and (c). "Dentistry" means the examination, evaluation, diagnosis, prevention, or treatment, including surgery, of diseases, disorders, or conditions of the human oral cavity or its adjacent or associated tissues and structures, or of the maxillofacial area, and their impact on the human body. Wis. Stat. § 447.01(8)(am).

The facts as stated in the Petition for Administrative Injunction are undisputed. The Respondent is not licensed as a dentist and has never been issued any credential in the state of Wisconsin to practice dentistry. Nevertheless, from at least April 7, 2022 through May 6, 2022, the Respondent advertised the performance of unlicensed orthodontic services, specifically the placement of braces, on social media. Furthermore, the Respondent confirmed to the police that she had placed braces on several individuals.

As established by the facts set forth above, the Respondent practiced dentistry without a license contrary to Wis. Stat. § 447.03(1)(a) and (c). Therefore, pursuant to Wis. Stat. § 440.21(2) and Wis. Admin. Code Ch. SPS 3, a special order enjoining the Respondent from continuing to practice dentistry until she is properly licensed in the state of Wisconsin is reasonable and warranted.


SPECIAL ORDER FOR ADMINISTRATIVE INJUNCTION

For the reasons set forth above, IT IS ORDERED:

1. Unless and until the Respondent is properly licensed as a dentist by the Wisconsin Dentistry Examining Board, she is enjoined and prohibited from the practice of dentistry and/or conveying the impression to the public, directly or indirectly, in any language, orally, in writing or printing, or by drawings, demonstrations, signs, pictures, or other means, that she is or has been a licensed dentist or any other title described in Wis. Stat. § 447.01(8)(am). Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. Wis. Stat. § 440.21(4)(a).
2. If the Department determines that there is probable cause to believe that the Respondent has violated any terms of this administrative injunction, the Department may refer violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.
3. The terms of this order are effective on the date the Final Decision and Order in this matter is signed by the Department.

Dated at Madison, Wisconsin on September 18, 2023.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
4822 Madison Yards Way, 5th Floor North
Madison, Wisconsin 53705
Tel. (414) 227-4025
Fax: (608) 264-9885
Email: angela.chaputfoy@wisconsin.gov

By: 
Angela Chaput Foy
Administrative Law Judge