

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
NICHOLAS J. BEAUMONTE,	:	(89 NHA 015)
RESPONDENT.	:	

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The parties to this proceeding for the purposes of Wis. Stats. sec. 227.53 are:

Nicholas J. Beaumonte  
W172 N13460 Division Road  
Germantown, WI 53022

Wisconsin Nursing Home Administrator Board  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
1400 E. Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935

The Wisconsin Nursing Home Administrator Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Nicholas J. Beaumonte, personally, and Gilbert C. Lubcke, Attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Nursing Home Administrator Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

## FINDINGS OF FACT

1. Nicholas J. Beaumonte, Respondent herein, of W172 N13460 Division Road, Germantown, Wisconsin 53022, is licensed and currently registered as a nursing home administrator in the state of Wisconsin, license #2144, said license having been granted on 7/2/86.

2. Respondent has withdrawn his Answer to the Complaint and has consented to the entry of a Final Decision and Order finding him in default with respect to Counts I and IV of the Complaint.

3. Respondent was employed as a nursing home administrator by Beverly Enterprises and served as an assistant administrator or interim administrator at several nursing home facilities operated by Beverly Enterprises in the Milwaukee area, including North Shore Health Care Center, Lakewood Health Care Center and Shorewood Heights Health Care Center.

#### COUNT I

4. Respondent, by the filing of a Payroll Input Transmittal form with the central payroll office of Beverly Enterprises for the two week pay period ending 9/14/88, falsely and fraudulently, and with intent to defraud Beverly Enterprises, made a claim for compensation as "Other Earnings" in the amount of \$250.00. This claim was in addition to his regular salary.

5. This claim for "Other Earnings" was false in fact and known to be false by Respondent when made.

6. In truth and in fact, Respondent had not rendered any services or incurred any expenses which entitled him to compensation for "Other Earnings" in the amount of \$250.00 as claimed by Respondent on this Payroll Input Transmittal form.

7. Beverly Enterprises did not know this claim to be false when made and, through the exercise of reasonable care, could not have ascertained its falsity.

8. Beverly Enterprises, acting in reliance on Respondent's representations, paid this claim for "Other Earnings" to Respondent in the amount of \$250.00.

#### COUNT IV

9. Respondent, by the filing of a Payroll Input Transmittal form with the central payroll office of Beverly Enterprises for the two week pay period ending 10/26/88, falsely and fraudulently, and with intent to defraud Beverly Enterprises, made a claim for compensation as "Other Earnings" in the amount of \$150.00. This claim was in addition to his regular salary.

10. This claim for "Other Earnings" was false in fact and known to be false by Respondent when made.

11. In truth and in fact, Respondent had not rendered any services or incurred any expenses which entitled him to compensation for "Other Earnings" in the amount of \$150.00 as claimed by Respondent on this Payroll Input Transmittal form.

12. Beverly Enterprises did not know this claim to be false when made and, by the exercise of reasonable care, could not have ascertained its falsity.

13. Beverly Enterprises, acting in reliance on Respondent's representations, paid this claim for "Other Earnings" to Respondent in the amount of \$150.00.

14. Respondent has voluntarily surrendered his license to practice as a nursing home administrator in the state of Wisconsin and has agreed that he will not make reapplication for a license to practice as a nursing home administrator in the state of Wisconsin at any time in the future.

### CONCLUSIONS OF LAW

1. The Wisconsin Nursing Home Administrator Board has jurisdiction in this proceeding pursuant to secs. 456.02(5) and 456.10 Stats.

2. The Wisconsin Nursing Home Administrator Board has the authority to resolve this disciplinary proceeding by stipulation without an evidentiary hearing pursuant to sec. 227.44(5) Stats.

3. Nicholas J. Beaumonte is in default in that he has withdrawn his Answer to the Complaint and has elected not to file further Answer. The Wisconsin Nursing Home Administrator Examining Board has the authority pursuant to Wis. Admin. Code sec. RL 2.14 to find Nicholas J. Beaumonte in default and to enter a Final Decision and Order based upon the allegations of the Complaint and other evidence.

4. Nicholas J. Beaumonte's conduct as described in paragraphs 4 through 8 of the Findings of Fact constitutes an attempt to obtain compensation by fraud contrary to sec. 456.10 Stats. and Wis. Admin. Code sec. NHA 5.02(8).

5. Nicholas J. Beaumonte's conduct as described in paragraphs 9 through 13 of the Findings of Fact constitutes an attempt to obtain compensation by fraud contrary to sec. 456.10 Stats. and Wis. Admin. Code sec. NHA 5.02(8).

### ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that the voluntary surrender of Nicholas J. Beaumonte's license to practice as a nursing home administrator in the State of Wisconsin is accepted.

IT IS FURTHER ORDERED that Nicholas J. Beaumonte shall not make re-application for a license to practice as a nursing home administrator in the State of Wisconsin at any time in the future.

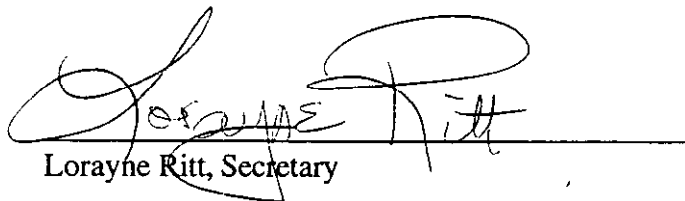
IT IS FURTHER ORDERED that Nicholas J. Beaumonte shall not practice or attempt to practice as a nursing home administrator in the State of Wisconsin when not currently licensed and registered.

IT IS FURTHER ORDERED that Counts II, III, V, VI, VII, and VIII of the Complaint shall be, and hereby are, dismissed.

The rights of a party aggrieved by this Decision and Order to petition the Wisconsin Nursing Home Administrator Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 15<sup>th</sup> day of December, 1994.

WISCONSIN NURSING HOME ADMINISTRATOR BOARD

  
Lorayne Ritt, Secretary

GCL:dab  
ATY-HLG1486

STATE OF WISCONSIN  
BEFORE THE NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

NICHOLAS J. BEAUMONTE,  
RESPONDENT.

STIPULATION  
(89 NHA 015)

It is hereby stipulated between Nicholas J. Beaumonte, personally; and Gilbert C. Lubcke, Attorney for the Department of Regulation and Licensing, Division of Enforcement as follows:

1. Nicholas J. Beaumonte, Respondent herein, of W172 N13460 Division Road, Germantown, Wisconsin 53022, is licensed and currently registered to practice as a Nursing Home Administrator in the State of Wisconsin, license #2144, said license having been granted on 7/2/86.

2. A formal Complaint and Disciplinary Proceeding are pending before the Nursing Home Administrator Examining Board.

3. Respondent has not practiced as a nursing home administrator for approximately 1½ years prior to the date of this Stipulation. Respondent does not desire to defend against the allegations of this Complaint and, to avoid the time and expense of litigation, has elected to withdraw his Answer to the Complaint and to permit the Wisconsin Nursing Home Administrator Board to find him in default with respect to Counts I and IV of the Complaint. The Wisconsin Nursing Home Administrator Board shall dismiss Counts II, III, V, VI, VII and VIII of the Complaint.

4. Respondent, in consideration of his consent to entry of a default decision against him, voluntarily surrenders his license to practice as a nursing home administrator in the State of Wisconsin and agrees that he will not make re-application for a license to practice as a nursing home administrator in the State of Wisconsin at any time in the future.

5. The Wisconsin Nursing Home Administrator Board, pursuant to the terms of this Stipulation and the authority of Wis. Admin. Code sec. RL 2.14, may enter the Final Decision and Order a copy of which is attached hereto and incorporated herein.

6. Respondent understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including the right to be represented by an attorney, the right to a hearing on the allegations against him, the right to confront and cross examine witnesses against him, the right to call witnesses on his behalf and to compel their attendance by subpoena, the right to testify on his own behalf, the right to file objections to any proposed decision and to present briefs or oral arguments to the

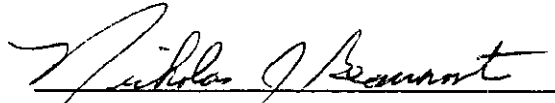
officials who are to render the Final Decision and Order, the right to petition for re-hearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

7. The parties waive all costs of this proceeding.


8. The parties to this Stipulation and the Board Advisor, Shirley Keller, may appear before the Wisconsin Nursing Home Administrator Board in support of this Stipulation. Any appearance by either party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.

9. If any term of this Stipulation or the incorporated Final Decision and Order is not accepted by the Wisconsin Nursing Home Administrator Board, then no term of this Stipulation or the Final Decision and Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: 11/1/94

  
Nicholas J. Beaumont  
Respondent

Dated: 10/27/94

  
Gilbert C. Lubcke, Attorney  
Department of Regulation and Licensing  
Division of Enforcement

GCL:dab  
ATY-HLG1485

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## NOTICE OF APPEAL INFORMATION

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**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:**

THE STATE OF WISCONSIN NURSING HOME ADMINISTRATOR EXAMINING  
BOARD. 1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708.

**The Date of Mailing this Decision is:**

DECEMBER 19, 1994.

### **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.)