

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT F. WEBER, L.P.N.,
RESPONDENT.

FINAL DECISION AND ORDER
93 NUR 139

ORDER 0001682

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

Robert F. Weber
412 West Cleveland Street
Duluth, MN 55812

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

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

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 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. Robert F. Weber (D.O.B. 12/25/47) is duly licensed in the state of Wisconsin as a licensed practical nurse (license # 31419). This license was first granted on September 8, 1992.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 412 West Cleveland Street, Duluth, MN 55812.

3. On April 17, 1990 Respondent was convicted in the state of Minnesota on a charge of Driving While Intoxicated - Gross, and received a sentence of imprisonment stayed and probation.

1st. Mary Weber
Violation of
Wis. Nurse
License

4. On August 7, 1990, Respondent was convicted in the state of Minnesota on a charge of Driving While Intoxicated-Aggravated, and received a sentence of imprisonment, stayed and probation.

5. On September 8, 1992, Respondent received a conditional license to practice as a licensed practical nurse in Wisconsin.

6. Respondent violated the conditions of his Wisconsin license in that he:

a. failed to disclose his current employer so that work reports could be obtained;

b. refused to execute a consent for release of employment information so that status information could be obtained;

c. failed to comply with chemical test monitoring requirements.

7. Respondent is not currently employed in nursing in Wisconsin. Respondent reports that he has maintained sobriety and does attend AA meetings.

CONCLUSIONS OF LAW

By the conduct described above, Robert F. Weber is subject to disciplinary action against his license to practice as a licensed practical nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(b) and (c), and Wis. Adm. Code sec. N 7.04(1), (5) and (14).

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the VOLUNTARY SURRENDER by Robert F. Weber of his license to practice as a licensed practical nurse in the state of Wisconsin is accepted.

IT IS FURTHER ORDERED that if the Respondent shall ever re-apply for a license to practice as a nurse in the state of Wisconsin:

a. The Board of Nursing may consider the Findings of Fact contained herein in determining whether to grant a license;

b. The Board of Nursing may require the Respondent to complete all requirements and to take and pass all examinations then required for original licensure;

c. As a reasonable accommodation to Respondent's condition, the Board of Nursing may require proof to its satisfaction that the Respondent does not have a chemical dependence;

d. In the event the Board of Nursing considers re-licensure of the Respondent, the Board may impose such limitations and conditions upon the license to practice as a nurse as the Board deems appropriate at the time.

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

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

WISCONSIN BOARD OF NURSING

By: Jacqueline Johnson RN MS
Chair

Date. 7/8/94

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
ROBERT F. WEBER, L.P.N.,	:	93 NUR 139
RESPONDENT	:	

It is hereby stipulated between Robert F. Weber, personally on his own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees to resolve this matter by voluntarily surrendering his license to practice as a licensed practical nurse in Wisconsin, and further agrees that he will not again apply for such licensure in Wisconsin.

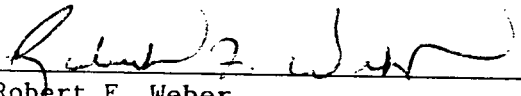
5. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

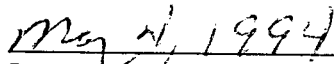
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

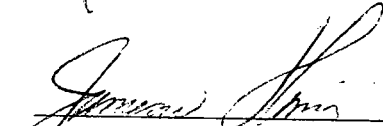
7. Attached to this Stipulation is the current licensure card of Respondent. If the Board accepts the Stipulation, Respondent's license shall be reissued in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the license of Respondent shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

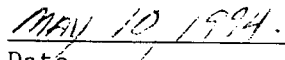
8. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

9. The Division of Enforcement joins Respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.


Robert F. Weber


Date


James W. Harris, Attorney
Division of Enforcement


Date

jwh


State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING

Activity
LICENSED PRACTICAL NURSE

No: 31419

Expires: 05/01/95

ROBERT F WEBER
412 W CLEVELAND ST
DULUTH MN 55812

The person whose name appears on this document has complied with the provisions of the Wisconsin Statutes and is hereby authorized to engage in the practice indicated.

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:

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JULY 14, 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.)



PDF: DE00000001579-19940708

Order Dates:

JUL 08, 1994

Respondent Names:

WEBER, ROBERT F., LPN

Complaint IDs:

93NUR139

Profession:

LICENSED PRACTICAL NURSE

Boards:

NUR

Short Description:

VOLUNTARY SURRENDER.

Case Summary:

CONVICTED IN MINNESOTA TWICE ON CHARGES OF DRIVING WHILE INTOXICATED AND RECEIVED SENTENCES OF IMPRISONMENT STAYED AND PROBATION. FAILED TO DISCLOSE EMPLOYER SO WORK REPORTS COULD BE OBTAINED. REFUSED TO EXECUTE CONSENT FOR RELEASE OF EMPLOYMENT INFORMATION. FAILED TO COMPLY WITH CHEMICAL TEST MONITORING REQUIREMENTS.

