FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
BEVERLY ORCUTT, L.P.N., RESPONDENT.	:	LS9507271NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes 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, Board of Nursing.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs, and mail a copy thereof to respondent or his or her representative, within 15 days of this decision.

Respondent or his or her representative shall mail any objections to the affidavit of costs filed pursuant to the foregoing paragraph within 30 days of this decision, and mail a copy thereof to the Division of Enforcement and Administrative Law Judge.

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

Dated this 12th day of September 1996.

Timothy D. Burns

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST:	:	PROPOSED DECISION [Case No. LS 95O7271NUR]
BEVERLY ORCUTT, L.P.N., RESPONDENT.	:	

The parties to this proceeding for the purposes of Wisconsin Statutes, sec. 227.53 are:

Beverly Orcutt
625 Vera Court, #6
Madison, WI 53704

Wisconsin Board of Nursing
P.O. Box 8935
Madison, Wisconsin 53708

Wisconsin Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

This proceeding was commenced by the filing of a Notice of Hearing and Complaint on July 27, 1995, scheduling a hearing for September 6, 1995. The Respondent filed a narrative answer to the complaint on August 11, 1995. The hearing was held as scheduled on September 6, 1995, commencing at approximately 9:30 a.m. Attorney James Polewski appeared for the Division of Enforcement and Beverly Orcutt appeared on her own behalf without an attorney.

Based upon the entire record in this matter, the administrative law judge recommends that the Board of Nursing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The respondent, Beverly Orcutt (DOB 4-16-40) is a licensed practical nurse in the State of Wisconsin, license # 11848. Her most recent address on record with the department is 625 Vera Court, # 6, Madison Wisconsin 53704.

2. In December 1988, Respondent's mother was admitted to the hospital suffering dementia and paranoia. On December 23, 1988 Respondent received a durable power of attorney from her mother which enabled Respondent to make transactions from her mothers checking and savings accounts and certificates of deposit.

3. On and between March 3, 1989, and August 16, 1990, Respondent converted over $40,000 from her mother's bank accounts and deposits, under the authority vested in Respondent pursuant to the durable power of attorney, and delivered most of the funds to a convict in the Ohio correctional system, and later to the same man while he was a convict in the Georgia correctional system.

4. Respondent also used $10,000 of her mother's funds to pay state and federal taxes owed by Respondent, herself. Respondent maintains that she had permission from her mother to withdraw the $!0,000, but that her mother may not have understood for what purpose the money would be put because of her mother's condition.

5. On April 4, 1995, Respondent was convicted upon a plea of no contest to the Class C felony offense of theft in violation of sec. 943.20(1)(B)(3)(C)for the conduct described above. Respondent was sentenced to 10 years probation and among other things was ordered to submit to 6 months electronic monitoring and ordered to pay no less than $360.00 per month in restitution.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to sec. 441.07 and 441.10, Wis. Stats., and Ch. N 7, Wis. Adm. Code.

2. Respondent's conviction described in the findings of fact above is a violation the circumstances of which substantially relate to the circumstances of the practice of licensed practical nursing, and therefore constitutes unprofessional conduct under sec. N 7.04(1), Wis. Adm. Code, and subjects Respondent to discipline pursuant to 441.07(1)(d), Wis. Stats.

ORDER

NOW THEREFORE, IT IS ORDERED that the license to practice as a licensed practical nurse of Respondent Beverly Orcutt, L.P.N., license #11848, is hereby SUSPENDED, effective 30 days following the date of this order, for a period of TWO YEARS.

IT IS FURTHER ORDERED that upon petition for reinstatement the Board of Nursing shall require Ms. Orcutt to demonstrate competency and fitness to practice as a licensed practical nurse, compliance with the terms of her probation, and if reinstated, the Board may impose license limitations requiring that Ms. Orcutt may practice only under direct supervision and

prohibiting any practice of nursing in a home care setting or situation, all for the remaining period of her probation.

IT IS FURTHER ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding shall be assessed against Respondent, and shall be payable by her to the Department of Regulation and Licensing.

OPINION

Beverly Orcutt was convicted of felony theft of over $40,000 from her mother's banking accounts. Ms. Orcutt's mother had been hospitalized for dementia and paranoia in December 1988 and subsequently moved to a nursing home in January 1989. Coincidental with the hospitalization of her mother, Beverly Orcutt received a durable power of attorney to manage her mother's affairs. Shortly thereafter, Ms. Orcutt began utilizing the power of attorney to withdraw funds from her mother's banking accounts for her own benefit. Ms. Orcutt utilized $10,000 of the funds to pay her own federal and state tax liabilities. Ms. Orcutt maintains that she had her mother's permission to cash in a $10,000 certificate of deposit which she used to pay her taxes, but she was not certain that her mother understood that she needed the money for that purpose. Ms. Orcutt sent the remainder of the money over a period of one and a half years to a convict who was in the Ohio and subsequently Georgia correctional systems. After the convict was paroled from the Ohio correctional system he moved to Georgia where he was subsequently convicted of homicide and began serving a life sentence. Ms. Orcutt indicated she sent the convict money to help pay for legal and investigative fees associated with the convict's appeal of the Georgia homicide conviction. Ms. Orcutt had apparently befriended the convict by mail in 1979 or 1980 while he was in the Ohio correctional system and had continued to correspond with him over the years. Ms. Orcutt openly admits that she knew she was doing wrong by diverting her mother's funds to the convict, but continued to send money out of love for him.

The complaint in this matter alleges that Ms. Orcutt's conviction as described above is a crime the circumstances of which substantially relates to the circumstances of the practice of licensed practical nursing. Mr. Polewski emphasized that Ms. Orcutt abused and took advantage of her position of trust and caretaker for her mother to divert without authorization the substantial amount of money for Ms. Orcutt's own benefit and the benefit of another. Mr. Polewski argued for a three year suspension of license, followed by reinstatement upon a limited license requiring Ms. Orcutt to comply with all terms of her probation and permitting her to work as a licensed practical nurse only under direct supervision, and prohibiting her from working in a home care capacity.

Ms. Orcutt, on the other hand, while openly admitting that she had done something terribly wrong, contends that the conduct and conviction had nothing to do with her nursing practice. She maintains that her crime did not interfere with her work as an L.P.N. and no harm ever came to the people she cared for as a nurse. She further points out that she does not handle any funds of her employers or patients in her capacity as a nurse. She also maintains that in all her years of nursing, she has never taken anything from her employers or the people she has cared for. Ms. Orcutt testified that if she ever had received any gift from patients or their families, she would

turn it over to the nursing home activity fund for the benefit of the residents. Ms. Orcutt also maintains that she has never been in trouble with the law prior to this matter and vows she never will again. Ms. Orcutt requests that if discipline is imposed, that it not be a lengthy suspension as she must have her L.P.N. license in order to be gainfully employed to support herself and to pay back the $44,200 in restitution owed to her family.

In County of Milwaukee v. LIRC, 139 Wis. 2d 805 (1987), the Wisconsin Supreme Court defined the criteria for establishing substantial relationship of the circumstances of criminal conduct to the circumstances of employment or a licensed occupation or profession. The Court stated:

> Assessing whether the tendencies and inclination to behave in a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed, is the purpose of the test. What is important in this assessment is not the factual details . . . . It is the circumstances which foster criminal activity that are important, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. (139 Wis. 2d at 824)

The type of nursing practice Ms. Orcutt has engaged in and would likely continue to engage in involves circumstances very similar to those that presented the opportunity for Ms. Orcutt's criminal conduct. Persons engaged in the practice of licensed practical nursing, especially in nursing homes and home care settings, which Ms. Orcutt testified are the types of nursing practice she has largely engaged in, care for long term patients who are chronically ill and infirm, both physically and mentally. Consequently, such patients are particularly vulnerable to those who may have a propensity to take advantage of or exert undue influence upon them. Chronically ill patients, and their families, have the right to expect licensed practical nurses that care for them on a daily basis to be above and beyond reproach regarding the patient's financial interests and security, as well as their physical health and well being.

Here Ms. Orcutt has demonstrated an inclination to take advantage of, for her own personal benefit, a situation closely parallel to that which she has and would again face in her nursing practice. As Mr. Polewski argued, Ms. Orcutt abused and took advantage of her position of trust and caring for her infirm mother to convert her mother's funds to her own use. There is little question that the circumstances of Ms. Orcutt's conviction substantially relate to the practice of licensed practical nursing.

The next issue is the appropriate discipline to be imposed against Ms. Orcutt. The purposes for imposing discipline are a) to promote the rehabilitation of the licensee; b) to protect the public; and c) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment is not an appropriate consideration or purpose for discipline. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969).

It is the opinion of the undersigned that Ms. Orcutt's license to practice as a licensed practical nurse should be suspended for a substantial period of time, two years. Protection of the public is of paramount importance in determining the appropriate discipline in this case. As noted above,

Ms. Orcutt has demonstrated an inclination to abuse her position as caretaker and trustee and influence to take advantage of a person who was elderly, infirm and of diminished mental capacity. The public, and in particular potential patients, should not be exposed to the risk that this inclination on the part of Ms. Orcutt may surface again in her practice as a licensed practical nurse. A substantial period of suspension will remove that risk, during which time Ms. Orcutt may demonstrate rehabilitation by compliance with the terms of her probation. Moreover, a license limitation, for the duration of her probation, prohibiting practice in any home care setting and requiring direct supervision, will further protect the public and potential patients from the risk that this type of conduct will occur again. A substantial period of suspension and lengthy license limitation will also serve the important interest of deterrence of similar conduct by other licensees.

The remaining issue to be addressed is the request by the Division of Enforcement that costs of this proceeding be assessed against Ms. Orcutt. Under the terms of sec. 440.22, Wis. Stats., the Board may assess costs in this case if it imposes discipline. The decision is discretionary with the Board whether to impose all, part, or even any costs of the proceeding. Based upon the entire record in this matter, assessment of costs against Ms. Orcutt would be appropriate. This proceeding was occasioned by her misconduct, and the costs of this disciplinary action should be borne by her as the offending licensee, rather than by the profession as a whole through license fees.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin, this 24th day of June, 1996.

Robert T. Ganch

Robert T. Ganch
Administrative Law Judge

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	AFFIDAVIT OF SERVICE
BEVERLY ORCUTT, L.P.N., RESPONDENT.	:	

Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 16, 1996, she served the following upon the respondent:

Final Decision and Order dated September 12, 1996, LS9507271NUR

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

625 Vera Court, #6
Madison, WI 53704
Certified P 213 148 292

an address which appears in the files and records of the Board of Nursing as the respondent's last known address.

Katie Rotenberg
Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me
this 16th day of September, 1996.

Notary Public
Dane County, Wisconsin
My Commission is Permanent

BEFORE THE STATE OF WISCONSIN
BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST BEVERLY ORCUTT, RESPONDENT.	: : : : :	AFFIDAVIT OF SERVICE

Pamela A. Haack, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 27, 1996, she served the following upon the respondent:

Letter dated September 27, 1996 with Affidavits of Costs, LS9507271NUR

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail, with a return receipt requested in an envelope properly addressed to the above-named respondent at:

625 Vera Court #6
Madison, WI 53704
Certified P 213 148 671

an address which appears in the files and records of the Board of Nursing as the respondent's last known address.

Pamela A. Haack
Department of Regulation and Licensing

Subscribed and sworn to before me
this 27th day of September, 1996.

Notary Public
Dane County, Wisconsin
My Commission is Permanent

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P 213 148 671

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail *(See reverse)*

Sent to	Beverly Orcutt
Street & Number	625 Vera Ct #6
Post Office, State, & ZIP Code	Madison WI 53704
Postage	$ .33
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$ 2.75
Postmark or Date	9/27/96 Ltr rd. Cost affidavits LS 950 7271 NWR

PS Form **3800**, April 1995

Regarding: 1400 E Wash

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Beverly Orcutt
625 Vera Ct #6
Madison WI 53704

4a. Article Number
P 213 148 671

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
9-30-96

5. Received By: *(Print Name)*
Beverly Orcutt

6. Signature: *(Addressee or Agent)*
X Beverly Orcutt

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A Cummings
Secretary

Tommy G Thompson
Governor

1400 E WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

September 27, 1996

BEVERLY ORCUTT, L.P.N.
625 VERA COURT #6
MADISON WI 53704

RE: In The Matter of Disciplinary Proceedings Against Beverly Orcutt, L.P.N., Respondent, LS9507271NUR, Assessment of Costs

Dear Ms. Orcutt:

On September 12, 1996, the Board of Nursing issued an order involving your license to practice nursing. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Board Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is $320.56.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Board of Nursing, Room 174, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before October 12, 1996. After reviewing the objections, if any, the Board of Nursing will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack

Pamela A. Haack
Administrative Assistant
Office of Board Legal Services

Enclosures

cc: Board of Nursing
Department Monitor

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Case #LS9507271NUR
BEVERLY ORCUTT, L.P.N., RESPONDENT.	:	

On September 12, 1996, the Board of Nursing filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on or about August 12, 1996, the board received the *Affidavit of Costs* in the amount of $89.90, filed by Attorney James E. Polewski. On or about September 24, 1996, the board received the *Affidavit of Costs of Office of Board Legal Services* in the amount of $230.66, filed by Administrative Law Judge Robert T. Ganch. The board considered the affidavits on November 8, 1996, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of $320.56, which is 100% of the costs set forth in the affidavits of costs of Robert T. Ganch and James E. Polewski, which are attached hereto and made a part hereof, are hereby assessed against Beverly Orcutt, L.P.N., and shall be payable by him/her to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before December 19, 1996, which is the deadline for payment established by the board, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the department or board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached *"Guidelines for Payment of Costs and/or Forfeitures"* should be enclosed with the payment.

Dated this 19 day of November, 1996 Timothy D. Burns CRNA

g:\bdls\costs1

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)
TTY# (608) 267-2416 } hearing or speech
TRS# 1-800-947-3529 } impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On November 19, 1996, the Board of Nursing took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a forfeiture.

The amount of the costs assessed is: $320.56 Case #: LS9507271NUR

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of $ 320.56

The costs and/or forfeitures are due: December 19, 1996

NAME: Beverly Orcutt LICENSE NUMBER: 11848

STREET ADDRESS: 625 Vera Court #6

CITY: Madison STATE: WI ZIP CODE: 53704

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

_____

For Receipting Use Only

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
G:\BDLS\FM2145.DOC

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST:	:	
	:	[Case No LS 9507271 NUR]
BEVERLY ORCUTT, L.P.N., RESPONDENT.	:	

AFFIDAVIT OF COSTS
OFFICE OF BOARD LEGAL SERVICES
(SEC. 440.22, STATS.)

STATE OF WISCONSIN)
)ss.
COUNTY OF DANE)

Robert T. Ganch, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation & Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as administrative law judge in the above-captioned matter.

3. Set out below are the time and actual costs of the proceeding for the Office of Board Legal Services in this matter.

ADMINISTRATIVE LAW JUDGE EXPENSE
Robert T. Ganch

DATE & TIME SPENT	ACTIVITY
7/27/95 10 minutes	Review ALJ hearing file, complaint
9/6/95 45 minutes	Review Complaint Conduct Hearing

6/17/96 1 hour, 30 minutes	Review Tape of Hearing Prepare Proposed Decision
6/20/96 2 hours, 30 minutes	Prepare Proposed Decision
6/21/96 2 hours	Finish drafting Proposed Decision

Total Time Spent.....6 hours 55 minutes

Total administrative law judge expense for Robert T. Ganch:
6 hours, 55 minutes @ $36.44, salary and benefits:.....$242.04

REPORTER EXPENSE
-0-

DATE & TIME SPENT	ACTIVITY
-0-	

TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES: $230.66

Robert T. Ganch

Robert T. Ganch
Administrative Law Judge

NOTARY PUBLIC
RUBY JEFFERSON-MOORE
STATE OF WISCONSIN

Sworn to and subscribed before me this 24th day of September, 1996.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin
My commission is permanent

rtg:

State of Wisconsin
Before the Board of Nursing

In the Matter of Disciplinary Proceedings Against

Beverly Orcutt, L.P.N.
Respondent
Case No.LS 9507271 NUR

Affidavit of Costs, Division of Enforcement

State of Wisconsin,
County of Dane:

James E. Polewski, being first duly sworn on oath, deposes and says:

1. He is an attorney licensed to practice law in the state of Wisconsin, employed by the Department of Regulation and Licensing, Division of Enforcement.

2. In the course of that employment he was assigned to prosecute this case, and in the course of that assignment he expended the following time and committed the Department to payment of the following costs:

Date	Activity	Time
7/19/95	Review file, draft complaint	.5 hour
7/27/95	File complaint, notice of hearing	.25 hour
8/9/95	Telephone call, Respondent procedural issues	.20 hour
9/6/95	Hearing	.5 hour
7/16/96	Respond to Respondent's Objections	.5 hour
	TOTAL TIME	1.95 hours

Assessable costs, attorney time: 1.95 hours @ $42.00:	$81.90
Disbursements: Certified copies, criminal complaint/ judgment	8.00

TOTAL ASSESSABLE COSTS, DIVISION OF ENFORCEMENT: $89.90

James E. Polewski

James E. Polewski

Sworn to and subscribed before me this 12th day of August, 1996.

Sharon Henes

Notary Public
My commission expires December 13, 1998.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue
P.O. Box 8935
Madison. WI 53708.

The Date of Mailing this Decision is:

September 16, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)