

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS
AGAINST:

KERRI ROBERTS,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER00000025

Division of Enforcement Case File No. 09 BAC 027

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Kerri Roberts
N116 W16309 Main Street, #202
Germantown, Wisconsin 53022

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Barbering and Cosmetology 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

1. Kerri Roberts (Date of Birth: December 13, 1974) is duly licensed as a barbering or cosmetology manager in the state of Wisconsin (license #81-32809). That license was first granted on April 29, 2009, and is current through March 31, 2011. Ms. Roberts is also duly licensed as a barbering or cosmetology practitioner in the state of Wisconsin (license number 82-

85873). That license was first granted on April 27, 2006, and is current through March 31, 2011. The last address Ms. Roberts reported to the Department of Regulation and Licensing (Department) is N116 W16309 Main Street, # 202, Germantown, Wisconsin 53022.

2. On February 3, 2009, Ms. Roberts was convicted in Dodge County, Wisconsin Circuit Court of one count of Felony Child Abuse – Intentionally Cause Harm. A true and correct copy of the Criminal Complaint and Judgment of Conviction is attached as Exhibit A.

3. Ms. Roberts did not inform the Department of the conviction within 48 hours after the entry of the judgment of conviction as required by Wis. Admin. Code § RL 4.09(2). Ms. Roberts self-reported the conviction to the Department on March 3, 2009.

4. The felony crime that Ms. Roberts was convicted of substantially relates to the practice of barbering or cosmetology.

5. In resolution of this matter, Kerri Roberts consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. Sec. 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. Sec. 227.44(5).

3. By the conduct referred to in the above Findings of Fact, Kerri Roberts has violated:

Wis. Admin. Code § RL 4.09(2), which requires a holder of any of the credentials set forth in s. RL 4.07 who is convicted of a felony or misdemeanor in this state or elsewhere to notify the department in writing within 48 hours after the entry of the judgment of conviction regarding the date, place and nature of conviction or finding. The notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction, in order that the department may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the practice of the credential holder.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the barbering or cosmetology manager license of Kerri Roberts (license number 81-32809) and the barbering or cosmetology practitioner license of Kerri Roberts (license number 82-85873) is **LIMITED** to the following conditions:

1. Ms. Roberts shall abstain from all personal use of alcohol and/or controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Ms. Roberts shall report any use of controlled substances for a legitimate medical condition to the Department Monitor.
2. Ms. Roberts shall remain in compliance with the drug and alcohol monitoring program which is administered by Wisconsin Department of Corrections Probation Agent. At any time, the Department Monitor may request copies of any and all urine screens from the Probation Agent. The Probation Agent shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Ms. Roberts' progress in complying with the terms and conditions of her probation.
3. Ms. Roberts shall enter into, and shall continue, in a drug and alcohol/mental health treatment program with Mary Lillich, Ph.D., James Geise, Ph.D., L.P. and Barb Cross, S.W. Ms. Roberts shall participate in, cooperate with, and follow all treatment recommended by the above treaters.
4. Ms. Roberts shall immediately provide Mary Lillich, Ph.D., James Geise, Ph.D., L.P. and Barb Cross, S.W., with a copy of this Final Decision and Order and all other subsequent orders.
5. Ms. Roberts' rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Mary Lillich, Ph.D., James Geise, Ph.D., L.P. and Barb Cross S.W. Therapy may be modified and/or ended only upon a determination by the Barbering and Cosmetology Examining Board or its designee after receiving a written petition for modification. Treaters may be substituted only upon a determination by the Barbering and Cosmetology Examining Board or its designee after receiving a written petition for modification.
6. Mary Lillich, Ph.D., James Geise, Ph.D., L.P. and Barb Cross, S.W., shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in the drug and alcohol/mental health treatment program. Mary Lillich, Ph.D., James Geise, Ph.D., L.P. and Barb Cross, S.W., shall report immediately to the Department Monitor any violation or suspected violation of this Order.
7. Ms. Roberts shall immediately sign releases in compliance with state and federal laws authorizing her Wisconsin Department of Corrections Probation Agent, Mary Lillich, Ph.D., James Geise, Ph.D., L.P. and Barb Cross, S.W., to discuss Ms. Roberts' treatment and probation with, and provide copies of treatment records to, the Barbering and Cosmetology Examining Board or its designee.
8. Any barbering or cosmetology employer of Ms. Roberts shall submit written reports to the Department Monitor, on a quarterly basis, assessing Ms. Roberts' compliance with barbering and cosmetology rules and regulations.
9. Ms. Roberts is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Ms. Roberts shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months Ms. Roberts shall notify the Department Monitor, by written report, of her compliance with the terms and conditions of the Order.
10. Ms. Roberts shall within **ten (10)** days after the effective date of this Order, surrender all indicia of Wisconsin licensure to the Department Monitor. The Department shall reissue all indicia of licensure to Kerri Roberts marked "limited."

11. Ms. Roberts shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

12. **IT IS ALSO ORDERED** that Kerri Roberts shall pay costs in the amount of TWO HUNDRED dollars (\$200.00) in this matter. Payment shall be made within 180 days of effective date of this Order by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor.

13. Ms. Roberts shall be responsible for all costs and expenses incurred in conjunction with compliance with the terms of this Order.

When Kerri Roberts is released from probation status by the Wisconsin Department of Corrections, she may petition, in writing, the Barbering and Cosmetology Board for the removal of the reporting of all limitations on all her barbering or cosmetology licenses. Kerri Roberts shall submit any such written petition to the Department Monitor. Denial in whole or in part of any petition under this paragraph shall not constitute denial of a registration or license and shall not give rise to a contested case within the meaning of Wis. Stat. secs. 227.01(3) and 227.42.

The Department Monitor's address is:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-266-5573

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and shall result in a summary suspension of Kerri Roberts' barbering or cosmetology manager license (license number 81-32809) and barbering or cosmetology practitioner license (license number 82-85873). The Barbering and Cosmetology Examining Board may in their discretion impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By:  2-1-10
A member of the Board Date

STATE OF WISCONSIN

-vs-

Kerri A. Roberts
593 Milwaukee Street
Lomira, WI 53048
DOB: 12/13/1974
Sex/Race: F/W
Eye Color: Brown
Hair Color: Brown
Height: 5 ft 0 in
Weight: 130 lbs
Alias:

Plaintiff,

DA Case No.: 2008DD001899
Assigned DA/ADA: Kurt F. Klomberg
Agency Case No.: LOMPD-08-451
Court Case No.: 08CF191
ATN:

STATE OF WISCONSIN CIRCUIT COURT OF DODGE COUNTY
THIS DOCUMENT IS A FULL, TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.

FILED
IN THE CIRCUIT COURT

JUN 18 2008

DODGE COUNTY, WIS
LYNN M. HRON
CLERK OF COURTS

CERTIFIED July 9 2009

CLERK OF CIRCUIT COURT

BY: [Signature]

CRIMINAL COMPLAINT

Defendant,

The undersigned, being first duly sworn, states that:

Count 1: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM

The above-named defendant on or about Monday, June 09, 2008, in the Village of Lomira, Dodge County, Wisconsin, did intentionally cause bodily harm to a child, CH, DOB 08/27/1996, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

PROBABLE CAUSE:

The undersigned has reviewed the reports of the law enforcement officers referenced below and believes them to be true and correct as these reports were created by law enforcement officers while they were acting in their official capacity.

- 1) Kerri A. Roberts DOB 12/13/1974 (defendant) is the mother of CH DOB 8/27/1996.
- 2) Kerri A. Roberts lives at 593 Milwaukee Street, Lomira, Dodge County, Wisconsin. This residence is where the acts described in the following paragraphs were to have occurred.
- 3) CH provided a statement to Officer Mark Morell of the Lomira Police Department on June 9, 2008. CH should be believed as he presents the information freely and as a victim of crime.
 - a. CH indicated that the defendant became angry at him after a fishing trip on June 8, 2008. CH and the defendant returned home to the residence described in paragraph 2.
 - b. CH indicated that the defendant was intoxicated at the time the acts occurred.

6/16/2008

STATE'S
EXHIBIT
A

STATE OF WISCONSIN - VS - Kerri A. Roberts

- c. CH indicates that the defendant punched him with a closed fist and slapped him several times in the face and about CH's head.
 - d. CH also stated that the defendant punched him in the stomach and ribs.
- 4) Officer Morell observed several physical injuries on CH from the acts of the defendant. Morell should be believed because he presents his information freely and pursuant to his duty as a law enforcement officer.
- a. Morell observed that CH had split upper and lower lips, bruising on both arms, several abrasions on his head, face, neck and back.
- 5) CH told Morell that he did not feel this was a, "big deal," as this sort of thing happens a lot.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me,
and approved for filing on:

This 16th day of June, 2008

Russel Ebert
Complainant
Russel Ebert
PRINT NAME

William Bedke
Assistant District Attorney

State Bar No. ~~1042159~~ 1026982

State of Wisconsin vs. Kerri A. Robert

Judgment of Conviction

Corrected

Sentence Withheld, Probation Ordered

Case No.: 2008CF000191

Date of Birth: 12-13-1974

FILED
IN THE CIRCUIT COURT

MAR 24 2009

DODGE COUNTY, WIS
LYNN M. HRON
CLERK OF COURTS

The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
1	Child Abuse-Intentionally Cause Harm	948.03(2)(b)	Guilty	Felony H	06-09-2008		02-03-2009

IT IS ADJUDGED that the defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Agency	Comments
1	02-03-2009	Probation, Sent Withheld	18 MO	Department of Corrections	

Conditions of Sentence or Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
	20.00			8.00	85.00		

Conditions

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
1	Jail Time	30 DA	Dodge County Sheriff			Consecutive with huber, transfer and child care & may also be used for treatment, at a time TBD by agent & defendant and the agent taking into account needs of the defendant in relation to her ailing grandfather, but the jail must be served before the end of the 1st six months; may be split into smaller portions and served in smaller increments during the 1 six months; Court does not object to electronic monitoring

Ct.	Condition	Agency/Program	Comments
1	Costs		
1	Psych Treatment		Shall undergo and follow through with any counseling as directed by agent; compliance with all mental health services and physician's/counselor's requirements, including the taking of any medications
1	Prohibitions		Defendant shall not have any violent or abusive contact with anyone; no physical discipline of children; Contact with victim as allowed and approved by agent; Shall not use or possess controlled substances without a legal prescription therefor and taken in accordance with directions; Shall not use or possess drug paraphernalia; Defendant shall not consume alcohol or other intoxicants. Defendant must maintain absolute sobriety.
1	Other	CLERK OF CIRCUIT COURT	Compliance with all requirements of the related CHIPS case and related Human Services requirements; Shall submit a DNA sample

STATE OF WISCONSIN CIRCUIT COURT OF DODGE COUNTY
THIS DOCUMENT IS A FULL, TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.

CERTIFIED July 9, 2009

BY: [Signature]
CLERK OF CIRCUIT COURT

State of Wisconsin vs. Kerri A. Roberts

Judgment of Conviction

Corrected

Sentence Withheld, Probation
Ordered

Date of Birth: 12-13-1974

Case No.: 2008CF000191

Pursuant to §973.01(3g) and (3m) Wisconsin Statutes, the court determines the following:

The Defendant is is not eligible for the Challenge Incarceration Program.

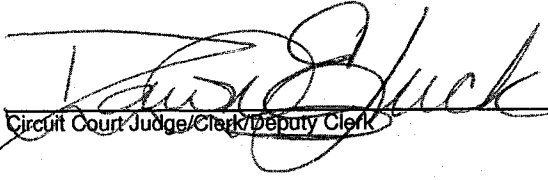
The Defendant is is not eligible for the Earned Release Program.

IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department.

BY THE COURT:

Steven G. Bauer, Judge
Kurt F. Klomberg, State of Wisconsin
Patrick H. Madden, Defense Attorney
Probation and Parole
Dodge County Jail
Defendant


Circuit Court Judge/Clerk/Deputy Clerk

March 24, 2009

Date