

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
SCOTT C. FELLEENZ, D.V.M., :
RESPONDENT. :

0004520

Department of Agriculture, Trade and Consumer Protection Case No. 15 VET 011

The parties in this matter agree to the terms and conditions of the Stipulation, incorporated herein, as the final disposition of this matter.

Accordingly, the Wisconsin Veterinary Examining Board (the Board) adopts the Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

PARTIES

1. The Board is created and attached to the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Wis. Stat. § 15.135(5).

2. Dr. Scott C. Fellenz, D.V.M. (dob August 24, 1961) (Respondent), is licensed in the State of Wisconsin to practice veterinary medicine, having license number 2963-50, first issued on July 8, 1987, and current through December 14, 2017.

3. The Respondent's most recent address on file with the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) is N73 W13583 Appleton Avenue, Menomonee Falls, Wisconsin 53051.

FINDINGS OF FACT

4. Late in the day on February 9, 2015, Callie, a dog, presented to Respondent for difficulty urinating.

5. Through an ultrasound, Respondent determined that there were numerous uroliths in Callie's bladder and a 5 mm urolith in the urethra.

6. Respondent attempted to urohydropulse the urolith in the urethra and the bladder ruptured. Owner was notified of the complication and need for surgery.

7. Respondent performed the surgery to repair the torn bladder and remove the remaining uroliths.

8. At approximately 8:50 p.m., Respondent called Callie's owner and told her the surgery went well and that he would contact her in the morning with an update. Respondent did not give Callie's owner the option of referral to an overnight emergency care center.

9. Callie was left unattended at the clinic and passed away during the night.

CONCLUSIONS OF LAW

10. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § VE 7.06 (23), by failing to inform Callie's owner of treatment options including overnight observation and monitoring.

11. The Board has jurisdiction in this matter pursuant to Wis. Stat. § 89.07(2).

12. The Board is authorized to enter into the Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

13. The Stipulation is accepted.

14. Respondent is reprimanded.

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

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: P. C. Johnson DVM

1/25/16

Print name: P. C. Johnson DVM

Date

A Member of the Board

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: STIPULATION
SCOTT C. FELLEZ, D.V.M., :
RESPONDENT. :
: 0004520

Department of Agriculture, Trade and Consumer Protection Case No. 15 VET 011

Dr. Scott C. Fellenz, D.V.M. (Respondent) and the Wisconsin Veterinary Examining Board (the Board) stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Board. 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 Board 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 represented by Attorney Patrick O'Neil.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the

Final Decision and Order, incorporated herein, 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 proposed form.

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 Board 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 employee of the Wisconsin Department of Agriculture, Trade and Consumer Protection and any member of the Board assigned as the case 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, the case advisor may, as a member of the Board, vote on whether the Board should accept this Stipulation and issue the 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 available to the public.

Scott C. Fellenz DVM
Scott C. Fellenz, D.V.M.
N73 W13583 Appleton Ave.
Menomonee Falls, WI 53051
License no. 2963-50

1/7/16
Date

Patrick A. O'Neil
Patrick O'Neil, Attorney for Respondent
Piper, Schmidt & Wirth
732 North Jackson Street, 4th Floor
Milwaukee, WI 53202

1/12/16
Date

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: P.C. Johnson DVM
Print name: PC JOHNSON DVM
A Member of the Board

1/25/16
Date